

Chapter 17.06
Freeland Zoning Code

Sections:

- 17.06.010 Authority**
- 17.06.020 Purpose**
- 17.06.030 User Guide**
- 17.06.040 Prior Approvals and Pending Applications for Approval**
- 17.06.050 Definitions**
- 17.06.060 Business General (BG) Zone**
- 17.06.070 Business Office (BO) Zone (*Reserved*)**
- 17.06.080 Freeland Village (FV) Zone**
- 17.06.090 Industrial (I) Zone (*Reserved*)**
- 17.06.100 Mixed Use Transitional (MX-T) Zone (*Reserved*)**
- 17.06.110 Mixed Use Residential (MX-R) Zone (*Reserved*)**
- 17.06.120 Mixed Use Commercial (MX-C) Zone (*Reserved*)**
- 17.06.130 Recreation (RN) Zone (*Reserved*)**
- 17.06.140 Residential (R-10) Zone (*Reserved*)**
- 17.06.150 Residential (R-6) Zone (*Reserved*)**
- 17.06.160 Residential (R-3) Zone (*Reserved*)**
- 17.06.170 Rural Estate (RE) Zone (*Reserved*)**
- 17.06.180 Reserve (RSV) Zone (*Reserved*)**
- 17.06.190 Land Use Standards**
 - A. Signage and Outdoor Lighting**
 - B. Off Street Parking**
 - C. Landscaping, Tree Retention, and Screening**
 - D. Open Space and Community Gathering Places**
 - E. Design Standards (commercial and mixed use)**
 - F. Highway Corridor Overlay**
 - G. Temporary Uses**
 - H. Transition Development (shadow platting)**
 - I. Non-Conforming Uses**
 - J. Impact Fees (*Reserved*)**
 - K. Utilities (*Reserved*)**
 - L. Future Growth Planning Area (*Reserved*)**
 - M. Accessory Dwelling Units (*Reserved*)**

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- 17.06.200** **Alternative Site Design**
- 17.06.210** **Freeland Community Commission**
- 17.06.220** **Code Interpretation**
- 17.06.230** **Temporary Use Approval**
- 17.06.240** **Variances**
- 17.06.250** **Appeals**
- 17.06.260** **Penalties and Enforcement**
- 17.06.270** **Severability**
- 17.06.280** **Effective Date**

DRAFT

17.06.010 Authority

This ordinance shall be known as the Freeland Zoning Code and is hereby adopted under the authority of Chapters 36.70, 36.70A, 36.70B, 36.70C, 39.34, 43.21C, 58.17, 76.09, 84.33, and 84.34 RCW.

17.06.020 Purpose

The purpose of the Freeland Zoning Code is to divide the Freeland Non Municipal UGA into land Use Zones with standards within each Zone for the Use of Freeland's land resources which will:

- A. Implement the Freeland Sub Area Plan;
- B. Achieve better use of Freeland's land resources;
- C. Provide for the orderly planned Use of Freeland's land resources and contain urban growth;
- D. Protect the public health, safety and general welfare of the residents of Freeland;
- E. Provide incentives to land Owners who wish to protect and preserve certain identified lands;
- F. Protect the fundamental and inalienable right of the residents of Freeland to a healthy environment and the reasonable use of their property;
- G. Provide both employment and housing opportunities so that Freeland residents can both live and work in the community;
- H. Permit a broad range of development design opportunities with flexibility to encourage more creativity in balancing the needs of environmental protection with the accommodation of future growth;
- I. Provide for timely and predictable regulatory review processes which are proportional in scale, time and cost, to the scope and scale and costs of proposed development actions;
- J. Provide predictability so that landowners can make appropriate and reasonable use of their land;
- K. Protect Freeland's environmental resources;
- L. Ensure that archaeological resources are protected as required by state statutes, the County's Comprehensive Plan and the implementation of development regulations;

17.06.030 User Guide**A. Establishment**

Freeland is hereby divided into zoning classifications of such number and character as are necessary to achieve Compatible land uses within each Zone and implement the Sub Area Plan. For purposes of this Chapter, zoning classifications shall be as follows: Business General (BG), Business Office (BO), Freeland Village (FV), Industrial (I), Mixed Use Transitional (MX-T), Mixed Use Residential (MX-R), Mixed Use Commercial (MX-C), Recreation (RN), Residential (R-10, R-6, and R-3), Rural Estate (RE), and Reserve (RSV).

B. Consistency with the Freeland Sub Area Plan.

1. An application for any permit, license, or approval submitted pursuant to this title shall be subject to the procedures and timelines established in Chapter 16.19 ICC.
2. Where there is a conflict between this title and the Freeland Sub Area Plan, the Freeland Sub Area Plan shall prevail.
2. Approval or issuance of any permit or license pursuant to this title shall require a determination of consistency with the Freeland Sub Area Plan and all other applicable laws and codes.
3. A proposed use is consistent with all elements of the Freeland Sub Area Plan when all the following conditions exist:
 - a) The proposed use is compatible with the land use designation in which the use is located, as shown by the Freeland Sub Area Plan map and/or as described in the text of the Land Use Element of the Freeland Sub Area Plan.
 - b) The proposed use is in conformance with, or would not impede implementation of, the goals and policies of the Sub Area Plan and the intent thereof.
 - c) The proposed use is established and maintained in a manner consistent with all elements of the Sub Area Plan, and all applicable provisions contained therein.
 - d) The proposed physical development conforms with the goals and policies of the Sub Area Plan, including, but not limited to, such design considerations as:
 - (i) Providing public access, recreational use of, and views to open-space lands, while protecting natural resources;
 - (ii) Maintaining a mix of commercial uses compatible with the character of Freeland; and
 - (iii) Ensuring that design considers such items as natural site features; architectural, environmental and cultural preservation; usable open space; and relationship to surrounding uses in terms of scale, siting, architectural features and neighborhood development patterns.

C. Unlawful Acts. It is unlawful to:

1. Use any building, structure, improvement or premises within any zone for any purpose not permitted by the provisions of this title relating to the zone;
2. Erect, construct, establish, alter, enlarge, or move any building, structure or

improvement within any of the zones which is designed, arranged or intended to be occupied or used for any purpose not permitted by the provisions of this title relating to the zone;

3. Erect, construct, establish, alter, enlarge or move any building, structure or improvement or occupy any premises contrary to the regulations and limitations prescribed in this title regarding building height, building site requirements, percentage of coverage, and front, side and rear yard setbacks, or to violate the terms of a use permit;

D. **Relationship to Other Regulations and Requirements.** Except as otherwise provided herein and by applicable State or Federal law, the regulations of this title and requirements or conditions imposed pursuant to this title shall supersede all other regulations or requirements. All uses and development authorized by this title shall comply with all other such regulations and requirements. In the event of a conflict between the regulations of this title and any other regulations or requirements adopted or imposed by the Board of Island County Commissioners, the regulations imposed pursuant to this title shall take precedence.

E. **Rules for Construction of Language.** In addition to the general provisions of this title, the following rules of construction shall apply:

1. The particular controls the general.
2. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - a) “And” indicates that all connected words or provisions shall apply.
 - b) “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - c) “Either ... or” indicates that the connected words or provisions shall apply singly but not in combination.
3. References to a public official in the County is to that person who performs the function referred to and includes a designated deputy of such official.
4. All references to days are to calendar days unless otherwise indicated.
5. Section and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
6. The words “activities” and “facilities” include any part thereof of the activity or facility.
7. “Director” means the Director of Planning and Community Development or the Director’s designee.

F. **Rules for Interpretation**

1. **Zoning Text.** In the implementation of this title, the Director shall determine the intent of all provisions. The determination of the Director may be appealed in accordance with the provisions of Chapter 16.19 ICC, Appeals.
2. **Zoning Map.** The following rules shall apply to zoning boundary determinations:

- a) Zoning classifications established by this Chapter are bounded and defined as shown on the official zoning maps contained in the Zoning Atlas of Island County, which together with all explanatory materials contained thereon, are hereby made a part of this Chapter.
 - b) District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.
 - c) District boundaries shown as approximately following right-of-way lines of streets or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
 - d) District boundaries shown as lying within right-of-way lines of streets, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
 - e) District boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
 - f) District boundaries shown as lying at the edge of a body of water shall be construed to follow the adopted 100-year floodplain identified for the watercourse.
 - g) District boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs a) through f) above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.
 - h) It is not the intent of this Chapter to establish split zoned parcels. In the event that a split zoned parcel is discovered the Planning Director shall utilize the Sub Area Plan designation criteria to interpret the intended zoning classification.
3. Shoreline Environments and Overlays

Certain areas have also been mapped as Overlay Zones. Generally, these areas are defined and regulated by Chapters 17.02 and 17.02A ICC. Shoreline areas are also subject to additional regulations and mapped shoreline environment designations. Uses in these areas are governed by Chapter 17.05 ICC.

G. Conflict Resolution

1. If any provision of this Chapter conflicts with any provisions in Chapter 17.03 ICC, this Chapter shall prevail.
2. If any provision of this Chapter conflicts with any provisions in other Chapters or ordinances adopted by the Island County Board of Commissioners, the more stringent requirement, regulation, restriction standard or limitation shall apply.

17.06.040 Prior Approvals and Pending Applications for Approval

- A. **Incomplete Applications.** All pending applications filed prior to the effective date of this Chapter that have not been determined to be complete, shall comply with this Chapter.
- B. **Complete Applications.** All pending applications filed prior to the effective date of this Chapter that have been determined to be complete shall be processed under Chapter 17.03 ICC.
- C. **Pending Applications.** At the request of the Applicant, pending applications covered by subsection B, may be reviewed under Chapter 17.06 ICC. If an applicant opts to have their application reviewed under Chapter 17.06 ICC no additional permit fees shall be collected.
- D. **Short Plat and Long Plat Applications Granted Preliminary Approval.** All Short Plat and Long Plat applications granted preliminary approval prior to the effective date of this Chapter, shall be granted final approval upon compliance with conditions of preliminary approval.
- E. **Approved Projects.** Both projects and applications for Building Permits, Site Plan Review or NR Floating Zones granted final approval prior to the effective date of this Chapter shall comply with all conditions of approval, even if such conditions conflict with this Chapter.
- F. **Contract Rezones and Conditional Uses.** Existing Buildings and Existing Uses established based on contract rezones or conditional use approval granted prior to January 1, 1985, shall comply with the provisions of ICC 17.03.230, Existing Uses. All other contract rezones and Conditional Uses shall comply with Chapter 17.03 ICC.

17.06.050 Definitions

Accessory Structure: A Structure or Building customarily considered to be incidental to or secondary to a Permitted Use or an approved Conditional Use on the property or on adjacent properties under the same Ownership. Examples of Structures include, but are not limited to, sheds, shops, garages.

Accessory Use: A Use customarily considered to be incidental to or secondary to a Permitted Use or an approved Conditional Use on the property or on adjacent properties under the same Ownership.

Adult Entertainment: All adult-oriented businesses including adult arcades, adult bookstores, adult novelty stores, adult video stores, similar adult uses and adult live entertainment facilities.

Alley: A passage or way, having a width of not more than twenty feet nor less than ten feet, which affords a secondary access to abutting property and is not intended for primary access from a dedicated street, and is not intended for general vehicular traffic circulation.

Assisted Care Facility: A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.

Business General: The “Business General” classification is intended for lands in and around the Freeland commercial core on which general commercial development exists or is desirable in the future, including a broad range of commercial, retail, light manufacturing, and service uses. Light manufacturing is defined as food processing or the processing, manufacture, assembly, treatment, packaging, incidental storage, distribution, or sales of light and small items made mostly from previously prepared materials; light manufacturing includes operations which do not create noise, smoke, odor, vibration or other objectionable nuisances to the extent that they are detrimental to surrounding uses. Residential dwelling units may be permitted in the proposed Business General zone when they are secondary to the primary uses in that zone.

Business Office: Business Office areas are designated for business and professional uses with little or no retail sales...

Commercial Services: An activity with goods, merchandise or services for sale or involving a rental fee.

Community Gathering Space: An area of a lot intended for the gathering of people which is not restricted to business patrons, and are open to the general public with reasonable limitation on hours and activities. Community Gathering Space may include trails and paths used to connect these features.

Compatible: to exist harmoniously together; in agreement; congruous.

Conditional Use: A use or structure that may be allowed in a zone, but because it may have significant impacts on permitted uses is subject to review for compatibility with existing and anticipated future permitted uses and compliance with the standards of this Chapter

and any other applicable provisions. All Conditional uses require approval of a Site Plan pursuant to Chapter 16.15 ICC and are discretionary decisions classified as administrative (Type II) or quasi-judicial (Type III) under Chapter 16.19 ICC. Unlisted uses will be considered as Conditional Uses.

Essential Public Facility: Those facilities that provide a service to the public and are required to support basic social needs in the community, region and state and to implement the comprehensive plan but are typically difficult to site because they may require an extremely large amount of acreage, have aesthetic issues that may not meet standards for rural character, create exceptionally high impacts from the amounts and type of transportation, excessive noise, odor, lighting and glare, and may involve unusually high security measures. Essential public facilities are limited to airports, military installations, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste-handling facilities, and large in-patient facilities including substance-abuse facilities, mental health facilities, group homes, municipal septage collection and treatment, public school facilities, and municipal sewage treatment facilities. Throughput transmission facilities, major utilities, and communication towers are not essential public facilities. Essential public facilities fall into the two following classifications:

- a) Class A Facilities. These facilities serve a large region or the state and must locate in the rural area because they require extremely large sites and must be located away from centers of population due to their associated impacts and required security measures. They will have major impacts on the site and surrounding area due to changes to the natural landscape and vegetation at the time of site development and from the associated size of the use, and levels of traffic, noise, odors, lighting, and other factors during operation. These facilities are regional transportation facilities, such as regional airports, state correction facilities, and state educational facilities.
- b) Class B Facilities. These facilities serve the county, a small region, or a neighborhood and need to be located near the populations they serve. They include solid waste-handling facilities, municipal septage collection and treatment, public school facilities, municipal sewage treatment facilities, group homes, including assisted living facilities, and large inpatient facilities (e.g., substance abuse facilities, and mental health facilities).

Food Service: The practice or business of making and serving or dispensing prepared foods.

Freeland Village: The Freeland Village is intended for mixed commercial and residential development, with design objectives that foster a pedestrian friendly village atmosphere...

Gross Floor Area: The total area in square feet of all floors of a Structure measured from exterior walls, except that the following shall not be included in the calculation of Gross Floor Area as it pertains to a Structure:

- a) open courtyards, decks, porches and roof overhangs, and
- b) structures that provide spaces for mechanical equipment associated with a pump house, generator, hot water tank, heating systems, etc., and
- c) any space where the floor to ceiling height is less than five (5) feet, and

- d) any space that meets the definition of a basement pursuant to the Uniform Building Code.

Grove: A Grove is a grouping of at least three (3) Significant Trees.

Height: The vertical distance from the average natural grade level to the highest point of the feature. Average natural grade shall be defined as the average elevation of the highest corners and the lowest corners of the lot or parcel.

Industrial: Industrial is defined by business use or activity at a scale greater than light manufacturing¹ involving manufacturing, fabrication, assembly warehousing and/or storage. Examples of industrial uses include sawmills and boat building...

Landscape Professional: (landscape architect, arborist, nursery specialist)

Lot: A single tract of land no matter how legally described, whether by metes and bounds and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land and assigned to the particular use for which the building permit is being secured.

Lot Width: The average horizontal distance between the Side Lot or Parcel lines, calculated by dividing the Lot Area measured in square feet by the length of the Lot (i.e., the distance between the front and rear property lines measured in feet)

Light Manufacturing²:

Mixed Use: A development involving a combination of Residential and Non-Residential Uses. Typically, a Mixed Use Structure may have Non-Residential Uses at street level with Residential Uses on the second floor.

Mixed Use Commercial: The Mixed Use Commercial areas are pedestrian friendly areas where residential and nonresidential uses within a project compliment each other. These areas typically provide for commercial development opportunities with an integrated residential component...

Mixed Use Residential: The Mixed Use Residential areas are those areas where the character of the neighborhood is primarily residential but where specified low impact non-residential uses are encouraged. In these areas, non-residential uses may only be permitted as secondary to a dominant residential use within a project. Non-residential uses will be limited in scope, scale, and proportion and associated with, and primarily serve, the primary residential development and its occupants...

Mixed Use Transitional: The Mixed Use Transitional serves as a transitional area between one land use designation and another. It serves as a means of softening the impacts that may occur between areas that would not normally be considered compatible if they were to share a boundary...

Multi-Family: Five (5) or more residential Dwelling Units in one (1) Building or in Building(s) joined by common walls.

¹ Definition for "light manufacturing" can be found as a part of the definition for Business General

² Definition for "light manufacturing" can be found as a part of the definition for Business General

Open Space: The area of a lot which is unobstructed by structures from the ground upward and provides natural and landscaped vegetated areas. Open Space is not designed or intended for the general public to sit, walk, or gather.

Owner: Any Person or Persons, having legal right or interest such as a fee Owner, contract purchaser, mortgagor or mortgagee, option or optionee, and beneficiary or grantor of a trust or deed of trust, but not including the grantee of an easement.

Parcel: A legal division or segregation of land including an assessor's Parcel established by the Assessor and assigned numbers for assessment purposes. See definition of Lot.

Permitted Use: A Use or Structure allowed by right in a Zone subject to the limitations and standards of this Chapter. Permitted Uses are classified as ministerial decisions under Chapter 16.19 ICC.

Prohibited Use: A Use that is expressly prohibited by this Chapter.

Recreation: The Recreation classification is intended for land where special development patterns may occur due to the mix of public/private recreation and private residences. Development within this district will include a broad range of residential densities and non-residential uses such as retail, service, and commercial uses associated with recreation that would complement residential use...

