



FRAFT FREELAND ZONING CODE

Discussion of Proposed Changes, Part 2

Planning Commission Meeting, January 14, 2019

GMA Item #13787



Proposed Changes, Part 2

- 250 - Non-conforming uses, structures, and lots
- 400s - Block Design Standards
- 510 - Open Space
- 520 - Landscaping



250 - Non-conforming uses, structures

- A number of clarifications and added flexibility
- All purpose statements moved to top
 - Clarified intent is to permit reinvestment in areas on non-conforming provided it meets the district goals:
 - *Does not increase the nonconformity in relation to the setbacks and building height requirements,*
 - *Enhances the pedestrian character of the district, and*
 - *Does not impede future implementation of the new zoning code standards*
 - Fees waived for Certificate of Zoning Compliance for Freeland properties until January 1, 2022



250 - Non-conforming uses, structures

- Added tables to clarify the difference between conforming, legal non-conforming, and conforming and the impacts of the status on uses, structures, etc.

| STATUS | Description | Impacts to Use of the Property |
|----------------------|---|---|
| Conforming | <ul style="list-style-type: none"> Conforms to all standards of this chapter | <ul style="list-style-type: none"> No impacts if no changes are proposed. Remodels or additions that may increase the size of the use are subject to the provisions of this chapter per ICC 17.06.250.D.2. |
| Legal Non-Conforming | <ul style="list-style-type: none"> Use is not allowed in the zoning district under this chapter CZC Issued per ICC 17.06.250.B. CZC criteria legal non-conforming status includes: <ul style="list-style-type: none"> Use was legally established (all required permits were obtained), and Use was in conformance at time it was established, and Use was not discontinued for a period of 3 or more years after the use became non-conforming | <ul style="list-style-type: none"> Same as conforming if use is not discontinued for a period of 3 or more years after the use was established, and the use of is not enlarged in scope or size. Non-conforming use may not be resumed if use is discontinued for 3 or more years after the use became non-conforming. Non-conforming use may not be expanded in size or scope except where necessary to meet legal requirements that will allow a legal non-conforming business to remain in operation. |
| Non-Conforming | <ul style="list-style-type: none"> Use is not allowed in the zoning district under this chapter Use cannot be proven to have been lawful and/or legally established or Property owner has not yet completed a CZC to establish legal non-conforming status | <p>Applicant must either:</p> <ol style="list-style-type: none"> Apply for a CZC (if eligible), or Remedy non-conformance; i.e. apply for a permit for an action that would result in the use being conforming if approved (rezoning, etc), or Cease operations of non-conforming use. |

NOTE: The application fee for a Certificate of Zoning Compliance (CZC) may be waived per 17.06.250.B.1.

| Status | Description | Impacts to Structure |
|----------------------|---|---|
| Conforming | <ul style="list-style-type: none"> Conforms to all standards of this chapter | <ul style="list-style-type: none"> No impacts if no changes are proposed. Changes subject to ICC 17.06.250.D.2. |
| Legal Non-Conforming | <ul style="list-style-type: none"> Structure does not meet the standards of this chapter CZC Issued per ICC 17.06.250.B. CZC criteria legal non-conforming status includes: <ul style="list-style-type: none"> Structure was legally established (all required permits were obtained), and Structure was in conformance at time it was established | <ul style="list-style-type: none"> Same as conforming if not enlarged in scope or size Alterations to legal non-conforming structure with CZC are prohibited <u>except</u> where: <ul style="list-style-type: none"> The repair, addition, or expansion is required to meet legal requirements and will allow a legal non-conforming business to remain in operation (e.g. new storage tanks to meet legal environmental protection requirements, etc., where non-compliance would result in the business being required to cease operations) – such work may be performed on a structure even if it does not meet the requirements of the zoning district in which the building is located, or Alterations meet the existing requirements of the zoning district in which the structure is located and would bring the structure more in conformity with this chapter. Additions and remodels to legal non-conforming structure with a CZC are allowed, subject to ICC 17.06.250.D.2 |
| Non-Conforming | <ul style="list-style-type: none"> Structure does not meet the standards of this chapter Property owner has not yet completed a CZC to establish legal non-conforming status or Structure cannot be proven to have been lawful and/or legally established | <p>Applicant must either:</p> <ol style="list-style-type: none"> Obtain a CZC (if eligible), or Remedy non-conformance; e.g. apply for a permit for an action that would result in the structure being conforming if approved (building permit, etc.), or Remove structure. |

NOTE: The application fee for a CZC may be waived per 17.06.250.B.1.