Reserve: This designation consists of parcels that are in public ownership such as parks and public utilities.

Residential, High Density: The High Density Residential (HD) designation is intended for multiple-family dwellings, primarily apartment buildings, and apartment complexes at a density of no more than 10 (ten) dwelling units per acre...

Residential, Medium Density: Medium Density Residential (MD) lands are intended for single-family dwellings at a density of no more than 6 (six) dwelling units per acre, including single-family homes, duplexes, triplexes, and fourplexes...

Residential, Low Density: Low Density Residential (LD) designations are intended for single-family residences and duplexes at a density of no more than 3 (three) dwelling units per acre...

Retail Sales: Establishments engaged in retail sales of goods, including, but not limited to, the retail sale of merchandise not specifically listed under another Use classification. This classification includes, but is not limited to, clothing stores, furniture stores, pharmacies, hardware stores, nurseries, office supply stores and other similar uses.

Rural Estate: The Rural Estate zone is established with the intention of preserving the existing relatively low-density single-family land-use pattern, limiting lot density to no more than 1 (one) dwelling unit per acre...

Setback: The minimum required horizontal distance between every Structure and the Lot Lines and/or centerline of any abutting road.

Sign: Any device which identifies, describes, illustrates, or otherwise directs attention to a product, place, activity, Person, institution, or business, whether portable, free-standing, or affixed to a Building, Structure or the land.

· **Off-Premise Sign:** A Sign which directs attention to a business, commodity, industry, or

other activity which is sold, offered, or conducted elsewhere than on the premises upon which the Sign is located.

· **Public Use Sign:** A Sign that provides information for a public purpose, benefiting no specific property, Person, corporation or firm directly, and established by a governmental agency.

Sign, Monument: A sign which is freestanding and separate from adjacent buildings. This type of sign is typically mounted on two posts (referred to as a goal post sign) or a solid base.

Sign, Pole: A prohibited sign which is mounted on top of a single post and is separate from adjacent buildings.

Significant Tree: Significant Trees are those existing and healthy trees with a caliper size of six (6) inches or greater measured at a height of four (4) feet.

Storage, Mini: Structures containing separate self-service storage spaces that are leased or rented as individual units.

Storage, Outdoor: An outdoor area used for the storage of tools, equipment, vehicles and materials, including construction contractor storage yards. Outdoor storage associated with retail uses such as lumber, building supplies and topsoil are considered accessory retail uses allowed in Zones that permit Retail Sales and Services.

Tree Density: The post development minimum required density of trees in number and size.

Transient Lodging: A room or suite of rooms, excluding inpatient medical care facilities, which is occupied not as a principal residence.

Use: The purpose or activity for which land or any Structure thereon is designed, arranged, occupied or maintained.

Warehouse: A building or portion of a building used for short-term storage in preparation for rerouting or reshipment, or used in connection with an industrial activity, where incoming and outgoing shipments are a continuing operation or a building or portion of a building used for long-term storage of items where incoming and outgoing traffic is intermittent and which requires minimal employee activity.

Wholesale: The sale of goods in large quantities, as for sale by a retailer.

Yard: An Open Space, other than a court, on the Lot on which a Building is situated lying between the front, rear, or side wall of a Building and the nearest Lot Line.

Yard, Front: A Yard abutting a street and measured at right angles to the front Lot Line from the nearest point on a Building or Structure.

Yard, Back: A Yard measured at right angles to the rear Lot Line to the nearest point of a Building or Structure. On a through Lot or corner Lot, the rear Yard shall be the Yard opposite the front Yard.

Yard, Side: A Yard between the front and rear Yard measured at right angles from the side Lot Line to the nearest point of a Building or Structure.

Zone: The zoning designation of a Lot, Parcel or Tract shown in the Island County Zoning Atlas.

17.06.060 Business General (BG) Zone

The Business General classification is intended for lands in and around the Freeland commercial core on which general commercial development exists or is desirable in the future, including a broad range of commercial, retail, light manufacturing, and service uses. If a Use is not listed in the below categories for Permitted, Conditional, or Prohibited it shall be considered a Conditional Use.

A. Permitted Uses. The following uses may be established outright in the Business General zone when they are occupying an existing, previously approved building or, for new development, when the total gross floor area of all existing and proposed structures is less than **8,000 square feet**. Examples of each type of use are provided.

1. Retail Sales. Examples of appropriate retail uses include:
 - a) Small scale Retail Sales (see Business Village for examples);
 - b) Grocery store;
 - c) Auto and boat parts;
 - d) Sporting goods;
 - e) Hardware store;
 - f) Drug store;
 - g) Audio, video, computer, and/or electronics store;
 - h) Home décor and/or furniture store;
2. Food Service. Examples of appropriate food service uses include:
 - a) Coffee shops, including those with drive-thru service;
 - b) Restaurant, eatery or bistro where there is no drive-thru service;
 - c) Commercial kitchen and/or catering;
 - d) Bakery;
 - e) Wine tasting;
 - f) Pubs and breweries with commercial kitchen and food service;
 - g) Delicatessen;
3. Commercial Services. Examples of appropriate commercial services include:
 - a) Small scale Commercial Services (see Business Village for examples);
 - b) Athletic club;
 - c) Gas station and/or electrical recharge facilities;
 - d) Automobile, motorcycle, or boat repair;
 - e) Transient Lodging of less than ten (10) units;

- f) **Lumberyard.**
- 4. Office Space. Examples of appropriate office space include:
 - a) Bank;
 - b) Real estate;
 - c) Finance;
 - d) Consulting;
 - e) Software developer;
 - f) Title company;
 - g) Insurance;
 - h) Architect or engineer;
 - i) Attorney.
- 5. Light Manufacturing. Examples of appropriate light manufacturing include:
 - a) Food processing;
 - b) Processing, manufacturing, assembly, treatment, packaging, incidental storage, distribution, or sales of light and small items made mostly from previously prepared materials;
- 6. Residential. Mixed Use when no more than four (4) dwelling units are proposed and the gross floor area of the residential component does not exceed fifty (50) percent of the total Mixed Use development;
- 7. Medical
 - a) Health clinic;
 - b) Optometry;
 - c) Mental health services;
 - d) Veterinary clinic;
 - e) Dentist or doctor;
 - f) Chiropractor;
 - g) Physical therapy;
 - h) Hospital;
 - i) Assisted Care Facility;
- 8. Institutional
 - a) Post office;
 - b) Governmental office;
 - c) Police or fire precinct office;

- d) Schools and university or college extension campuses;
- e) Library.
- 9. Parks and Open Space
 - a) Town square;
 - b) Public restrooms;
 - c) Trails;
 - d) Outdoor public gathering areas;

B. Accessory Uses.

- 1. Garbage receptacle;
- 2. Parking;
- 3. Courtyards;
- 4. Outdoor seating;
- 5. Bike racks;
- 6. Fully screened outdoor storage;
- 7. Farmers market;
- 8. Small scale manufacturing, e.g. jewelry, violins, trophies;
- 9. Pea patch;
- 10. Retail Sales of Outdoor Bulk Goods, e.g. bark, topsoil, and rock.

C. Conditional Uses.

- 1. Any permitted use where new construction will result in an aggregate of more than 8,000 square feet of gross floor area for all existing and proposed buildings;
- 2. Any restaurant, eatery or bistro with drive-thru service;
- 3. Mixed Use, when more than four (4) dwelling units are proposed or the gross floor area of the residential component exceeds fifty (50) percent of the total Mixed Use development;
- 4. Transient Lodging of ten (10) or more units;
- 5. Bars and nightclubs;
- 6. Multi-family;
- 7. Church or community hall;
- 8. Any development that is exceeding the building size standards, height standards, or base density standards in order to provide affordable housing.

D. Prohibited Uses.

- 1. Essential Public Facilities, e.g. jails, airports

2. Gravel pits or mineral extraction;
3. Adult Entertainment;
4. **Commercial Storage and/or Mini Storage;**
5. Single family residence;
6. Industrial;

E. Lot/Density.

1. There is no minimum lot size. Lot size will be controlled by lot dimensions, and requirements for setbacks, building coverage, and open space.
2. Residential Densities.
 - a) **Base density shall not exceed four (4) dwelling units per acre.**
 - b) Residential uses shall not exceed 50% of the total gross floor area of any mixed use development.
 - c) **Base density can be doubled in order to accommodate affordable housing that is targeted towards lower income households (*still need to define what this means – it is a placeholder for now*).**

F. Setbacks and Lot Dimensions.

1. The minimum lot width shall be fifty (50) feet.
2. Front Yard Setback shall be a minimum of forty (40) feet and the maximum setback shall be seventy-five (75) feet. Setbacks shall be measured from the edge of right-of-way.
3. Side Yard.
 - a) A Side Yard that is adjacent to a parcel that is zoned residential.
 - (i) The minimum Side Yard setback shall be thirty (30) feet.
 - (ii) Landscaping and/or fencing shall be provided within this setback in order to help provide a visual screen between the adjacent uses. The visual screen is intended soften the impacts of external lighting and noise.
 - b) The Side Yard Setback for a property that is adjacent to a parcel that is zoned commercial shall be ten (10) feet.
4. Back Yard.
 - a) A Back Yard that is adjacent to a parcel that is zoned residential.
 - (i) The minimum Side Yard setback shall be thirty (30) feet.
 - (ii) Landscaping and/or fencing shall be provided within this setback in order to help provide a visual screen between the adjacent uses. The visual screen is intended soften the impacts of external lighting and noise.
 - b) The Back Yard Setback for a property that is adjacent to a parcel that is zoned commercial shall be ten (10) feet.

5. The following types of structures, uses and activities are allowed within the setbacks when it is adjacent to a commercially zoned property:
 - a) Garbage receptacles;
 - b) Parking lots, provided that parking located within front yard setbacks must also adhere to the parking lot standards defined in Chapter 17.06.190 B
 - c) Areas for loading and unloading;
 - d) Fences, arbors, gates, and trellises;
 - e) Sidewalks, benches, seating areas, and courtyards;
 - f) Fountains, gardens, planters, and rockeries;
 - g) Decks, patios, and steps;
 - h) Retaining walls;
 - i) Chimneys, bay windows, awnings, and non-enclosed covered entry ways;
 - j) Second and third story decks.

G. Maximum Height.

1. **Building Height.** The maximum height of a structure is thirty-five (35) feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed forty-three (43) feet. Pitched roofs are considered those with a 5-12 pitch or greater.
2. Building height may be increased by an additional ten (10) feet in order to accommodate affordable housing that is targeted towards lower income households.

H. Building Coverage and Community Space.

1. Where on-site infiltration can be achieved, no pre-determined impervious surface limits are established. The impervious surface limit will be based on the engineering requirements that are needed to accommodate on-site infiltration. On-site infiltration includes infiltration off-site where easements have been established for the purpose of accommodating drainage and storm water management.
2. In order to ensure that building size and massing does not adversely impact the character of the Business General zone and to encourage community gathering spaces the following baseline site coverage standards are established.
 - a) When ten (10) percent of the site is established as community space the building coverage ratio can be increased to fifty-five (55) percent;
 - b) When fifteen (15) percent of the site is established as community space the building coverage ratio can be increased to sixty (60) percent;
 - c) When twenty (20) percent of the site is established as community space the building coverage ratio can be increased to sixty-five (65) percent;

11/23/2009

- d) When twenty-five (25) percent of the site is established as community space the building coverage ratio can be increased to seventy (70) percent;
- e) The same ratio shall be calculated for proposals that fall in between these categories, e.g. every percent of community space provide is equal to a percent increase in building coverage.

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11/23/2009

17.06.070 Business Office (BO) Zone (*Reserved*)

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17.06.080 Freeland Village (FV) Zone

The Freeland Village designation is intended for mixed commercial and residential development, with design objectives that foster a pedestrian friendly village atmosphere. If a Use is not listed in the below categories for Permitted, Conditional, or Prohibited it shall be considered a Conditional Use.

- A. **Permitted Uses.** The following uses may be established outright in the Freeland Village zone when they are occupying an existing, previously approved building or, for new development, when the total gross floor area of all existing and proposed structures is less than 4,000 square feet. Examples of each type of use are provided.
1. Small Scale Retail Sales. Examples of appropriate small scale retail uses include:
 - a) Antique shop;
 - b) Art gallery;
 - c) Clothing boutique;
 - d) Food and/or wine shop;
 - e) Gift shop;
 - f) Plant and flower shop;
 - g) Pet store;
 - h) Toy store;
 - i) Craft or hobby store;
 - j) Liquor store.
 2. Food Service. Examples of appropriate food service uses include:
 - a) Coffee shop where there is no drive thru service;
 - b) Eatery or bistro;
 - c) Delicatessen;
 - d) Bakery;
 - e) Pubs with commercial kitchen and food service;
 - f) Wine tasting.
 3. Small Scale Commercial Services. Examples of appropriate small scale commercial services include:
 - a) Animal grooming;
 - b) Computer service;
 - c) Laundry and dry cleaning;
 - d) Framing and/or photography service;
 - e) Automated teller machine;

- f) Sporting equipment rental;
 - g) Barber shop, hair stylist, nail salon;
 - h) Studio for dance or art display and/or instruction;
 - i) Copy and mailing service;
 - j) Day care services.
4. Office Space. Examples of appropriate office space include:
- a) Bank;
 - b) Real estate;
 - c) Finance;
 - d) Consulting;
 - e) Software developer;
 - f) Title company;
 - g) Insurance;
 - h) Architect or engineer;
 - i) Attorney.
5. Residential. Mixed Use when no more than two (2) dwelling units are proposed and the gross floor area of the residential component does not exceed fifty (50) percent of the total Mixed Use development;
6. Medical
- a) Health clinic;
 - b) Dentist or doctor;
 - c) Optometry;
 - d) Mental health services;
 - e) Veterinary clinic;
 - f) Chiropractor;
 - g) Physical therapy;
 - h) Acupuncture and massage.
7. Institutional
- a) Post office;
 - b) Governmental office;
 - c) Police or fire precinct office;
 - d) Schools and university or college extension campuses;

- e) Library.
- 8. Parks and Open Space
 - a) Town square;
 - b) Public restrooms;
 - c) Trails;
 - d) Outdoor public gathering areas.

B. Accessory Uses.

- 1. Garbage receptacle;
- 2. Parking;
- 3. Courtyards;
- 4. Outdoor seating;
- 5. Bike racks;
- 6. Fully screened outdoor storage;
- 7. Farmers market;
- 8. Small scale manufacturing, e.g. jewelry, violins, trophies;
- 9. Pea patch.

C. Conditional Uses.

- 1. Any permitted use where new construction will result in an aggregate of more than 4,000 square feet of gross floor area for all existing and proposed buildings;
- 2. Mixed Use, when more than two (2) dwelling units are proposed or the gross floor area of the residential component exceeds fifty (50) percent of the total Mixed Use development, or for Mixed Use developments where the residential structure(s) is physically separated from the non-residential structure;
- 3. Transient Lodging;
- 4. Bars and nightclubs;
- 5. Multi-Family;
- 6. Wholesale;
- 7. Any development that is exceeding the building size standards, height standards, or base density standards in order to provide affordable housing.

D. Prohibited Uses.

- 1. Large scale retail such as department stores, warehouse stores, and big box stores;
- 2. Gas stations;
- 3. Essential Public Facilities, e.g. jails, universities, airports

4. Restaurants and coffee shops with drive thru service;
5. Gravel pits or mineral extraction;
6. Adult Entertainment;
7. Commercial Storage and/or Mini Storage;
8. Single family residence;
9. Industrial;

E. Lot/Density.

1. There is no minimum lot size. Lot size will be controlled by lot dimensions, and requirements for setbacks, building coverage, and open space.
2. Residential Densities.
 - a) Base density shall not exceed 4 dwelling units per acre.
 - b) Residential uses shall not exceed fifty percent (50%) of the total gross floor area of any mixed use development.
 - c) Base density can be doubled in order to accommodate affordable housing that is targeted towards lower income households (*still need to define what this means – it is a placeholder for now*).

F. Setbacks and Lot Dimensions.

1. The minimum lot width shall be thirty (30) feet.
2. Front Yard. For Front Yards that face Main Street, the following setbacks shall apply:
 - a) Where sidewalks are not yet present, and they are not yet proposed, the minimum setback shall be thirty (30) feet measured from the edge of the right-of-way and the maximum setback shall be fifty (50) feet measured from the edge of the right-of-way.
 - b) Where sidewalks are already present, or proposed, the minimum setback shall be five (5) feet from the edge of the sidewalk and the maximum setback shall be thirty (30) feet from the edge of the sidewalk. These setbacks shall supercede those established in subsection (i) of this section.
3. Side Yard.
 - a) A Side Yard that is adjacent to a parcel that is zoned residential.
 - (i) The minimum Side Yard setback shall be twenty-five (25) feet.
 - (ii) Landscaping and/or fencing shall be provided within this setback in order to help provide a visual screen between the adjacent uses. The visual screen is intended to soften the impacts of noise and external lighting.
 - b) A Side Yard that is adjacent to a parcel that is zoned commercial.
 - (i) The Side Yard setback is zero (0) feet, provided that no single structure, or

series of structures that share common walls, may extend a distance of more than one-hundred (100) feet without having a minimum ten (10) foot of open air separation on the ground level between structures on each end.

- (ii) Any structure, or series of structures that share common walls, and that is more than eighty (80) in length shall provide a minimum ten (10) foot setback from each Side Yard property line.
- (iii) Covered outdoor, open air structural connections are permitted within the setback provided that ground level connections between buildings are not to be blocked in a manner that precludes pedestrian traffic from crossing through and over the ground level connection and that upper level structural connections do not share the same roofline as the two adjacent structures.

4. Back Yard.

- a) A Back Yard that is adjacent to a parcel that is zoned residential.
 - (i) The minimum Side Yard setback shall be twenty-five (25) feet.
 - (ii) Landscaping and/or fencing shall be provided within this setback in order to help provide a visual screen between the adjacent uses. The visual screen is intended soften the impacts of external lighting and noise.
- b) A Back Yard that is adjacent to a parcel that is zoned commercial.
 - (i) The minimum setback shall be five (5) feet.
 - (ii) Covered outdoor, open air structural connections are permitted within the setback provided that ground level connections between buildings are not to be blocked in a manner that precludes pedestrian traffic from crossing through and over the ground level connection and that upper level structural connections do not share the same roofline as the two adjacent structures.

5. The following types of structures, uses and activities are allowed within setbacks provided they do not fully preclude pedestrian circulation:

- a) Fences, arbors, gates, and trellises;
- b) Sidewalks, benches, seating areas, and courtyards;
- c) Fountains, gardens, planters, and rockeries;
- d) Decks, patios, and steps;
- e) Retaining walls when they are part of an approved landscape plan;
- f) Chimneys, bay windows, awnings, and non-enclosed covered entry ways;
- g) Second and third story decks.

G. Maximum Height.

- 1. Building Height. The maximum height of a structure is twenty-eight feet, measured as the vertical distance from the average elevation of existing grade to the highest

point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed thirty-six (36) feet. Pitched roofs are considered those with a 5-12 pitch or greater.

2. Building height may be increased by an additional ten (10) feet in order to accommodate affordable housing that is targeted towards lower income households.

H. Building Coverage and Community Space.

1. Where on-site infiltration can be achieved, no pre-determined impervious surface limits are established. The impervious surface limit will be based on the engineering requirements that are needed to accommodate on-site infiltration. On-site infiltration includes infiltration off-site where easements have been established for the purpose of accommodating drainage and storm water management.
2. In order to ensure that building size and massing does not adversely impact the downtown Business Village core and to encourage community gathering spaces the following baseline site coverage standards are established.
 - a) When less than ten (10) percent of the site is established as community gathering space the maximum building coverage shall be forty (40) percent;
 - b) When ten (10) percent of the site is established as community space the building coverage ratio can be increased to fifty (50) percent;
 - c) When fifteen (15) percent of the site is established as community space the building coverage ratio can be increased to fifty-five (55) percent;
 - d) When twenty (20) percent of the site is established as community space the building coverage ratio can be increased to sixty (60) percent;
 - e) When twenty-five (25) percent of the site is established as community space the building coverage ratio can be increased to sixty-five (65) percent;
 - f) When thirty (30) percent of the site is established as community space the building coverage ratio can be increased to seventy (70) percent;
 - g) The same ratio shall be calculated for proposals that fall in between these categories, e.g. every percent of community space provide is equal to a percent increase in building coverage.

- 17.06.090 Industrial (I) Zone (*Reserved*)**
- 17.06.100 Mixed Use Transitional (MX-T) Zone (*Reserved*)**
- 17.06.110 Mixed Use Residential (MX-R) Zone (*Reserved*)**
- 17.06.120 Mixed Use Commercial (MX-C) Zone (*Reserved*)**
- 17.06.130 Recreation (RN) Zone (*Reserved*)**
- 17.06.140 Residential (R-10) Zone (*Reserved*)**
- 17.06.150 Residential (R-6) Zone (*Reserved*)**
- 17.06.160 Residential (R-3) Zone (*Reserved*)**
- 17.06.170 Rural Estate (RE) Zone (*Reserved*)**
- 17.06.180 Reserve (RSV) Zone (*Reserved*)**

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17.06.190 Land Use Standards

The Land Use Standards contained in this section supplement the general land Use regulations of this Chapter and the specific development standards contained in other Chapters of the Island County Code.

A. Signage and Outdoor Lighting Standards

1. Signage is recognized as a very important element of any commercial use or activity. Business signs in all zones shall be:
 - a) Informative of the business name and use. The business name shall be the primary design feature on the sign, and all logos and other graphics shall be subordinate to the business name;
 - b) Simple in design. Any creative graphic depictions should be related to the business use and in scale with sign text;
 - c) Architecturally integrated and consistent with the existing or proposed structures. Design, color, size and scale (including its supporting structure and components, if any) shall be compatible with the business storefront, adjoining structures and surroundings; and
 - d) Made of permanent and natural materials such as wood, wrought iron, ceramic or stone.

2. Types of Business Signs. There are four types of business signs that are allowed in the Freeland Village (FV) and Business General (BG) Zones:
 - a) An exterior wall business sign which is attached to a wall, fascia or window and only one side of the sign is visible.
 - b) An exterior hanging business sign which hangs from a bracket mounted to a wall or overhang. Both sides of the sign are typically visible to pedestrians and contain identical designs.
 - c) An exterior monument business sign which is freestanding and separate from adjacent buildings. This type of sign is typically mounted on two posts (referred to as a goal post sign) or a solid base.
 - d) An interior business sign which is located within the interior of a business, visible from exterior areas accessible to pedestrians, and includes the business name or an identifying portion of the business name. Business names and logos on merchandise are not considered signs.

3. The following standards apply to all signs in all zones:
 - a) Signs shall clearly identify the business entrance. Signs shall be pedestrian-oriented except in the BG zone for gas stations and motels that are recognized by the County as predominantly vehicle-oriented business. Clutter from business signs at street frontages shall be avoided. Sign clutter along street frontages from multiple businesses within a courtyard or building shall be avoided.

- b) Sign area shall be calculated as follows:
 - (i) When calculating sign area only one face of a sign shall be included when the sign is a single panel that has the same signage on the front and back. Sign area does not include foundations, supports and other essential structures which do not serve as a backdrop or border to the sign.
 - (ii) No more than two faces are allowed.
 - (iii) When signs are constructed of individual pieces the sign area is determined by a perimeter drawn around all the individual pieces taken together. Area shall be calculated as follows:
 - (1) Rectangle or square: length times width.
 - (2) Triangle: length times width divided by two.
 - (3) Circle: 3.14 times R squared, where R is the sign's radius.
 - (4) Oval: the area contained within a rectangle whose length times width does not exceed the square footage limits established under subsection 4 below.
 - (5) The county shall measure other sign shapes, not listed above, according to the formula it determines to be most appropriate.
 - (iv) Any support structures and boarding trims will not be counted against total sign area as long as said support structures, boarding trims and decorative embellishments are appropriately scaled to the size of the copy.
- c) Where there are vehicular access points additional signage that describes directional entry and exit information may be established provided that it shall not exceed two (2) square feet per sign. Directional information shall not be counted towards total square footage limitations.
- d) Sculptures that represent a business logo shall be considered a sign and shall meet the relevant sign requirements for the site on which is located.
- e) Sign colors shall be compatible with the commercial buildings. Sign colors shall provide sufficient contrast to be legible, yet be subdued enough to blend with the natural landscape and/or surrounding structures. The majority of the background area of a sign, exclusive of any letters, words or symbols, shall be of earth or dark color. Bright or fluorescent colors and reflective surfaces in the background area of the sign are prohibited.
- f) Lighting of Signs.
 - (i) Externally lit signs shall be illuminated only with steady, stationary light sources. Whether illuminated from above or below, the light source must be shielded to avoid spill-over of light onto adjacent properties, public roads, or into the night sky.
 - (ii) All light fixtures, conduit, shielding and other components shall be painted to match either the building or the supporting structure that serves as the background of the sign.

11/23/2009

- (iii) The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area.
 - (iv) A sign may be illuminated during the hours of operation of the facility being identified or advertised. Such signs shall provide an automatic timer to comply with the intent of this section.
 - g) All signs, together with their supporting structures, shall be kept in good repair and maintenance. Signs shall be kept free from corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept in a neat appearance.
 - h) The height of a sign shall mean the vertical distance from the average line of the highest point and the lowest point of finished grade adjacent to the base to the top of the highest attached component of the sign, exclusive of any filling, berming, mounding, landscaping, or excavating solely for the purpose of locating the sign.
 - i) In the event that a business ceases operation all signage shall be removed within ninety (90) days of closing its doors to the public.
4. The following chart provides the type and size criteria for signs in the BG and FV zones. Additional signage requirements within each zone are provided in subsections (5) and (6):

Type and Size Criteria for Signs in the FV and BG Zones		
	Business General (BG)	Freeland Village (FV)
Maximum Number of Signs per Business	Four Signs. Two hanging signs provided they are on two different sides of a building, one monument or goal post sign, and one affixed sign.	Three Signs. Two hanging signs provided they are on two different sides of a building, and one monument, goal post or affixed sign.
Cumulative Square Footage of all Signs	106 square feet	18 square feet
Maximum Square Footage per sign Hanging: Monument/Goal Post: Attached:	3 square feet 40 square feet 60 square feet	3 square feet 9 square feet 12 square feet
Maximum Letter Size: Hanging: Monument/Goal Post: Attached:	10 inches 20 inches 36 inches	10 inches 10 inches 14 inches
Height for Monument/Goal Post Signs:	12 feet in height plus an additional 3 feet for crown.	3.5 feet
Height for Hanging Signs	At least 8 feet above ground level	At least 8 feet above ground level
Height of Attached Signs Flat roofs: Pitched roofs:	May not extend above the upper roof line May not extend above the bottom roofline	May not extend above the upper roof line May not extend above the bottom roofline

5. Business complexes. Where a development is proposed that includes multiple businesses an integrated signage plan shall be developed. The following minimum criteria are established:
 - a) Each complex shall identify a primary sign which shall be a monument or goal post style sign. The primary sign shall not exceed forty (40) square feet in size

except that complexes with more than five (5) businesses are allowed an additional four (4) square feet of signage per business. The primary sign may be located anywhere on the property;

- b) Where a complex abuts two roads a second monument or goal post style sign is permitted which shall not exceed thirty (30) square feet in size, however it may not be located along the same road as the primary sign;
 - c) Each individual business within the complex is allowed an additional twenty (20) square feet that may be affixed to the Structure in which the business is located;
 - d) Signs shall be limited to twelve (12) feet in height plus an additional three (3) feet for a crown. Crowns may include the name of the complex, artwork, designs and logos, but may not include the name of any individual business. For every four (4) additional square feet over forty (40) allowed in subsection (a) of this section, the height shall be reduced by one (1) foot.
6. In the Freeland Village (FV) Zone all new or replacement signage shall meet the following conditions unless it is a public Use Sign:
- a) Signs are oriented toward the pedestrian rather than the automobile;
 - b) Internal illumination of signs is prohibited. Illumination of signs shall be from a light source that is above or below the sign. For lighting sources that are below the sign, landscaping or hardscaping shall be installed that shields the light fixture so that it is not visible to automobile traffic or adjacent properties;
 - c) Except for businesses that front two public streets, each business is limited to a single monument or goal post style sign. Businesses that front two public streets may have two monument or goal post style signs.
7. In the Business General (BG) Zone all new or replacement signage shall meet the following conditions unless it is a public Use Sign:
- a) When signs are not illuminated from above or below, lighting shall utilize Channel Lighting technology, Box Signs, Lettering or Panel Signs;
 - b) Crowns may include artwork, designs and logos, but may not include the name of the business.
 - c) Topography and grade shall be considered when calculating sign height. Variations of the height limit may be considered due to topographic features that would result in an undesirable outcome. For example, if the grade of the site is well below the grade of the road the height of the sign may be increased in order to achieve the intent of this standard; likewise, if the grade of the site is substantially higher than the grade of the road the height of the sign may be decreased.
8. Prohibited Signs.
- a) Whether fixed or portable, flashing Signs, moving light Signs and off-premise Signs are prohibited (except time-temperature-date signs).

- b) Signs that contain moving, rotating or otherwise animated parts.
 - c) Pole signs.
 - d) Signs that are located within the clear vision triangle at the corner of a road intersection. The corner of an intersection is defined by drawing an equilateral triangle where each side is forty (40) feet. The starting point for drawing the triangle is where the right-of-ways for two roads intersect. The Director of Public Works has the authority to grant a waiver of this requirement upon a finding that the sign placement will not create a safety hazard to automobiles or pedestrians.
9. Exemptions. The following signs on private property do not require a permit if they meet the purpose, objectives, and standards in this chapter as determined by the Director:
- a) Interior signs that are not directed at outside pedestrians and vehicles.
 - b) Alarm system identification signs, house/occupant name, address numbering, no soliciting/no handbills, garage/rummage/estate sale, home business, and public information signs (exit, restroom, elevator, etc.).
 - c) Signs in windows that advertise “Open”, “Beer”, etc..
 - d) During business hours each business is permitted to have a single sandwich board sign or chalkboard sign that does not exceed 5.33 square feet in size (24” x 32”). These signs shall be oriented toward pedestrian traffic, however, they shall only be placed on the premises of the business establishment and not within public rights of way for sidewalks, streets and landscaped areas. They shall not be placed in a manner that is oriented towards automobile traffic.
 - e) Temporary banners and signs that announce the opening of a business. These banners and signs must be approved by the Planning Department and are allowed to be displayed for up to 90 days.
 - f) Temporary banners that advertise going out of business sales provided they may be displayed for no longer than 45 days.
 - g) A single contractor sign on an individual parcel that advertises who is constructing a project or improving a structure/site. These signs can be placed on-site once construction commences and must be removed within 30 days of completion of a project.
 - h) A menu box that is a permanently mounted architectural element on, or immediately adjacent to, the business for displaying menus, awards, or daily specials in restaurants.
 - i) A take-away menu holder which is described is a small, temporary or permanent container holding take-away menus for free distribution to the public.
 - j) Directional signage that advertises individual businesses and provides directional information is permitted at each pedestrian or bike path entrance. This signage shall be at a pedestrian scale and is limited to 4” x 18” in size per business.

- k) Public use signs.
 - l) Parking signs.
 - m) Flags that represent countries or states.
 - n) Real estate signs that advertise properties for sale.
 - o) Political campaign signs.
10. Outdoor Lighting Standards: The purpose of this section is to provide Outdoor Lighting Standards to help ensure compatibility with neighboring uses, preserve our dark skies, and provide a more pleasant and comfortable nighttime environment while preserving the ability to install effective security lighting. The following Outdoor Lighting Standards shall apply in all zones:
- a) Lighting Standards
 - (i) Lighting Fixtures must be a full cut-off design that is shielded, hooded and oriented towards the ground so that direct rays of lighting source(s) are not visible past the property boundaries and do not shine into the night sky; and
 - (ii) Use of motion sensing devices are encouraged; and
 - (iii) No lighting shall blink, flash or be of unusually high intensity or brightness; and
 - (iv) All lighting fixtures shall be appropriate in scale, intensity and height to the use they are serving.
 - (v) New or replacement lighting of County roads shall be shielded, downward pointing.
 - (vi) Exemptions:
 - (1) Lighting Fixtures utilizing only Fossil Fuels, including luminarias;
 - (2) Lighting Fixtures installed on Residential Structures with incandescent lamps, or equivalent. This exemption does not apply to fixtures that light parking areas, driveways, sports areas or outbuildings;
 - (3) Seasonal Decorative Lighting Fixtures;
 - (4) Lighting Fixtures used temporarily for emergency purposes.
 - (5) Public athletic fields, fairgrounds and approved temporary special events lighting.
 - (6) Lighting fixtures sixty (60) watts or less.
11. Existing Signs and Lighting:
- a) All Existing Signage not complying with the provisions of this ordinance shall come into compliance when:

11/23/2009

- (i) The Sign is relocated; or
 - (ii) If more than sixty percent (60%) of the Sign is damaged, replaced or repaired; or
 - (iii) If the plastic panel of a Box Sign is no longer utilized any replacement panel facing shall utilize a solid dark colored background with light colored lettering.
- b) Existing Lighting Fixtures installed prior to the effective date of this Chapter are exempt for a period of three (3) years from the date of enactment of this Chapter, unless:
- (i) The Fixture became inoperative except for bulb replacement; or
 - (ii) The Fixture can be retrofitted at the time of bulb replacement to come into compliance with this Code.

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B. Off-Street Parking

1. General.

- a) The purpose of this chapter is to prevent or minimize congestion in the streets, to promote and protect property values and to provide for the health, safety, welfare, prosperity and enjoyment of Freeland's residents and visitors;
- b) Reduced or waived parking requirements are provided for in certain portions of the Business Village and Business General zones, because of the relative scarcity of available and more efficient use of available parking in such densely used areas; and
- c) Parking provisions are set forth as minimum standards in order to preserve land for other uses.

2. Applicability

a) General Applicability.

- (i) All parking surfaces, whether required or not, shall comply with the surface requirements of Title 11 of Island County Code;
- (ii) Parking and loading areas shall be provided in accordance with the minimum requirements provided herein below whenever any structure is constructed, erected, relocated or expanded or whenever any outdoor use is expanded in activity area;
- (iii) Whenever any structure is expanded in floor area or whenever an outdoor use is expanded in activity area, off-street parking shall be required only for the uses to be accommodated in such expansion;
- (iv) Parking and loading areas shall be constructed and completed in accordance with approved plans and specifications pursuant to subsections (6) through (9) of this ordinance prior to the issuance of a building permit for the construction, erection, relocation or expansion of any structure and prior to the use of any outdoor use expanded in activity area; provided, that the Director shall have authority to authorize issuance of a building permit prior to installation upon posting of a bond or other security to ensure compliance;
- (v) The provision of off-street parking and loading in the manner and extent required herein shall be a continuing obligation of the owner of a given property/structure; provided, however, that any owner granted a waiver pursuant to subsection (5) shall be relieved of such requirements after all required fees have been paid. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except as may be provided in subsection (4);
- (vi) Except as otherwise provided herein, required parking areas shall be used for motor vehicle parking only, with no sales, storage, repair work or dismantling of any kind. Removal, discontinuance or reduction of such required parking and loading facilities from practical use by obstruction, erection of structures or other actions which reduce the parking or loading capacity or usefulness thereof is prohibited unless replacement facilities are established which meet the requirements of this chapter.