250 - Non-conforming uses, structures

- At community request, **added flexibility for non-conforming uses and structures to remodel/repair/expand** if the work to be completed is required to meet legal requirements (environmental, etc.) in order to stay in business



250 - Non-conforming uses, structures

- Major revisions to 17.06.250.D.3, New buildings where existing building remains in place and 17.06.250.D.4, **Design alternatives**, based on test case and community feedback
 - Added flexibility if needed based on location of septic field
 - Added design alternatives for site layout, setbacks, and/or screening standard



250 - Non-conforming uses, structures

- Design alternatives for site layout, setbacks, and/or screening standards may be approved by the Planning Director when the Director determines that:
 - (i) The alternative would assist property owners with legal non-conforming lots or structures to gradually come into compliance with new regulations or the proposed alternative removes a barrier to reinvestment, and
 - (ii) The alternative meets the intent of the standards, and
 - (iii) The alternative is designed in a manner that ensures that new investments do not impede future implementation of the standards of this chapter.



250 - Non-conforming uses, structures

- **Pedestrian-Oriented Open Space (PED) Design Alternative** in lieu of meeting setback or build-to requirements
 - Where some or all of a building addition does not meet the build-to-line or minimum build-to percentage (BV)
 - Where a new building is proposed in the rear with no change to existing building (BV)
 - Where building does not meet the maximum building setback (MD)
 - Design standards apply



400 - Block Design Standards

- **Minor changes:**
 - Added purpose and applicability statements
 - Reformatting and rewording for clarity
 - Per community feedback, revised the map for potential mid-block pedestrian pathways
 - Increased the pedestrian scale light poles to a max of 15 ft (from 14 ft)



400 - Block Design Standards

- Per previous conversations with the Planning Commission and Board, added street connectivity section
 - *Was reviewed with the public at the community conference and workshops*
- **Discussion item:** Preferred block lengths are 400 or less with no greater than 600 (allowed only if needed for site conditions). One resident at a workshop requested shorter blocks. *Staff is recommending keeping as drafted to more closely match existing conditions.*



510 - Open Space

- **Minor edits and reformatting for clarity**
- **Additional usable open space alternatives**
- Per previous conversations with the Planning Commission and Board, **added open space requirements for long-plats** (subdivisions with 5 or more lots)
- Added a reference to map of **habitat conservation priority areas** in Subarea Plan



510 - Open Space

| TABLE 17.06.510.B – USABLE OPEN SPACE CREDITS | | |
|---|---|-------------------|
| Usable Open Space Alternative | Allowed Credit / Conditions | Code Reference |
| Pedestrian-Oriented Open Space (PED) | PED may count for up to 100% of the required usable open space | ICC 17.06.510.D |
| Parks, plazas, and playgrounds | May count for up to 100% of the required usable open space | |
| View Corridor Setbacks | Where view corridor setbacks are greater than the underlying zoning setbacks, the additional setback area shall count towards up to 50% of the required usable open space (standard zoning setback shall not apply to credit) | ICC 17.06.250.A |
| Green Roofs | Green roofs may count towards up to 50% of the required usable open space when: 1) they are accessible to the residents/tenants and 2) they contain seating and other passive and/or active amenities, where the amenity areas are ≤50% of the vegetated green roof area. | |
| Water Resource Zones (WRZ) | WRZ areas may count for up to 50% of required usable open space | ICC 17.06.520.H.4 |
| Retention/Detention areas with amenities | May count for up to 50% of required usable open space | ICC 17.06.510.F.5 |
| Critical area buffers | May count for up to 50% of required usable open space | |



520 - Landscaping

- Minor edits for clarity
- **Added a design alternative** for roadside landscaping if there is a conflict with underground utilities
- First avoid or, if unavoidable, limit **impacts to existing significant trees and/or groves** with the goal of retention to the maximum extent practical



520 - Landscaping

- **Discussion item: Temporary deferral of landscaping installation**
 - A Certificate of Occupancy shall not be issued unless required screening and landscaping are provided.
 - Temporarily deferral may be allowed based on planting season timing.
 - Draft code has provisions for security bond. Need to identify what happens when they do not install/comply
 - *Staff proposes removing specifics from Freeland code and adding this topic to the list for ICC update.*



Discussion Item

- QUESTIONS?