- b) **Mixed Occupancy.** In the case of two or more uses for the same structure, the total off-street parking requirements for the various uses shall be the sum of the requirements for each of the uses computed separately.
3. **Space requirements.**
- a) **Definition.** Unless otherwise provided in this chapter, the required number of off-street parking spaces shall be in conformance with the table set out in subsection b) of this section.
- b) **Use Space Table.** For purposes of this chapter, gross floor area shall not include elevator shafts, stairwells, storage or mechanical equipment rooms. Where alternative requirements result in conflicting computations, the greater shall apply.

Use Space Requirements	
Banks and other financial offices with customer service on premises	1 per each 200 sq. ft. of gross floor area
Bed and breakfast inns, tourist homes and rooming houses	2 plus 1 per sleeping room
Boat building/repair	1 per 1,500 sq. ft. of gross floor area
Child day care and preschool	1 plus 1 loading space if serving 12 or fewer children, otherwise 1 parking space per employee plus 2 loading spaces
Churches, mortuaries, auditoriums and similar places of assembly	1 per 4 seats or 60 lineal inches of pew or 40 sq. ft. of gross floor area used for assembly purposes
Convalescent homes for the aged	1 per each 5 beds
Dance halls, skating rinks, and similar recreation uses	1 per 200 sq. ft. of floor area used for recreation
Dry cleaners, appliance and shoe repair shops, bakeries without customer seating, similar front counter uses	1 per 450 sq. ft. of gross floor area

Furniture, major appliance, floor covering, hardware stores:	If less than 1,500 sq. ft. of floor area 1 per 500 sq. ft. of gross floor area If more than 1,500 sq. ft. of floor area 3 spaces plus 1 per each 600 sq. ft. in excess of 1,500 sq. ft.
Gas Stations	1 per employee (based on maximum number of employees working at peak hours) plus 1.5 per service station bay plus any retail component that may be associated with a gas station.
Health and physical fitness clubs	1 per 200 sq. ft. of gross floor area
Libraries and museums	1 per 300 sq. ft. of gross floor area
Manufacturing uses, research testing and processing, assembling, all industries except boat building/ repair	1 per each 2 employees on maximum shift and not less than 1 per 800 sq. ft. of gross floor area
Medical, dental or veterinary offices	1 per each 200 sq. ft. of gross floor area
Moorage facility other than those reserved for exclusive use of adjacent residence	1 per each 2 mooring spaces, excluding mooring spaces used only for transient moorage
Motels, hotels, motor hotels	1 per sleeping unit
Motor vehicle, machinery, plumbing, heating, ventilating, building supply stores and service	1 per 1,000 sq. ft. of gross floor area or 1 per each 3 employees
Motor vehicle, motorcycle and small engine repair	1 per 400 sq. ft. of gross floor area
Offices, business and professional (other than banks, medical, dental or veterinary offices) with on-site customer service	1 per 300 sq. ft. of gross floor area
Offices not providing onsite customer service	2 plus 1 per employee
Playing fields	25 per acre

Recreational, commercial center	1.5 per each bowling alley, tennis or racquetball court, pool or billiard table; .33 per hole for a miniature golf course; 1 per 4 video games.
Residential, single-family; mobile home parks	2 per dwelling unit or mobile home space
Residential, duplex or multifamily	1.5 per dwelling unit. 1 for ancillary in commercial
Restaurant or tavern	1 per 130 sq. ft. of gross floor area
Retail, not otherwise listed:	If less than 5,000 sq. ft. of floor area 1 per 300 sq. ft. of gross floor area If over 5,000 sq. ft. of floor area 17 plus 1 per each 500 sq. ft. in excess of 5,000 sq. ft.
Schools, elementary and junior high	2 per classroom, plus two loading spaces
Schools, senior high	6 per classroom
Schools, adult education	Where there are fewer than 4 classrooms, 1 per each 2 fixed seats. Where there are more than 4 classrooms, 1 per each 4 fixed seats. For exercise, dance, martial arts, etc., 1 per 50 square feet of gross floor area used for instruction.
Stadiums, sports arenas and similar open assemblies	1 per 8 fixed seats and 1 per 100 sq. ft. of assembly space without fixed seats
Storage areas which are incidental and subordinate to the principal use which otherwise conforms to this chapter	No requirement
Theaters	1 per 4 seats
Warehouse, storage and wholesale business	1 per each 2 employees on maximum working shift

- c) Fractional Spaces. If the provisions of this chapter result in a parking requirement which includes a fractional parking space, any fraction less than one-half shall be disregarded, and any fraction of one-half or greater shall require one parking space.
- d) Uses Not Specified. In the case of a use not specifically mentioned in subsection b) of this section, the requirements for off-street parking facilities shall be determined by the Planning Director, based on the most similar uses for which requirements are specified.
- e) Location. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the distance measured along the shortest safe public pedestrian way, from the nearest point of the parking facility to the nearest portion of the FV and BG zones for uses in subsection (e)(i) of this section or to the nearest entrance to the structure which the facility is required to serve, for uses in subsection (e)(ii) of this section.
 - (i) For all uses in the FV and BG zones the parking facility must be within 200 feet.
 - (ii) Ancillary residential uses, as defined in the FV and BG zones, are subject to the provisions of this chapter and shall have one and one-half (1.5) spaces per dwelling unit.
 - (iii) For all residential dwelling units the parking facility must be on the same lot which the parking spaces are to serve.
- f) On-Street Parking Spaces.
 - (i) If the proposed parking area plan submitted pursuant to subsection (6) would require elimination of one or more existing on-street parking spaces within the FV or BG zones, the parking requirements prescribed in subsection (3)(b) of this section are increased by two off-street parking spaces for each on-street space to be eliminated;
 - (ii) If, however, such parking area plan would restore one or more existing on-street parking spaces within the FV or BG zones, by reducing existing curb cuts or other conflicts, the off-street parking requirements prescribed in subsection (3)(b) of this section are reduced by two off-street parking spaces for each on-street parking space restored by said plan.
- g) Within the FV zoning designation, the space requirements outlined in the table under subsection 3.b) may be reduced as follows:
 - (i) One (1) space for every bicycle rack that can accommodate a minimum of ten (10) bicycles, provided that this criteria shall result in the reduction of no more than three (3) parking spaces;
 - (ii) Up to three (3) parking spaces when there is an Island Transit bus stop located within seventy-five (75) of a customer oriented entrance to a commercial building.
 - (iii) Two (2) parking spaces where there is an Island Transit bus stop located within one-hundred and fifty (150) feet of a customer oriented entrance to a commercial building.

- (iv) Up to two (2) parking spaces for commercial activities that have a sidewalk between the primary business use(s) and Main Street. A sidewalk may be existing or it may be proposed as part of a development. The commercial activity must have a pedestrian connection that links the sidewalk and the commercial use(s).
- (v) Up to three (3) parking spaces for commercial activities that are adjacent to a non-motorized trail. In order to be eligible, the commercial activity must provide a connection that links the non-motorized trail and the commercial use(s).

4. Joint use.

- a) The Planning Director may authorize the joint use of parking facilities, in order to meet the requirements of this chapter, through a joint use agreement between the owners of a use which required parking primarily during one time period and a use which required parking primarily during a substantially different time period.
- b) No more than one joint use parking agreement may be applied to any portion of any parking facility, and no more than two uses may share any portion of any parking facility.
- c) The applicant shall clearly demonstrate that there is no substantial conflict between the operating hours of the uses for which joint use of off-street parking facilities is proposed.
- d) The applicant shall present a binding legal agreement, executed by the parties holding an ownership interest in the properties subject to the proposed joint use parking agreement. The agreement shall provide that it may be enforced by the town and shall be irrevocable for the term of the proposed joint use parking. Further, it shall provide that in the event the joint use parking becomes unavailable, adequate replacement off-street parking shall be provided or that one or both uses shall be discontinued. Such instrument, after being approved as to form and manner of execution by the town attorney, shall be approved by the land use administrator, recorded with the county auditor, and filed with the town building official prior to the issuance of a building permit.

5. Waiver of requirements.

- a) Fee in Lieu of Parking Spaces.
 - (i) Within the FV and BG zones only, the Planning Director may waive all or part of the on-site parking requirements upon written request by the applicant to pay a fee into the parking improvement fund created pursuant to subsection b) of this section, said payment to be in lieu of furnishing the required parking spaces. This option is permitted only when there is an existing or planned eligible parking lot. Eligible parking lots are described in subsection b)(ii) below. In making a determination on the request, the land use administrator shall consider:
 - (1) The extent to which the parking requirements which apply to the proposed development impose a particular hardship upon the applicant;
 - (2) Whether granting the request would be unreasonably burdensome to other

property owners in the downtown core area; and

(3) Whether granting the request would lead to a better overall result than would strict adherence to the parking requirements of this chapter for the purposes of encouraging appropriate land uses, improving pedestrian circulation and achieving better parking design.

(ii) *The fee to be paid in lieu of providing the required parking spaces shall be \$##,### (\$13,500 in the city I pulled this language from) per space required, or such other amount as the Board of Island County Commissioners shall hereafter set by ordinance, based on current values for the purchase of land and construction of off-street parking spaces, or on a rental fee for each required space.*

(iii) The fee in lieu of parking spaces shall be paid in full to the County prior to the issuance of a building permit.

(iv) A waiver may not be granted for parking spaces needed to serve residential dwelling units.

(v) No more than a maximum of fifty (50) percent of the parking spaces needed to serve a non-residential development may be waived through the fee in lieu of parking space option.

b) Parking Improvement Fund.

(i) There is hereby created in the County treasury a special fund designated the "parking improvement fund," into which all in-lieu parking fees shall be deposited, to be expended only for public improvements listed in a parking improvement plan to be adopted by the Board of Island County Commissioners. The Board of Island County Commissioners may from time to time direct that other moneys be transferred into the fund to be used for the purposes of the fund;

(ii) The fund shall be used exclusively for planning, acquisition, design, development, construction and financing of parking facilities for use in the Freeland BG and BV zones, all consistent with the specific project priorities set forth in the parking improvement plan, as adopted or thereafter amended by the Board of Island County Commissioners.

6. Plan required.

a) General Plan. The applicant shall submit a plan of the proposed parking facilities at the time of the application for the building or occupancy permit which the parking facilities will serve. The plan shall include the following:

(i) North point and scale;

(ii) All adjacent streets, alleys, sidewalks and curbs;

(iii) Storm drainage facilities, designed and approved in accordance with Title 11 ICC as amended;

(iv) Ownership of entire lot or parcel to be developed;

- (v) Existing and proposed land contours;
 - (vi) Existing trees which have a trunk diameter of six inches or greater measured four feet above grade;
 - (vii) Outline of all existing and proposed structures;
 - (viii) Completely dimensioned parking layouts, clearly showing all parking stalls, driveways and aisles, with parking stalls sequentially numbered;
 - (ix) All traffic-control devices such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs, and other developments;
 - (x) Parking stalls, aisles and driveways shall be clearly marked as follows:
Hard-surfaced parking areas shall use white paint or equivalent material to delineate stalls, zones for persons of disability, and directional arrows; and each stall developed to compact car dimensions shall be clearly labeled "COMPACT" on the parking surface;
 - (xi) Landscaping shall be shown pursuant to ICC 17.06.190.C; and
 - (xii) Lighting shall be shown pursuant to ICC 17.06.190.A.
- b) Minimum Dimensions.
- (i) Preliminary Parking Plans. Preliminary parking plans which do not show each parking space, access aisle and driveway pursuant to subsection a) of this section, or acres reserved for future parking on a gross area basis, shall allow 300 square feet per vehicle.
 - (ii) Standard Sized Parking Spaces.
 - (1) Standard sized parking spaces placed parallel to the access driveway or aisle shall be a minimum of nine feet wide and 23 feet long. Driveways or aisles serving standard sized parallel spaces shall be a minimum of 22 feet wide for two-way traffic or 12 feet wide for one-way traffic.
 - (2) Standard sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimensional requirements for standard sized cars set forth in subsection c) of this section.
 - (iii) Compact Sized Parking Spaces.
 - (1) When more than 10 parking spaces are required for a particular use, one-half of the parking spaces may be designated as "COMPACT" spaces and be developed in conformance with the minimum dimensional requirements for compact sized cars set forth in subsection c) of this section.
 - (2) Compact car sized parking placed parallel to the access driveway or aisle shall be a minimum of eight feet wide and 20 feet long. Driveways or aisles exclusively serving compact sized parallel parking spaces shall be a minimum of 20 feet wide for two-way traffic or 11 feet wide for one-way traffic.
 - (3) Compact sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimensional requirements for compact

sized cars set forth in subsection c) of this section.

(4) Every compact sized parking space developed pursuant to this chapter shall be clearly identified as such by painting the word “COMPACT” in upper case, block letters on the pavement within the space or, in the case of unpaved parking stalls, on the bull rails or wheel stops of each such stall.

(iv) Tandem parking spaces (allows forward car to be blocked by second car immediately behind) are permitted as follows:

- (1) One per single- or two-family dwelling;
- (2) One per each four multifamily dwelling units;
- (3) Otherwise, one per each four employees.

(v) Disability Parking Spaces. The minimum number and dimensions of parking spaces for persons of disability shall be provided pursuant to applicable state laws and regulations.

c) Parking Space Table. Minimum Parking Dimensions.

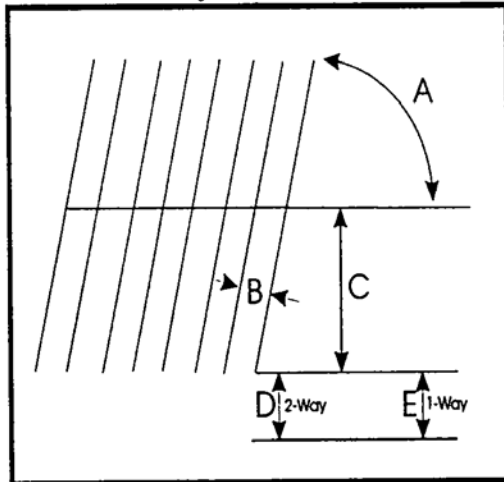
(i) **Standard Sized Spaces**

A	B	C	D	E
30°	9'	17.3'	12'	12'
45°	9'	19.8'	15'	12'
60°	9'	21.0'	18'	17'
90°	9'	19.0'	24'	19'

(ii) **Compact Sized Spaces**

A	B	C	D	E
30°	8'	14.9'	12'	12'
45°	8'	17.0'	13'	12'
60°	8'	17.9'	16'	15'
90°	8'	16.0'	22'	18'

Key to Tables



- d) Curb Cuts. Width of curb cuts shall be determined by the street and storm drainage standards, as defined in Title 11 ICC, but in no case shall be wider than 30 feet. For parking lots with fewer than 10 parking spaces, a single curb cut which is no wider than 12 feet is allowed. Parking lots with separate points of ingress and egress shall have curb cuts of maximum width of 12 feet separated by a distance of at least 20 feet.
- e) Surface Requirements. Off-street parking and access areas serving single-family residential uses in single-family residential zones shall be paved or surfaced so as to eliminate dust or mud. All other off-street parking and access areas shall be paved with asphalt, constructed of concrete, or other approved surfaces, and maintained at all times.

7. Design Details

a) Lighting

- (i) Lighting of areas provided for offstreet parking shall be designed and arranged to prevent a nuisance or hazard to passing traffic;
 - (ii) Where a parking facility shares a common boundary with any residentially zoned property, the lighting devices shall be shaped and directed to shield the light from such neighboring property;
 - (iii) All parking lots shall be lighted to a level of at least .5 candle power as measured on the ground. Parking lot fixtures shall be non-glare and mounted no more than twenty (20) feet from the ground.
- b) Wheel Stops. All landscaped and pedestrian areas shall be protected from encroachment by parked cars. At a minimum, a two foot wide wheel stop (extended curb), as measured outward from the paved or planted area, shall be constructed in non-parallel parking stalls. Free standing wheel-stop “bumpers” are not permitted in the parking areas visible from a public right of way or park.
 - c) Signs. All markings and signs for individual stalls shall be marked on the pavement.

- No free standing or wall mounted signs for individual stalls are permitted to extend higher than 2'-0" above grade.
- d) Curbs. All parking areas, landscaped areas, and driveways must be surrounded by a 6" high vertical concrete curb, except that curb cuts are allowed when they are part of a Low Impact Development design feature.
8. Loading and queuing spaces. Loading and Queuing Spaces – Number Required and Location.
- a) Each department store, freight terminal, hospital, sanitarium, industrial or manufacturing establishment, retail or wholesale store, supply house, laundry, dry cleaning establishment, storage warehouse or similar use where large amounts of goods are received or shipped shall provide the minimum number of truck loading spaces indicated by the following table and locate said spaces on the same premises as the use:
 - b) Each auditorium, convention or exhibit hall, sports arena, hotel, office building, restaurant, or similar use shall provide the minimum number of truck loading spaces indicated by the following table and locate said spaces adjacent to the premises of the use:
 - c) Each loading space shall not be less than 10 feet in width and 25 feet in length, and shall have a vertical clearance of at least 14 feet in height;
 - d) All banks, savings and loan associations, restaurants, and any other businesses which maintain drive-in facilities shall provide sufficient vehicular queuing space to prevent obstruction of public rights-of-way or private driveways or aisles during peak business hours.

C. Landscaping, Tree Retention, Screening, and Maintenance

1. General Principles. Trees and other types of vegetation are important elements of the physical environment. They are integral to Freeland's community character and protect public health, safety, and general welfare. Protecting, enhancing, and maintaining healthy trees, Groves of trees and vegetation are key community values. The many benefits of healthy trees and vegetation contribute to Freeland's quality of life by:
 - a) Providing an opportunity for preservation and development of a pleasing visual environment in the commercial, industrial and multifamily residential districts of the community from the viewpoint of residents and visitors;
 - b) Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community;
 - c) Avoiding and reducing visual blight which may be created by large expanses of barren asphalt which often make up parking lots;
 - d) Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for stormwater control/treatment and utility maintenance;
 - e) Improving the air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen;
 - f) Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
 - g) Providing recreational benefits;
 - h) Providing habitat, cover, food supply, and corridors for a diversity of fish and wildlife.
2. General Requirements
 - a) The vegetation requirements of this section can be achieved through retention of existing vegetation, installation of new vegetation, or a combination of retention and installation.
 - b) Tree Density. Tree Density is the term used to quantify the number and size of new and/or existing trees that must exist on a property after it is developed. Any new development or redevelopment that results in an addition, alteration or repair that adds square footage equal to or greater than fifty percent of the existing square footage, or has construction costs of an amount equal to or greater than fifty percent of the assessed value, of the structures on-site, shall fully comply with the tree density requirements of this section.
 - c) It is a higher priority to protect and maintain existing Significant Trees and Groves in their present location than it is to establish new landscaped areas. With the exception of the landscaping requirements for parking lots, retention of

existing Significant Trees and Groves can be utilized in lieu of meeting the other landscape requirements outlined in this section.

- d) Vegetated Community Spaces and Open Spaces required under section 17.06.190.D can be credited towards the landscaping standards of this section.
- e) Newly vegetated areas shall utilize plant species that:
 - (i) Fulfill the screening, shading and appearance purposes of the landscaping in all seasons;
 - (ii) Will be comparable in scale to surrounding existing and anticipated uses when plants reach maturity;
 - (iii) Are native to the regional environment or readily adaptable to local conditions;
 - (iv) Will not create particularly burdensome maintenance or damage problems such as large leaf debris, dripping sap, or pavement damage; and
 - (v) Will not require regular irrigation under normal local weather conditions after three years of growth.
- f) Planting methods shall follow accepted nursery standards and practices suited to the particular conditions of the site;
- g) Mechanisms shall be employed that provide protection of trees from vehicular damage;
- h) Adequate watering systems and unpaved areas around plantings shall be incorporated into landscaping designs;
- i) Landscaping design shall preserve necessary sight triangles at intersections so vegetation will not create a vehicular sight hazard.
- j) Applications for development shall include a landscaping plan that describes and identifies areas where landscaping, screening, tree retention and community/open spaces are proposed. The plan shall include the following:
 - (i) Identification of existing trees that are to be retained. A summary shall be provided that describes the type and size of each tree. The crown of each tree shall be shown on a scaled map, including the crown of trees located on adjacent properties that extend onto the property proposed for development.
 - (ii) Identification of proposed trees, shrubs, herbs, groundcover and other vegetation that is proposed. Information shall be provided that shows the type, size, quantity and location of each plant and tree species.
 - (iii) A summary of the number of tree credits that are proposed and a description of how the Tree Density requirements are being met.
 - (iv) A summary of the method(s) of irrigation.
 - (v) A drawing that shows the size of vegetation at the time of planting and the size of vegetation after five (5) years.

3. Landscaping and Screening Standards. Landscaping requirements are based on the

total quantity of vegetation that is planted or retained and the location in which it is installed or preserved. Quantity is defined in terms of Tree Density. Landscaping requirements may be achieved through retention of existing trees or planting of new trees. Because removal of existing Significant Trees and Groves requires decades to replace, these standards include incentives for utilizing existing vegetation to meet the landscaping requirements.

a) Tree Density Requirements.

(i) Minimum Tree Density Requirement Established. Undeveloped sites and developed sites subject to the tree density requirements shall meet the required minimum tree density as follows:

- (1) Lots in the Business General zone shall meet the required minimum Tree Density of 60 tree credits per acre
- (2) Lots in the Business Village zone shall meet the required minimum Tree Density of 30 tree credits per acre.

(ii) Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the Planning Director based on transplant specifications provided by a qualified tree professional that will ensure a good probability for survival.

(iii) Tree Density Calculation. For the purpose of calculating required minimum tree density, right-of-way and areas to be dedicated as right-of-way, shall be excluded from the lot area used for calculation of tree density. Tree density calculation for existing individual trees is calculated by multiplying the tree credits by the factors listed in either subsection (2) or (3), but not both.

(1) The diameter of a tree shall be measured at a height of four (4) feet.

(2) Tree credit value shall be found in Table 1. Outside of a Grove, a species multiplier that is based on the size of Canopy for a mature tree shall be applied. The multipliers shall be as follows:

- #) Tree species that have a Canopy of 34 feet or less in diameter at maturity (small trees), the multiplier shall be 0.75;
- #) Tree species that have a Canopy of 35 feet to 44 feet in diameter at maturity (medium trees), the multiplier shall be 1.0; and
- #) Tree species that have a Canopy of 45 feet or greater in diameter at maturity (large trees), the multiplier shall be 1.2.

(3) Within a Grove, the multiplier shall be 1.75 for each tree retained that is greater than two (2) inch DBH.

(4) Table 1 - Tree Density.

Diameter in inches		Total Credit
From:	To:	

11/23/2009

1.0	2.0	0.25
2.1	3.7	0.50
3.8	5.9	0.75
6.0	8.0	1.25
8.1	10.0	1.50
10.1	15.2	1.75
15.3	19.2	2.50
19.3	23.1	3.25
23.2	26.0	4
26.1	29.0	5
29.1	32.0	6
32.1	34.0	7
34.1	36.0	8
36.1	39.0	9
39.1	42.0	10
42.1	46.0	12
46.1	50.0	14
50.1	54.0	16
54.1	58.0	18
58.1	62.0	20
62.1	66.0	22
≥ 66.1		24

- (iv) Tree Density standards shall apply to all new developments and major redevelopments, and new subdivisions and short subdivisions. Density credit is described below. It is the intention of these standards to grant greater Tree Density credit value to existing Significant Trees and Groves than newly installed landscaping.
- (v) Because retention of any and all trees is encouraged, any and all existing healthy trees can be utilized to meet the Tree Density requirements. If a site contains existing trees that are to be retained but it still falls below the minimum density, supplemental planting shall be required. The Tree Density for existing trees shall be calculated first. This will be used to determine if new trees are needed to meet the density requirements.
- (vi) Trees that must be retained because they are located within a wetland, stream, or a buffer are not eligible to be calculated in the Tree Density

requirement.

- (vii) At the discretion of the Planning Director, damaged or diseased or standing dead trees may be preserved and credited toward the tree preservation requirement if demonstrated that such trees will provide important wildlife habitat and are not classified as a hazard or nuisance tree.

- b) Location requirements. Where new vegetation is proposed as part of a landscaping plan, the following requirements are established.

- (i) **Main Street.**

- (1) Street trees are required every forty (40) feet on center;
 - (2) Street trees shall be chosen from the approved Freeland Street Tree list;
 - (3) All newly planted street trees shall have a minimum caliper size of at least two and one half (2.5) inches.

OR

- (1) The type, location and size of street tree shall be consistent with the Main Street Plan.

- (ii) **Other Streets**

- (1) Street trees shall be chosen from the approved Freeland Street Tree list;
 - (2) Street trees shall be placed at the following interval:
 - (#) Trees classified as small or narrow on the Freeland Street Tree list shall be spaced at thirty (30) feet on center;
 - (#) Trees classified as medium sized on the Freeland Street Tree list shall be spaced at thirty (40) feet on center;
 - (#) Trees classified as large boulevard trees on the Freeland Street Tree list shall be spaced at thirty (50) feet on center;
 - (3) All newly planted street trees shall have a minimum caliper size of at least two and one half (2.5) inches.

4. Screening Standards.

- a) The intention of screening is to hide buildings, uses or activities from adjacent properties, public roads, sidewalks, trails and parks.
- b) Vegetation that is utilized to provide screening shall be a minimum of fifty percent (50%) non-deciduous in order to provide year round screening.
- c) Existing Significant Trees and Groves located within areas used for screening may be credited towards the Tree Density requirements of subsection (3) above.
- d) Screening along zone boundaries
 - (i) Screening is required between zoning designations under the following

circumstances:

- (1) Where residential and commercial zoning designations abut;
 - (2) Where commercial and industrial zoning designations abut;
 - (3) Where industrial and residential zoning designations abut;
 - (4) Where industrial and mixed use zoning designations abut;
 - (5) While screening may not be required in those situations where mixed use zones abut residential and commercial zoning designations, landscaping shall be utilized as a means of enhancing the transition between zoning designations.
- (ii) Landscaping shall be the preferred form of screening along zoning district boundaries. Newly planted landscaping and retention of existing vegetation are both acceptable techniques for satisfying the screening requirements. Where new vegetation is proposed, year round screening shall be achieved within five (5) years of installation.
 - (iii) Arbors, retaining walls, fences, art, statuary and other hardscape features can be incorporated into a screening plan, however, fencing shall not be the sole mechanism for screening along zone boundaries. In the event that fencing is utilized, landscaping shall be incorporated in a manner that allows vegetation to screen the fence within five (5) years.
- e) Screening of buildings and uses. The following buildings, uses and activities shall be fully screened:
- (i) Outdoor storage that is accessory to the primary use;
 - (ii) Garbage receptacles;
 - (iii) Mechanical equipment and utility connections;
 - (iv) Loading and unloading docks and entryways;
 - (v) Blank walls;
 - (vi) Retaining walls that are greater than three (3) feet in height. Retaining walls can be screened by placing vegetation at the foot of the wall or be placing hanging vegetation at the top of the wall.
- f) Wherever practical, critical areas and their buffers shall be utilized to meet the screening requirements.

5. Parking Lot Standards

- a) Applicability. This section applies to all surfaced off-street parking lots in Freeland excluding those which are accessory to single or two-family dwellings.
- b) Purpose: Provide separation and screening of parking areas from public streets, pedestrian areas and surrounding uses.
- c) Existing Significant Trees and Groves located within parking lots, or adjacent to parking lots, may be credited towards the Tree Density requirements of subsection (3) above.

- d) Minimum Standards. Each parking lot landscaping plan shall provide for the following minimum landscaping installations:
- (i) Perimeter Landscaping. Off-street parking lots shall provide perimeter landscaping in accordance with the following minimum requirements:
 - (1) A three-foot-wide planting strip along the entire lot perimeter, excluding driveways;
 - (2) One tree for each 20 lineal feet of lot perimeter or fraction thereof, excluding driveways;
 - (3) Each tree shall be healthy “balled and burlapped” stock and carefully planted;
 - (4) Each deciduous tree shall measure a minimum of two inches in diameter at time of planting;
 - (5) Each evergreen tree shall have a minimum height of eight feet at time of planting;
 - (6) The remaining planting strip area shall be planted with shrubs and ground cover;
 - (7) Shrubs shall be a minimum height of two feet at time of planting; and
 - (8) All property other than the designated parking area shall be landscaped with at least grass or other ground cover.
 - (ii) The following screening buffer shall be provided in lieu of the requirements outlined in subsection (i) above whenever a parking lot is proposed to encroach within 30 feet of a public sidewalk or non-motorized trail. These requirements will apply to that portion of the parking lot that encroaches plus an additional 10 feet on each side of the encroachment. Screening can occur in one of the following ways:
 - (1) Constructed Planters
 - (#) A constructed planter shall be located no further than 10 feet from the edge of the public right of way that contains the public sidewalk or non-motorized trail;
 - (#) For every 50 feet of constructed planters, a break of up to 10 feet is permitted which will allow pedestrian traffic to migrate between the parking lot and the public sidewalk or non-motorized trail. Trellises, arbors or other similar structures that cover the openings are allowed;
 - (#) A constructed planter shall be made of masonry, concrete and shall be between 2’-6” to 3’-0” in height above the post graded ground elevation. Metal or wood may be considered provided that the design and materials match the primary building on the lot. The planter shall not be constructed of concrete masonry units (e.g. cinder block) that are not architecturally treated;

- (#) Landscaping shall be required within the planter boxes. Landscaping must provide effective visual screening of the parking lot to a height of 6 feet above the post graded ground elevation within 3 years and may include any combination of the following:

- (#) Hedges, bushes, herbs, flowers, and groundcovers;
- (#) Trellises with climbing vine vegetation;
- (#) Fences with vegetation placed on the sidewalk/trail side of the fence;
- (#) Hardscape features such as rock, statuary, or art.

(2) Fencing Strip

- (#) Fencing strips shall be at least 5'-0" wide and the fence shall be placed on the parking lot side of the strip;
- (#) Fences shall be between 6'-0" and 6'-6" in height;
- (#) For every 50 feet of fencing, a break of up to 10 feet is permitted which will allow pedestrian traffic to migrate between the parking lot and the public sidewalk or non-motorized trail. Trellises, arbors or other similar structures that cover the openings are allowed;
- (#) On the sidewalk/trail side of the fence, a mix of deciduous and coniferous trees are required at a spacing of at least 20'-0" on center. The spacing requirement is used to determine the total number of trees required. Trees may be placed in groups when it helps achieve the goals of parking lot screening;
- (#) Shrubs are required at a spacing of at least 3'-0" on center to produce an opaque screen at least 3'-0" in height within 3 years; and
- (#) Ground cover and/or herbs to cover the rest of the strip.

(iii) Parking Lot Interior Landscaping. Each parking area which has 15 or more parking spaces shall provide interior landscaping in accordance with the following minimum standards:

- (1) The following minimum amount of area shall be provided for landscaping:

Total Parking Spaces	Required Landscape Area
15 to 50 spaces	15 square feet/parking space
51 to 99 spaces	25 square feet/parking space
100 or more spaces	35 square feet/parking space

- (2) Shrubs and ground cover shall be provided in the required landscape

areas. Shrubs shall be planted at a density of 5 per 100 square feet of landscape area. Up to fifty (50) percent of shrubs may be deciduous. Groundcover shall be selected and planted so as to provide ninety (90) percent coverage within three (3) years of planting;

- (3) No parking stall shall be located more than fifty (50) feet from a landscape area;
 - (4) Provide at least one tree for every seven (7) parking spaces. The trees required of parking lot landscaping are not considered as street trees;
 - (5) Each landscaping area shall contain at least one deciduous tree or acceptable substitute which measures a minimum of two inches in diameter at time of planting.
- (iv) Existing trees may be used as credit towards satisfying the standards of subsections (1), (2), and (3) above.

6. Landscape Maintenance Standards

- a) Maintenance. It shall be the responsibility of the property owner to maintain all landscaping and trees that are required under this Chapter. Such maintenance shall include removal and replacement of dead and dying trees, grass and shrubs; removal of trash and weeds; and maintenance of fences, retaining walls and other hardscape features.
- b) Protection of Existing Trees During Construction.
 - (i) Prior to development activity or initiating Tree Removal on a site, existing vegetated areas and individual trees that are to be preserved shall be protected from potentially damaging activities pursuant to the following standards. These standards apply to permits for demolition, grading, site plans and building.
 - (1) Protected Area. A protected area shall be established and marked on site that shall be measured to include the area five (5) feet beyond the Dripline of all retained trees.
 - (2) Placing Materials near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals.
 - (3) Protective Barrier. Prior to any development, land clearing, filling or any land alteration, the applicant shall:
 - (#) Erect and maintain readily visible temporary protective fencing along the limits of disturbance which completely surrounds the protected area of all retained trees or groups of trees and their Understory.
 - (#) Install highly visible signs spaced no further than 25 feet along the entirety of the protective tree fence that state "Tree

Protection Area, Entrance Prohibited.”

- (#) Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the Planning Director may allow such activities approved by and under the supervision of a qualified tree professional retained and paid for by the applicant.
- (#) Maintain the protective barriers in place until the Planning Director authorizes their removal, which shall not be prior to completion of major site development.
- (#) Ensure that any approved landscaping done in the protected area subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
- (#) In addition to the above, the Planning Director may require the following as site conditions require:
 - #) If equipment is authorized to operate within the Critical Root Zone, the areas adjoining the Critical Root Zone of a tree shall be covered with mulch to a depth of at least six inches, or with plywood, metal or similar material in order to protect roots from damage caused by heavy equipment.
 - #) Minimize root damage by excavating a two-foot-deep trench, at edge of Critical Root Zone, to cleanly sever the roots of trees to be retained.
 - #) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
 - #) Maintenance of trees throughout construction period by watering.
- (4) Grade.
 - (#) The grade shall not be elevated or reduced within the Critical Root Zone of trees to be preserved without the Planning Director’s authorization based on recommendations from a qualified tree professional. The Planning Director may allow coverage of up to one half of the area of the tree’s Critical Root Zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree’s survival.
 - (#) If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree’s Critical Root Zone, it shall be permanently stabilized to prevent suffocation of the roots.
 - (#) The applicant shall not install an impervious surface within the Critical Root Zone of any tree to be retained without the

authorization of the Planning Director. Alternatives to installing impervious surface within the Critical Root Zone, such as a meandered sidewalk or shifting improvements, shall be considered prior to approval of installation of impervious surface within the Critical Root Zone. The Planning Director may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.

- (#) Utility trenches should be located outside of the Critical Root Zone of Type 1 trees. If utilities must be placed within the Critical Root Zone, the applicants qualified tree professional establish to the satisfaction of the Planning Director that the design will adequately support the long-term viability of the trees.
 - (5) Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.
 - (5) Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention. Any trees designated for preservation, per the approved landscaping plan, that are significantly damaged or destroyed during felling of trees approved for removal, shall be replaced.
 - (6) Additional Requirements. The Planning Director may require additional tree protection measures that are consistent with accepted urban forestry industry practices.
- c) Installation Standards for Required Landscaping Plantings
- (i) All required trees shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. When an applicant proposes to locate a subterranean structure under required trees that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required trees; and (2) enter into an agreement with the County, in a form acceptable to the Prosecuting Attorney, indemnifying the County from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the County Auditor's Office.
 - (ii) Compliance. It is the applicant's responsibility to show that the proposed landscaping plan complies with the regulations of this chapter.

- (iii) Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy or plat recording, except that the installation of any required landscaping may be deferred during the summer months to the next planting season, but never for more than six months.
- (iv) Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- (v) Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than one and three-tenths grams per cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off to prevent excessive compaction and underground pipe damage. The organic content of soils in any planting area shall be as necessary to provide adequate nutrient and moisture retention levels for the establishment of plantings.
- (vi) Landscaping Selection.
 - (1) Landscaping selection shall be consistent with the Freeland Plant Species List or the Critical Area Plant List if within a critical area or buffer.
 - (2) Trees shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
 - (3) Prohibited Materials. Plants listed as prohibited in the Freeland Plant Species List are prohibited for required tree plantings. Additionally, there are other plants that may not be used if identified in the Freeland Plant Species List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
 - (4) All trees shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
 - (5) Trees shall meet the minimum size standards established in other sections of the ICC.
 - (6) Multiple-stemmed trees may be permitted as an option to single-stemmed trees provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Director prior to installation.
 - (7) Irrigation. Landscaping plans must describe irrigation techniques

that ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. Irrigation techniques can include permanent constructed systems, temporary systems, or hand techniques. Irrigation shall be designed to conserve water by using the best management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to insure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the trees.

(vii) Drainage. All planted areas shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half inch of water per hour is acceptable.

(viii) Mulch.

(1) Required plantings shall be covered with two inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.

(2) All mulches used in planter beds shall be kept at least six inches away from the trunks of shrubs and trees.

(ix) Protection. Existing or proposed trees must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., shall be required as needed to protect required trees.

d) Landscaping Maintenance Requirements

(i) The following maintenance requirements apply to all landscaping the County requires to be planted or preserved:

(1) Responsibility for Regular Maintenance. Required landscaping shall be considered as elements of the project in the same manner as parking, building materials, fences, walls, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping. Landscaping that dies and is removed shall be replaced in kind by the property owner. The timing of the replacement planting shall be determined by the Planning Director and a qualified tree professional.

(2) Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (iii) and (iv) of this section:

(#) All required vegetation shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy or plat recording, the proponent shall provide a final

as-built landscape plan and an agreement to maintain and replace all vegetation that is required by the County.

- (#) Any existing tree, tree designated for preservation, or planted tree shall be maintained for a period of five years following issuance of the certificate of occupancy or plat recording for the individual lot or development.
 - (3) Maintenance of Preserved Grove. Any applicant who has a Grove of trees identified for preservation on an approved landscape plan shall provide prior to occupancy or plat recording the legal instrument acceptable to the County to ensure preservation of the Grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Director determines that preservation is no longer appropriate.
 - (4) Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the County has required to be planted or retained. Removal must be performed in a manner that will not harm the tree or other vegetation that the County has required to be planted or protected.
 - (ii) Landscaping Plans and Utility Plans. Landscaping plans and utility plans shall be coordinated. In general, the placement of landscaping should adjust to the location of required utility routes both above and below ground. Location of landscaping shall be based on the plant's mature size both above and below ground. See the Freeland Plant Species List for additional standards.
 - (iii) Tree Pruning. Topping or pruning to the extent that would constitute Tree Removal as defined herein is not allowed. If a required tree smaller than six inches in diameter-at-breast-height is topped, it must be replaced pursuant to the standards contained herein. If a tree six inches or larger in diameter-at-breast-height is topped, the property owner may be subject to enforcement actions pursuant to Chapter 17.03 ICC. Trees may be windowed or limbed up using best management practices. This method of tree pruning shall maintain the health of the tree.
7. General Tree Removal. While landscaping, screening and tree retention standards are typically applied during the development review process, tree removal on an already developed site, or on a site that has yet to be proposed for development, may periodically be required.
- a) Permit Required. No person shall directly or indirectly conduct any of the activities listed below before first obtaining a Clearing and Grading permit as provided in this chapter unless the activity is exempted as described in subsection (b).
 - (i) Removal of any Significant Tree as defined in this chapter on any property.

- (ii) Removal of non-Significant Trees, between 2” and 6” that have a combined diameter of 40 inches within a 12-month period.
- b) Exemptions. The following activities are exempt from the provisions of this chapter:
 - (i) Emergency Tree Removal. Any tree on private, developed property that poses an imminent threat to life or property, due to a storm event such as a windstorm or ice storm, may be removed without first obtaining a permit. The party removing the tree will contact the County within seven days of removal to provide documentation of threat for approval of exemption. If it is determined that the emergency Tree Removal was not warranted, the County may require a permit and/or that replacement trees and vegetation be replanted as mitigation.
 - (ii) Utility Management. Trees may be removed by the County or utility provider in situations involving immediate danger to life or property, or interruption of services provided by a utility.
 - (iii) Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.
 - (iv) Removal of any and all non-Significant trees with a diameter of less than 2 inches.
- c) Hazard or nuisance trees may be felled to prevent hazardous conditions subject to the following conditions:
 - (i) Nuisance Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a nuisance tree meets the following criteria. The Planning Director may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.
 - (1) Tree is causing obvious, physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation or roof;
 - (2) Tree has been damaged by past maintenance practices that cannot be corrected with proper arboricultural practices;
 - (3) Tree is predisposed to fungus diseases, or chronic diseased tree, that would require annual spraying;
 - (4) There is overcrowding or overplanting; or
 - (5) The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice, including but not limited to the following:
 - (#) Pruning of the Crown or roots of the tree.
 - (#) Small modifications to the site including but not limited to moving a driveway, parking lot, patio or sidewalk to alleviate

the problem.

- (#) Pruning, bracing, or cabling to reconstruct a healthy Crown.
- (ii) Hazard Tree Criteria. A qualified tree professional with tree risk assessment certification shall provide documentation that a hazard tree meets the following criteria. The Planning Director may waive the requirement for such documentation when he/she determines that the criteria have clearly been met.
 - (1) The tree must have a combination of structural defects and/or disease which makes it subject to a high probability of failure and is in proximity to moderate high frequency of persons or property; and
 - (2) The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the persons or property be removed.
 - (3) Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.
- (iii) When hazard or nuisance trees are approved for removal, replanting shall be required. Tree Density shall be replaced at a rate of twice that which is lost.

D. Open Space and Community Gathering Places

1. General

- a) While open space is typically thought of in terms of extensive undeveloped rural areas, it is equally important to establish open, undeveloped areas within urban growth areas.
- b) Important types of open space within urban areas include parks, greenbelts, trails, and small pocket open spaces and community gathering places.
- c) It is particularly important to create aesthetically pleasing and functionally valuable space within the FV and BG zones of Freeland. While public investment in parks, greenbelts and trails is important, it is vital for individual businesses to participate in creating a network of connected spaces.
- d) Open space and community gathering places in the commercial core of Freeland enhances the vibrancy of a downtown area by encouraging residents and visitors alike to meet, shop, eat, and stroll through the FV and BG zones. Businesses within the FV and BG zone will benefit from amenities that attract people to visit and stay in the downtown area.
- d) This section focuses on how individual developments within the FV and BG zones can contribute to a vibrant commercial core where people can walk, sit, and interact within an area that offers seating, landscaping, gardens, art, and walkways.
- e) Open space and community gathering places are two different amenities.
 - (i) Open Space. In the Freeland context, open space provides visual access to landscaped areas where it is unlikely that the general public will have free access to walk or sit. It is acceptable to fence these areas so that it precludes public access.
 - (ii) Community Gathering Place. A community gathering place is one where the public will have general access to walk, sit, interact, or eat. These areas may include outdoor eating and drinking places or courtyards. In limited circumstances, interior space may be considered as a community gathering place when it can be demonstrated that it is designed with the clear intention to be used as general community space rather than space that simply serves the business(es) of a particular building. It is acceptable to post restrictions on privately owned community gathering places that discourage or prohibit certain activities such as skateboarding, rollerblading, etc.

2. General Standards

- a) All uses within the FV and BG zones will provide open space, community gathering space, or a combination of both.
- b) Open Space must include landscaped areas that act as a featured element of the exterior design and layout of the site. The following standards shall apply to all areas designated as open space:
 - (i) Landscaped areas that are required for parking lots are not eligible in meeting

the open space standards of this section.

- (ii) Open space must be immediately adjacent to the primary commercial building(s) located on the site.
 - (iii) Walkways and paths may bisect open spaces in order to allow pedestrian access to buildings or other uses on the property.
 - (iv) Open spaces can be designed in any shape or form, however, strips of open space that are adjacent to walkways must be at least five (5) feet in width on average.
 - (v) Along the borders of open space areas, physical access can be blocked by fencing, planters or hedges that do not exceed thirty (30) inches in height. Arbors, art, statuary or other similar features may exceed the thirty (30) inches, however they cannot fully screen the open space.
- c) Community Gathering Places must include the following characteristics:
- (i) Outdoor areas where people can congregate. These areas may come in a variety of different forms including outdoor seating associated with a café, courtyards with bench seating, outdoor sculpture parks, or decks and patios.
 - (ii) Community gathering places must incorporate permanent features that define the perimeter, e.g. landscaped border strips, planters, low profile fences or retaining walls, arbors. Fences shall not be made of plastic and retaining walls shall not be made of cinder block. Square footage is defined by measuring the exterior perimeter of any border features.
 - (iii) Open space may be incorporated into community gathering spaces.
 - (iv) Temporary or seasonal outdoor eating and drinking areas are allowed but are not counted towards the overall open space or community gathering place requirement.
3. Freeland Village Standards. Open space and community gathering space in the FV zone shall meet the following standards:
- a) Point values are assigned to each of the following location, size and types of open space and community gathering space:
 - (i) Permanent outdoor restaurant seating that serves a single restaurant, and that is at least 250 square feet in size. Seating areas can be on the ground level or on an upper level and can be covered, but not enclosed – one (1) point.
 - (ii) Gardens and sculpture parks. These are areas that are not accessible to the public other than defined walkways that may meander through this space.
 - (1) One (1) point for every 250 square feet (a minimum of 250 square feet is required in order to meet this standard) that is located between the primary building(s) and Main Street or when it is adjacent to a courtyard.
 - (2) One (1) point for every 500 square feet (a minimum of 500 square feet is required in order to meet this standard) that is located between the primary building(s) and a public trail or walkway.

- (3) One (1) point for every 1,000 square feet (a minimum of 1,000 square feet is required in order to meet this standard) that is located between the primary building(s) and a customer parking lot.
 - (4) One (1) point for every 1,500 square feet (a minimum of 1,500 square feet is required in order to meet this standard) for all other locations.
 - (iii) Courtyards, patios, and decks. Outdoor seating for restaurants and cafes can be included in this category when it is not restricted to use by restaurant or café patrons only. Additionally, outdoor spaces that are located underneath an upper story of a structure are eligible open space or community space, e.g. decks, buildings, bridges. These areas are accessible to the general public with reasonable limitations that restrict hours and activities.
 - (1) One (1) point for every 150 square feet (a minimum of 150 square feet is required in order to meet this standard) that is located between the primary building(s) and Main Street or when it is adjacent to a courtyard.
 - (2) One (1) point for every 300 square feet (a minimum of 300 square feet is required in order to meet this standard) that is located between the primary building(s) and a public trail or walkway.
 - (3) One (1) point for every 450 square feet (a minimum of 450 square feet is required in order to meet this standard) that is located between the primary building(s) and a customer parking lot.
 - (4) One (1) point for every 600 square feet (a minimum of 600 square feet is required in order to meet this standard) for all other locations.
 - (iv) Landscaped alleys. Alleys must be located between buildings that are no further than thirty (30) from each other and provide connection between public spaces such as customer parking lots, sidewalks, courtyards, or trails. Gates may be incorporated into private alley designs in order to restrict use to normal business hours. One (1) point for every 50 linear feet of alley.
 - (v) Bonus for public seating. Where public seating is provided under subsections (ii), (iii) or (iv) one (1) additional point shall be awarded. The amount of seating shall be proportionate to the amount of open space provided.
 - (vi) Bonus for connection to adjacent properties. Where sidewalks, trails, alleys, walkways, courtyards, or other areas provided under subsections (ii), (iii), or (iv) and they are connected to an adjacent open space or community space feature, one (1) additional point shall be awarded for each property that is connected.
- b) All developments in the FV zone shall accumulate a total of at least **four (4)** open space or community gathering space points per business.
 - c) For lots that are less than one half acre in size, relief from the open space and community space standards may be granted provided that the intent can be met in a manner that is proportionate to the above standards.
4. Business General Standards
- a) Point values are assigned to each of the following location, size and types of open

space and community gathering space:

- (i) Permanent outdoor restaurant seating that serves a single restaurant. Seating areas can be on the ground level or on an upper level and can be covered, but not enclosed – one (1) point.
 - (ii) Gardens and sculpture parks. These are areas that are not accessible to the public other than defined walkways that may meander through this space.
 - (1) One (1) point for every 500 square feet (a minimum of 500 square feet is required in order to meet this standard) that is located between the primary building(s) and a public sidewalk or trail, or when it is adjacent to a courtyard.
 - (2) One (1) point for every 1,000 square feet (a minimum of 1,000 square feet is required in order to meet this standard) that is located between the primary building(s) and a customer parking lot.
 - (3) One (1) point for every 1,500 square feet (a minimum of 1,500 square feet is required in order to meet this standard) for all other locations.
 - (iii) Courtyards, patios, decks. These areas are accessible to the general public with reasonable limitations that restrict hours and activities.
 - (1) One (1) point for every 300 square feet (a minimum of 300 square feet is required in order to meet this standard) that is located between the primary building(s) and a public sidewalk or trail, or when it is adjacent to a courtyard.
 - (2) One (1) point for every 600 square feet (a minimum of 600 square feet is required in order to meet this standard) that is located between the primary building(s) and a customer parking lot.
 - (3) One (1) point for every 900 square feet (a minimum of 900 square feet is required in order to meet this standard) for all other locations.
 - (iv) Bonus for public seating. Where public seating is provided under subsections (iv) or (v) one (1) additional point shall be awarded. The amount of seating shall be proportionate to the amount of open space provided.
- b) All developments in the BG zone shall accumulate a total of at least six (6) open space or community gathering space points per business.
 - c) For lots that are less than one half acre in size, relief from the open space and community space standards may be granted provided that the intent can be met in a manner that is proportionate to the above standards.

E. Design Standards

1. The purpose of design standards is to exercise aesthetic judgment for development projects within Freeland in order to maintain the desirable character of the community. The community character is defined by having charm in the design of buildings, keeping buildings small in scale, and honoring the beauty and ecology of Freeland's natural setting.
2. Objectives.
 - a) Implement the goals and policies of the Freeland Sub Area Plan;
 - b) To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset;
 - c) To encourage originality and creativity in site design, architecture and landscape design;
 - d) To ensure that the arrangement of all functions, uses and improvements of a development reflect the natural capabilities and limitations of its site and adjacent property;
 - e) To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious;
3. In the Freeland Village and Business General zones, design standards are recognized as a critical aspect to commercial and mixed use development. These standards are intended to create an aesthetically pleasing downtown commercial core where residents, business owners, and visitors desire to work, recreate and socialize. The following aspects of commercial and mixed use design will be evaluated with each development proposal:
 - a) **Scale.** The size of a structure will have an impact on how it fits into the overall community and its compatibility with the surrounding area. The relationship between building size and pedestrian areas is particularly important. Large, tall buildings that are adjacent to a sidewalk create a different atmosphere than those that are shorter and smaller. The design of all structures shall consider how the structure and site development will be viewed from the street and adjacent properties. Scale is not simply the size of the buildings, it is the proportion of buildings in relationship to each other, to the street and to the pedestrian environment.
 - b) **Layout and connection.** How a structure or use is laid out will determine how effective it will functionally integrate with sidewalks, trails, courtyards, open space, community space, and streets.
 - c) **Orientation.** Orienting buildings and site improvements in a manner that encourages connections with pedestrian and vehicular corridors is critical. Likewise, variation of building orientation can help reduce unwanted view corridors between buildings. .
 - d) **Architecture.** The architectural features, building materials and color are critical aspects of how a building will look. Architectural styles will invoke different

feelings to pedestrians and drivers. A community that is comprised entirely of square metal buildings will look and feel different than a community where architecture has been thoughtfully planned and designed. Building forms shall not present visual mass or bulk impacts that are out of proportion to the adjoining structures, or that appear from the street or sidewalk as having unmodulated visual mass or bulk. Building additions shall complement the original structure in design.

- e) Site features. New development shall include public amenities, such as storefronts with canopies, street trees, seating, fountains or water features, outdoor cafes, sculpture or other forms of art, and places for gathering and lingering. The use of materials, color, texture, form and massing, proportion, public amenities, mitigation of environmental impacts, landscaping and vegetation, and architectural detail shall be incorporated in the design of new development with the purpose of supporting a human scale, pedestrian-oriented commercial center.
 - f) Variation. Repetition of nearby building design, color, height, building material, orientation, setback, and size are all to be avoided. Variation in can adds intrigue to the look and feel of a community. The objectives and standards do not set a particular style of architecture or design theme. The style and site design shall be pedestrian in scale and address design features such as sloped roof lines; view protection; distinctive building shapes; integration of art; textures; patterns; treatment of pedestrian and public spaces; interface with the public right-of-way; landscaping; signage and facade treatments.
4. Applicability. The following shall be subject to the provisions of this chapter:
- a) All new construction or new development except for single-family residence, mobile home, modular home and their accessory structures;
 - b) Any exterior alteration to an existing nonresidential use except for alterations which are determined to be minor, pursuant to Section 17.06.###;
 - c) Any alteration of site improvements, such as landscaping or off-street parking, in conjunction with an existing nonresidential use, except for alterations which are determined to be minor, pursuant to Section 17.06. ###;
 - d) Any exterior alteration to an existing multifamily structure except for alterations which are determined to be minor, pursuant to Section 17.06.###;
 - e) Public Improvements.
 - (i) Street improvements that involve design elements such as landscaping, lighting, sidewalks or street furniture;
 - (ii) Installation of street furniture such as bike racks, benches or trash receptacles;
 - (iii) Sidewalks, both new and reconstruction of existing sidewalks;
 - (iv) Off-street parking for public use;
 - (v) New park projects or major improvements to existing parks;

- (vi) Street lighting projects that involve the installation of a different type of light fixture, or a new level of illumination, or a different spacing of light fixtures.
5. Design review plan approval, as specified by this chapter, shall be required prior to:
- a) Site clearance activities such as tree removal, grading, excavation or filling.
 - b) The issuance of a building permit. The plan for which a building permit is issued shall conform in all aspects to the plan that has approval through the design review process.
 - c) The issuance of an application for site plan review.
6. General Design Standards. The design review criteria are intended to provide a frame of reference for the applicant in the development of site, building and landscape plans, as well as providing the County with a means of reviewing proposed plans. These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria. Individual criteria are established for site design and architectural design that shall apply in both the BG and BV zones. Additional criteria are established for each zoning designation.
- a) General Site Design standards.
 - (i) The arrangement of all functions, uses, and improvements shall be designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.
 - (ii) In terms of setback from the street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.
 - (iii) The design incorporates existing features such as streams, rocks, slopes, vegetation (i.e., making use of a small stream rather than placing it in a culvert).
 - (iv) If the project is unusually large, or if it is located so as to become part of an introduction/transition to Freeland or to a particular district, the design acknowledges the special impact the project would have on the entire community by addressing these design criteria in an exemplary, standard-setting manner.
 - (v) Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscaping/open space in order to create a pedestrian pathway and/or open system that connects several properties.
 - (vi) The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the surrounding area.
 - (vii) The improvements on the site enhance and/or do not deny solar access, light or air within the site or to adjacent sites or structures.
 - (viii) Where appropriate, the design includes a parking and circulation system

that encourages a pedestrian rather than vehicular orientation, including a separate service area for delivery of goods.

- (ix) The arrangement of the improvements on the site does not unreasonably block or greatly degrade scenic vistas enjoyed from neighboring (especially public) sites.
 - (x) The various functions and elements of the site design have been integrated into a unified whole, except in those cases where separation is appropriate. The overall design is visually harmonious when viewed either from within the site or from outside the site.
 - (xi) The design gives attention to the placement of storage or mechanical equipment so as to screen it from view.
 - (xii) If the project is adjacent to, or visible from, State Highway 525, the design minimizes its visual impact on the scenic character of State Highway 525.
 - (xiii) The arrangement of functions, uses and improvements on the site have been designed to provide access to and within the site for individuals with disabilities.
- b) General Architectural Design standards.
- (i) The design avoids either monotonous similarity or excessive dissimilarity with existing structures, or structures for which a permit has been issued, in the same vicinity. If the development includes multiple structures, the design avoids either monotonous similarity or excessive dissimilarity between the component structures.
 - (ii) The size, shape and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood. In the Business Village zone, the structure(s) are sufficiently modest in scale to enhance the village character of the community.
 - (iii) The proposed materials and colors are compatible with the character setting of the city.
 - (iv) The design avoids monotony and provides visual interest and charm by giving sufficient attention to architectural details and to such design elements as texture, pattern and color.
 - (v) If the project includes a large structure or structures, such as a large motel or condominium, the design avoids a monolithic expanse of frontages and rooflines and diminishes the massing of the buildings by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.
 - (vi) If the project is unusually large, or if it is likely to become a village landmark, or if it is located so as to become part of an introduction/ transition to Freeland or to a particular district, the design acknowledges the special impact the project would have on the entire community by addressing the design criteria in an exemplary, standard-setting fashion.

- (vii) The height of the structure(s) is architecturally compatible with the site and the surrounding neighborhood. The height of the structures contributes to the village scale.
- (viii) The height of the structure(s) is such that it does not unreasonably destroy or degrade the scenic values of the surrounding area.
- (ix) The height of the structure(s) is such that it does not unreasonably block or greatly degrade the views of scenic vistas as seen from neighboring sites.
- (x) The height of the structure(s) is such that it does not unreasonably deny solar access, light or air to an adjacent structure, on or off the site.
- (xi) The design sufficiently addresses the relationship of the structure(s) to the sidewalk and to pedestrian activity so as to foster human interaction.
- (xii) The proposed signage harmonizes with the other structures in terms of form, materials and scale.
- (xii) The project incorporates design elements or building improvements which result in the conservation of energy.
- (xiv) The design of the project ensures continued privacy for the occupants of adjacent structures.

7. Site features

- a) Objectives. All major new construction shall be designed to attract people to the commercial core, including the provision of special site features. Pedestrian-scale design elements may include street furniture or other seating surfaces on private property and design amenities scaled to the pedestrian such as awnings, drinking fountains, mid-block connections, arcades, colonnades, plazas, courtyards, water features, kiosks, public or private art and alternative paving materials in areas of pedestrian access.
- b) Development and Design Standards.
 - (i) Minor Site Features. All major new construction regardless of its height shall have at least three minor site features, provided that such choices contribute to a well-balanced mix of features in the general vicinity of the development. All major new construction shall have canopies or all-weather features described in subsection b)(i)(2) of this section along 80 percent of Main Street. Minor site features may include the following:
 - (1) Decorative Landmarks. Imaginative features that complement the building design and create visual focal points that give identity to an area, such as decorative clocks, special paving in pedestrian areas, art features, water features, drinking fountains, or creative designs for necessary building features or functions. Art shall be integrated with the public street improvements. Examples include sculpture, murals, inlays, mosaics, friezes or bas-reliefs. The location of art shall provide for public view but not hinder pedestrian traffic.
 - (2) Canopies or All-Weather Features. Specially designed all-weather

features that integrate weather protection systems at the sidewalk level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection and sunlight on the pedestrian environment to make spending time outdoors feasible in all seasons, such as awnings, canopies, trellises, pergolas, or covered arcades.

- (#) Any canopy or awning over a public sidewalk shall be a permanent architectural element.
 - (#) Any canopy or awning over a public sidewalk shall project out from the building facade a minimum horizontal width of six feet and be between eight to 12 feet above grade.
 - (#) Architectural details shall not be concealed by awnings or canopies.
 - (#) Awning shapes shall relate to the shape of the facade's architectural elements. The use of traditionally shaped awnings is encouraged.
 - (#) Vinyl or plastic awnings or canopies are not allowed.
 - (#) All awnings or canopies must function to protect pedestrians from rain and other weather conditions.
- (3) Kiosks. Community-oriented kiosks, which may include bulletin boards and newsstands or racks, creatively designed and consolidated and placed in areas where large numbers of people gather, which complements the site design and streetscape and reduces visual clutter.
- (4) Courtyards. An outdoor covered or uncovered area easily accessible to the public at the same level as the public sidewalk or pedestrian connections which shall:
- (#) Be at least 10 feet in width, with a building facade on at least one side;
 - (#) Be covered with trees, groundcover, or other landscaping over at least 50 percent of its area; and
 - (#) Include seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings;
 - (#) The courtyard may not be covered by a roof, story or skybridge; provided portions of the courtyard may be covered for weather protection, but not enclosed.
- (ii) Major Site Features. Any major new construction which exceeds one-story base height shall include at least one of the following major site features, provided that such choices contribute to a well-balanced mix of features in the general vicinity.
- (1) Pedestrian Connection. Pedestrian connections will qualify as a major site feature provided that the minimum width shall be 10 feet.

- (2) **Public Plazas.** Public plazas will qualify as a major site feature provided the minimum size of a single public plaza shall be at least two percent of the gross floor area of the development, but not less than 1,500 square feet in area. Two or more plazas may be established provided that such multiple plazas will have an equal or greater public benefit as the single plaza, the combined square footage of the multiple plazas is at least two percent of the gross floor area of the development and each public plaza is at least 1,500 square feet in area.
- (3) **Water Feature.** A water feature shall be accessible and/or visible by pedestrians from an adjacent sidewalk or plaza.
 - (#) Any water feature shall be designed to use water efficiently with low water loss from evaporation and wind.
 - (#) In order to qualify as a major site feature, the cost of the water feature shall be equivalent to at least two percent of the construction costs.
 - (#) Water features shall be located in sunny areas.
- (iii) **Other Site Features.** Other major or minor site features may be approved in place of those listed above.
 - (1) **“Major” Criteria.** A site feature will only be considered as “major” if it is of equal or greater public benefit than one or more of the major site features listed above and shall not be less than one percent of the construction costs.
 - (2) **Other Site Features.** Examples of other site features include contribution to a public art or design project within close proximity to the new construction, such as transit-oriented development (TOD) amenities, parking that supports park and ride use or facilities that support bicycle use; or contribution to a public/private partnership, such as street improvements, that result in the development of a community-oriented public gathering place.

8. Visual interest

- a) **Objectives.** Building facades shall be designed with a variety of architectural elements that suggest the buildings’ use and how it relates to other development in the specific focus area. Buildings shall be oriented to the street frontage to enliven the street edge as well as to maximize access from the public sidewalk. Building facades shall provide visual interest to pedestrians. Special care shall be given to landscaping, mass and roof forms of buildings to provide visual interest from residential areas surrounding the commercial core as well as from public streets or sidewalks. Street level windows, minimum building setbacks, on-street entrances, landscaping and articulated walls are encouraged. Architectural features and other amenities shall be used to highlight buildings, site features and entries and add visual interest. Within the BG and BV zones all development shall provide elements that attract the interest of residents,

shoppers and workers.

b) Development and Design Standards.

- (i) Street-Facing Facade Elements. All major new construction shall include at least seven of the following elements on the street facing facades, at least four of which shall be located on the ground floor level:
 - (1) Window and door treatments which embellish the facade.
 - (2) Decorative light fixtures.
 - (3) Unique facade treatment, such as decorative materials and design elements.
 - (4) Decorative paving.
 - (5) Trellises, railings, gates, grill work, or unique landscaping.
 - (6) Flower baskets supported by ornamental brackets.
 - (7) Recessed entrances.
 - (8) Balconies.
 - (9) Medallions.
 - (10) Belt courses.
 - (11) Decorative tilework.
 - (12) Unique, handcrafted pedestrian-scaled designs.
 - (13) Planter boxes with seasonal color.
 - (14) Projecting metal and glass canopy.
 - (15) Clerestories over storefront windows.
 - (16) Other elements as approved by the design commission.
- (ii) Walls. Blank walls without visual or architectural interest shall not be designed. Buildings shall provide massing breaks along wall expanses and walls shall include visual or architectural treatments. Walls facing the sidewalk or other pedestrian-accessible space shall be architecturally treated with recesses, trellises with climbing vines or landscaping, artwork, windows, seating, recessed secondary entrances, balconies, belt courses, cornices, plinths and other means of breaking up the blank wall surface. Buildings without pedestrian-oriented uses on the ground-floor facade may substitute artwork, fountains, garden type landscape areas and/or display windows.
- (iii) Ground Floor Windows and Doors. Major new construction along Main Street shall have at least 75 percent of the length of the ground-floor facade between the height of two feet and seven feet devoted to windows and doors affording views into retail, office, or lobby space.
- (iv) Upper Story Facades. Upper stories of buildings shall maintain an expression line along the facade such as a setback, change of material, or a

projection to reduce the perceived building mass. Upper floor windows shall be divided into individual units and not consist of a “ribbon” of glass. Upper-story features shall improve the relationship between the upper story and the street. Such features include, but are not limited to, balconies, roof decks, bay windows or upper-story commercial activities.

- (v) **Transparent Facades.** Articulated, transparent facades shall be created along pedestrian rights-of-way. Highly tinted or mirrored glass windows, shades, blinds or screens that prevent pedestrian view into buildings shall not be allowed.
- (vi) **Long Buildings.** Long buildings (more than 50 feet) shall provide relief to perceived building mass through such features as varied setbacks or heights; or projecting windows, entrances or walls. Long linear walls shall be staggered horizontally and vertically to provide interest.
- (vii) **Contiguous Building Facade.** A contiguous building facade (longer than 50 feet) along the street frontage shall have a building element, such as an embellished entrance, courtyard, arcade or other architectural element dividing the facade visually.
- (viii) **Entrances.** Building entrances shall concentrate along the sidewalk and shall be physically and visually inviting. Entrance doors shall be recessed from the facade surface to emphasize the entrance and provide a sheltered transition to the interior of the building. Special paving treatments may be used to enhance the entry. Corner building shall be designed with angled entrances at the corner, or entrances that open onto a public plaza or courtyard. Minimum eight-foot wide pedestrian walkways with wheelchair ramps shall be constructed between the sidewalk and building entrances.
- (ix) **Residential Uses on Ground Floor.** Where permitted, residential uses on the ground floor shall be oriented to the street and provide pedestrian-oriented elements such as entry porches, steps, window boxes, or bay windows.
- (x) **Roofs.** Roofs are a design element and shall relate to the building facade articulations. A variety of roof types and configurations shall be used to add interest and reduce the perceived building bulk. Varied parapet height or roofline is encouraged.
- (xi) **Identity Emphasis.** Public buildings, unique community structures and corner structures shall have a prominent scale, emphasizing their identity.
- (xii) **Corner Lots.** Buildings on corner lots shall be oriented to the corner. Corner entries and/or architectural treatment shall be used to emphasize the corner.
- (xiii) **Consistency.** The elements of a building shall relate logically to each other, as well as to the surrounding buildings. A single building or complex shall be stylistically consistent; architectural style, materials, colors and forms shall all work together.

9. Materials and color

- a) Objectives. Textured high quality materials and colors shall bring a visually interesting experience into the streetscape. Color shall be carefully considered in relation to the overall design of the building and surrounding buildings. Color and materials shall highlight architectural elements such as doors, windows, fascias, cornices, lintels, and sills. Variations in materials and colors shall be generally limited to what is required for contrast or to accentuate architectural features. Piecemeal embellishment and frequent changes in materials are to be avoided.
- b) Development and Design Standards.
 - (i) Building Exteriors. Building exteriors shall be constructed from high quality and durable materials. It is important that the materials and colors will weather well and that building exteriors will need minimal maintenance.
 - (ii) Consistency on All Sides. Materials and colors shall be used with consistency on all sides of a building.
 - (iii) Concrete Walls. Concrete walls shall be architecturally treated. The enhancement may include textured concrete such as exposed aggregate, sand blasting, stamping or color coating.
 - (iv) Harmonious Range of Colors. A harmonious range of colors shall be used within the BG and BV zones. Neon or very bright colors, which have the effect of unreasonably setting the building apart from other adjacent buildings on the street, shall not be used.
 - (v) Bright Colors. Bright colors shall be used only for trim and accents.
 - (vi) Prohibited Materials. Beveled metal siding, mirrored glass, and vinyl siding shall not be used.

10. Screening

- a) Objectives. All storage, service and truck loading areas, utility structures, elevators and mechanical equipment on the ground or roof shall be screened from public view in such a manner that they are not visible from public streets, sidewalks or surrounding residential areas.
- b) Development and Design Standards.
 - (i) On-Site Service Areas. All on-site service areas, loading zones, outdoor storage areas, garbage collection and recycling areas and similar activities shall be located in an area not visible from public streets. Consideration shall be given to developing common service courts at the interior of blocks. Service areas shall accommodate loading, trash bins, recycling facilities, storage areas, utility cabinets, utility meters, transformers, etc. Service areas shall be located and designed for easy access by service vehicles and for convenient access by each tenant. Any emissions of noise, vapor, heat or fumes shall be mitigated. Loading activities shall generally be concentrated and located where they will not create a nuisance for adjacent uses

- (ii) Garbage, Recycling Collection and Utility Areas. Garbage, recycling collection and utility areas shall be enclosed and screened around their perimeter by a wall or fence at least seven feet high, concealed on the top and must have self-closing doors. If the area is adjacent to a public street or pedestrian alley, a landscaped planting strip, minimum three feet wide, shall be located on three sides of such facility. Any emissions of noise, vapor, heat or fumes shall be mitigated.
- (iii) Meters and Mechanical Units. Water meters, gas meters, electric meters, ground-mounted mechanical units and any other similar structures shall be hidden from public view or screened.
- (iv) Fences. Fences shall be made of masonry, ornamental metal or wood, or some combination of the three. The use of chain link, plastic or wire fencing is prohibited.

11. Lighting

- a) Objectives. Lighting shall be an integral part of any new or existing development. Lighting shall contribute to the individuality, security and safety of the site design without having overpowering effects on the adjacent areas. Lighting is viewed as an important feature, for functional and security purposes, as well as to enhance the streetscape and public spaces. The design of light fixtures and their structural support shall be integrated with the architectural theme and style of the main structures on the site.
- b) Development and Design Standards.
 - (i) Pedestrian-Scale Light Fixtures. Pedestrian-scale light fixtures shall be incorporated into the site design to give visual variety from one building to the next and shall blend with the architectural style.
 - (ii) Light Type. Lighting shall use minimum wattage metal halide or color corrected sodium light sources, which give more “natural” light. Non-color corrected low-pressure sodium and mercury vapor light sources are prohibited.
 - (iii) Building Entrances. All building entrances shall be well lit to provide inviting access and safety.
 - (iv) Building-Mounted and Display Window Lights. Building-mounted lights and display window lights shall contribute to lighting of walkways in pedestrian areas.
 - (v) Parking Areas. Parking area light fixtures shall be designed to confine emitted light to the parking area. The height of the light fixtures shall not exceed 16 feet.
 - (vi) Neon Lighting. Neon lighting may be used as a lighting element; provided, that the tubes are concealed and are an integral part of the building design. Neon tubes used to outline the building are prohibited.
 - (vii) Shielding. All lighting fixtures shall be shielded or located to confine light spread within the site boundaries, to the extent possible, especially when

11/23/2009

adjacent to residential uses.

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F. Highway Corridor Overlay

1. Purpose

- a) State Highway 525 has been officially designated as a scenic byway. An overlay district is established along State Highway 525 in which additional development criteria are established.
- b) This section establishes supplemental criteria for the development of properties zoned Freeland Village and Business General. Where there is a conflict between this section and other sections of this Chapter, the overlay criteria contained in this section shall apply.
- c) There are numerous view corridors and viewsheds that extend from State Highway 525 across, through, and over Freeland. The overlay district includes parcels that are located adjacent to State Highway 525 and those that are entirely or partially located within established view corridors and viewsheds.
- d) There are two primary purposes of the overlay district:
 - (i) Ensure that new development and land use activity located along State Highway 525 is carried out in a manner that maintains, promotes, and enhances the scenic attributes of Freeland; and
 - (ii) Maintain the view corridors of Holmes Harbor and the territorial viewsheds that span across Freeland.
- e) For development located along State Highway 525 the primary development considerations include building setback and placement, commercial signage, landscaping, demarcation of important gateways in Freeland, and landscaping.
- f) The primary technique for preserving view corridors of Holmes Harbor is to orient buildings and landscaping in a manner that allows the existing views to be preserved. It is not the intent of these standards to preclude development on parcels located within identified view corridors. The intent is to consider rooflines, building height, building placement, the type and size of mature landscaping, and other design aspects of a development proposal with the goal of maintaining current view corridors.
- g) Territorial viewsheds are located where State Highway 525 is elevated above Freeland and where vistas of Freeland can be seen from the highway. Examples of design aspects that should be considered within viewsheds include type of roof, rooflines, colors of roof, architectural features, and building orientation. It is important to evaluate how an individual development will fit within the context of an identified viewshed and how that development will appear as viewed from State Highway 525. The primary objective is to achieve variety within the viewshed and to avoid repetitive rooflines, colors, building locations, and building setbacks.

2. Standards for parcels that are adjacent to State Highway 525

- a) Landscaping

- (i) Landscaping along State Highway 525 shall follow meandering lines where trees and shrubs are varied in height, species, spacing, color, and shape. A mix of deciduous and coniferous trees is required where the ratio of deciduous to coniferous shall be between 1:3 and 1:5. Repetition and linear forms shall be avoided. Where berms are constructed, topography shall vary and the berm footprint shall meander.
 - (ii) The applicant shall consider how the proposed development proposal will provide visual continuity with each adjacent parcel that fronts the highway. While architectural styles, colors, and building size will vary from one parcel to the next, continuity can be achieved through landscaping and trails. Given that some parcels are developed with attractive landscaping, some are developed with very little landscaping, some have landscaping that has not been maintained, and others are undeveloped, the criteria and determination of how continuity will be achieved will vary.
- b) Buildings
- (i) The minimum building setback shall be fifty (50) feet from the edge of right-of-way.
 - (ii) For properties and/or structures that are not located at the intersection of State Highway 525 and a public road:
 - #) Vegetative screening shall be used in front of all walls that face State Highway 525. The vegetative strip shall be at least twenty (20) feet in width and shall achieve a full screen of the first floor of a building within five (5) years. The landscaping shall not appear linear, shall utilize a variety of native species, and shall provide year round screening. Screening plans do not need to anticipate full screening of a second or third story, however, upper stories require windows, and the landscaping plan shall ensure that twenty percent (20%) of the upper story walls will be screened with vegetation within ten (10) years of installation.
 - #) Architectural features must be incorporated into the design of the building that makes it appear as though the building has a primary orientation towards the highway (the actual primary and functional orientation may be facing another direction). Accentuated doorways, awnings, dormers, and second story decks are examples of creating the appearance that the building is oriented towards the highway.
 - (ii) For properties and/or structures that are located at the intersection of State Highway 525 and a public road, architectural features must be incorporated into the design of the building that makes it appear as though the building has a primary orientation towards the highway and public road (the actual primary and functional orientation may be facing another direction). Accentuated doorways, awnings, dormers, and second story decks are examples of creating the appearance that the building is oriented

towards the highway

- c) Commercial signage
 - (i) For monument and goal post signs within the Business General zone that are located within twenty-five (25) feet of the edge of right-of-way, the size of the sign shall be decreased by fifteen percent (15%) and the maximum height shall be reduced by three (3) feet.
 - (ii) For a sign that is located seventy-five (75) feet or greater from the edge of right-of-way, the sign may be increased by an additional fifteen percent (15%). For every additional increment of twenty-five (25) feet the sign may be increased by an additional fifteen percent (15%). Eligibility for use of this allowance applies when all of the following criteria are met:
 - #) The parcel upon which the sign will be located abuts the highway, and
 - #) The sign must be a monument or goal post sign that is oriented towards the highway, and
 - #) The sign advertises a single business, or it advertises a complex without naming any individual business.
- 3. Standards for parcels located within view corridors.
 - a) Implementation
 - (i) General view corridors are depicted in Exhibit ## of this ordinance. It is the intent of these standards to maintain view corridors that allow visual access to Holmes Harbor from State Highway 525.
 - (ii) It is not the intent of these standards to preclude development and land use activity within the view corridor, rather it is the intent to design the layout of a site in a manner that preserves views of Holmes Harbor.
 - (iii) View corridors are not intended to be boundaries which establish building envelopes or setbacks. Buildings may be partially located within corridors provided that they are below the "view line" or provided that they encroach into the corridor without compromising the view corridor.
 - (iv) Where a view corridor is identified view lines shall be drawn as follows:
 - (1) The origin shall begin six (6) feet above the nearest fog line on State Highway 525;
 - (2) The terminus shall be established at the landward edge of Holmes Harbor as seen from the fog line;
 - (3) View lines shall be drawn at each edge of the view corridor thereby establishing a horizontal view plane that connects each view line.
 - (4) Each view line shall be used to define the horizontal extent of the view corridor.
 - (5) The view plane shall be used to determine appropriate heights of buildings and landscaping features within the corridor.

- (v) While Exhibit ## of this ordinance establishes mapped view corridors, the actual view lines and view plane established using the above methodology shall be the governing view corridor.

b) Site Layout Standards

- (i) In planning the layout of a proposed development activity or land use the priority is to establish required open spaces, community spaces, and landscaped areas within the view corridor and to locate large buildings outside of the corridor.
- (ii) The layout of buildings shall take into consideration the location of other buildings located within or along the view corridor. Tunnel effects shall be avoided by utilizing one or more of the following techniques:
 - (1) Buildings shall be offset from each other by a minimum of ten (10) feet;
 - (2) Building orientation may be turned so that buildings facades do not run parallel to the view line;
 - (3) Landscaping can be used on the side of the building that faces the corridor. If vegetation is utilized, three strips shall be defined and the following technique employed:
 - #) Within the first ten (10) feet of the building, tall columnar tree species shall be planted even if this area is located within the corridor and above the horizontal view plane.
 - #) Within the next ten (10) feet medium height tree and shrub species shall be planted. Mature height of the species chosen should be at or below the horizontal view plane.
 - #) Within the outer ten (10) feet low profile vegetation shall be planted

c) Landscaping Standards

- (i) While retention of existing mature trees is encouraged, planting new trees that will grow to a size that will impede existing view corridors is prohibited. Tree and shrub species selection shall ensure that minimal maintenance is needed to maintain the view corridor.
- (ii) Existing vegetation may be removed in order to expand view corridors. This may be the preferred alternative in instances where there is very little space for siting buildings.

4. Standards for parcels located within viewsheds

a) Implementation

- (i) Viewsheds are depicted in Exhibit ## of this ordinance. It is the intent of these standards to ensure that territorial views of Freeland as seen from State Highway 525 are not adversely impacted by new development.
- (ii) The purposes of evaluating the impact of development on a viewshed are

as follows:

- (1) Ensure that there is diversity in the built environment and that repetitive patterns are not developing. Particular emphasis shall be placed on roofs. Roof line, style, color, material, and size can be adjusted to ensure diversity in the viewshed. Additionally, architectural features such as cupolas and chimneys can be used as attractive focal points within the viewshed.
 - (2) Ensure that buildings fit within the context of the established built environment. The height, color and size of individual structures can significantly impact the viewshed.
 - (3) Ensure that mechanical and rooftop equipment are adequately screened.
 - (4) Ensure that mature trees are, or will become, a key element of the future viewshed.
- (iii) The standards contained in this section are to be considered in the context of the overall viewshed as observed from State Highway 525. Because diversity is the goal the standards define results that should be avoided rather than a prescriptive list of requirements. It therefore becomes the responsibility of the applicant to provide a description of how these standards were considered and how a proposed development is consistent.

b) Standards.

- (i) Buildings - avoiding repetition within the viewshed. Because there is a finite array of materials, colors, and styles, and because colors and materials that are bright or garish are to be avoided, it is recognized that structures within the viewshed may share material, color and style. In order to achieve diversity within the viewshed the following design aspects of existing buildings located within one-hundred (100) feet of the perimeter of the proposed development activity shall be considered:
 - (1) Roof color, roof style, roof line, roof pitch, and roof material.
 - (2) Building color, height, and shape.
- (ii) Building size, color and height – avoiding structures that do not fit into the context of the viewshed.
 - (1) Buildings that dominate the viewshed either because of their color, size or height shall be avoided.
 - (2) Buildings may be designed to appear as a cluster of many rather than a single building
- (iii) Mechanical and rooftop equipment. Structural or natural screening shall be incorporated in a manner that screens mechanical and rooftop equipment.
- (iv) Landscaping – incorporating trees into the viewshed. Mature trees will add interest to the viewshed and help soften the impact of viewing roofs

11/23/2009

and pavement. For every two building facades that are greater than twenty (20) feet in length, one (1) tree that will grow to a height of at least one and one-quarter (1.25) the height of a structure shall be incorporated into the project. Each of the required trees shall be planted within twenty (20) of the building(s) and shall be placed on any side of a building other than the side that is opposite State Highway 525.

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G. Temporary Uses

1. Purpose. This section provides a process for authorizing uses or activities of a non-permanent nature for limited duration.
2. Review. A temporary use permit shall be issued if the conditions determined by the County Sheriff, Health, Public Works, and Planning Departments are met.
2. General Standards.
 - a) The use shall not result in substantial injury to the property in the vicinity; and
 - b) The use shall be consistent with the spirit and purpose of the Land Use Code; and
 - c) The use shall not be materially detrimental to the public welfare; and
 - d) The uses shall not interrupt any legally established permanent use of a property.
3. Structures. The following temporary structures shall not be permitted in the FV and BG zones:
 - a) Shipping containers
 - b) Temporary residences
 - c) Unscreened outdoor storage
4. Activities or Events.
 - a) The following are examples of temporary activities or events that are permitted:
 - (i) Outdoor cinema
 - (ii) Farmer's market
 - (iii) Music concerts
 - (iv) Food competitions and events
 - (v) Christmas tree sales
 - (vi) Outdoor art and craft shows and sales
 - (vii) Hobby / auto shows
 - (viii) Athletic events
 - (ix) Firework stands
 - (x) Flower stands
 - (xi) Public, religious, patriotic assemblies
 - (xii) Street fairs
 - (xiii) Seasonal fruit sales
 - b) Uses which may attract one-hundred (100) or more persons during a single event shall be processed by the standards of this chapter and the standards of Chapter 5.08 ICC.
 - c) The applicant shall demonstrate that there are adequate permanent and/or

temporary restroom and washing station facilities.

- d) The applicant shall demonstrate that there is adequate parking. If all or a portion of the parking that serves the activity or event is located outside of the FV or BG zone, the applicant may arrange shuttle services to off site locations. If shuttle service is used, the applicant shall provide details on the location of the off site parking lot(s), the frequency of shuttle service, and documentation that the owner of the off site parking lot agrees to the use of the site.
 - e) As a condition of approval of a temporary event permit, the applicant shall notify the Island County Sheriff's Department of the day and time of the event. Upon review of the permit application, the Sheriff may incorporate additional conditions related to traffic safety, traffic control, alcohol enforcement, or other matters related to public safety.
 - f) Where public rights-of-way are proposed to be used, e.g. a street fair, signage shall be posted 72 hours in advance of the event notifying the public that the right-of-way will be closed.
5. Duration and frequency. Unless specified elsewhere in this chapter, temporary use permits shall be limited in duration as follows:
- a) The temporary use permit shall be effective for no more than 90 days from the date of the first event except for Farmer's Markets where it is effective for 180 days; and
 - b) The temporary use shall not exceed 3 days per week and applies only to the days that the event actually takes place; and
 - c) The temporary use permit shall specify a date upon which the use shall be terminated and a date and time upon which all booths, inventory and/or equipment removed; and
 - d) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; and
 - e) A temporary use permit may be granted for multiple temporary uses on a property.
6. Public Rights-of-Way. Any Temporary use which will occur in a County right-of-way shall also be required to submit 'Use of County Rights-of-Way' attachment in addition to the temporary use permit.

H. Transition Development (shadow platting)

1. Purpose.
 - a) Establish standards which define pre-sewer density and intensity limits for commercial and mixed use developments that will preserve future urban development opportunities and infill that are supported by urban services at urban densities.
 - b) Protect land that is intended for future urban development.
 - c) Encourage the development of areas targeted for urban growth.
 - d) Permit the development and subdivision of lots provided that urban densities can be achieved at a future point.
 - e) Encourage and facilitate the implementation of the Freeland Comprehensive Sewer Plan
2. Definitions.
 - a) Shadow plat or site plan: A conceptual development plan that guides the future development of land at full urban intensities and densities for which lower density development is sought in the short term.
 - b) Non-urban densities: Residential development from 1 dwelling unit per 3 acres.
 - c) Urban densities: Residential development with a minimum of at least four (4) dwelling units per acre.
3. General Standards.
 - a) The guidelines set forth in this section shall only apply to development projects which are not served by the Freeland sewer.
 - b) When there are inconsistencies between the standards in this section and other sections, the standards in this section shall apply.
 - c) Only those standards which are specifically altered by this section have been changed. All other standards in this Chapter still apply.
 - d) Shadow plats or site plans shall be submitted and approved for subdivision and development proposals. It shall show the current development proposal and areas of the property that will be available to be developed at the full Density and Building Coverage standards of Chapter 17.06 and all applicable development standards.
3. Standards for parcels located in the Freeland Village zone.
 - a) The square footage of a building shall be limited to 12,000 square feet.
 - b) The maximum building coverage shall be eighty percent (80%).
 - c) Incentives offered through the performance standards are not applicable without existing or planned sewer service connection.
 - d) Residential Mixed Use development shall be limited to 2 dwelling units per acre and shall not exceed 25 percent of the total Mixed Use development.

11/23/2009

4. Standards for parcels located within the Business General zone.
 - a) The square footage of a building shall be limited to 27,000 square feet. The maximum building coverage shall be eighty percent (80%).
 - b) Incentives offered through the performance standards are not applicable without existing or planned sewer service connection.
 - c) Building height is limited to forty (40) feet.
 - d) Mixed Use development shall be limited to 2 dwelling units per acre and shall not exceed 25 percent of the total Mixed Use development.
5. **Standards for parcels located within the residential zones (Reserved)**

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I. Non-Conforming Uses, Structure, Lots and Signs

1. Non-Conforming Uses.

- a) Continuanace. A non-conforming use within a principal structure or accessory building may be continued if:
 - (i) The use was lawful at the time it was established;
 - (ii) The use had not been discontinued for a period of twelve (12) months since the non-conformity was established;
 - (iii) The use has not been enlarged in scope or size.
- b) Discontinuanace. All non-conforming uses not conducted in structures (outside uses) on the same lot shall be discontinued within three (3) years of the date the non-conformity was established or adoption of this chapter, whichever is later.

2. Non-Conforming Structures.

- a) Alterations. A non-conforming structure may be altered or enlarged, if:
 - (i) Alterations to the structure do not increase the non-conformity;
 - (ii) Alterations are necessary to meet county or state requirements; or
 - (iii) Alterations meet the existing requirements of the zone in which they structure is located;
- b) Restoration of Damage. A non-conforming structure may be restored, if damaged by fire or other hazard, in the same location and dimensions as existed before the damage occurred if restoration begins within six (6) months of the date the damage occurred. Upon a showing of hardship or conditions causing delay that are beyond the control of the applicant, the Director may grant an extension of time for up to six additional months.

3. Non-Conforming Lots. The proponent or applicant for any permit application involving a nonconforming lot shall be required to provide information and documentation demonstrating consistency with this section.

- a) Continuanace. A nonconforming lot may be considered a legal usable lot if any one of the following conditions exist:
 - (i) The lot was lawfully established;
 - (ii) The nonconforming lot does not adjoin a lot that has a structure on it and is under the same ownership, if the nonconformity is due to lot size; or
 - (iii) All uses of the nonconforming lot comply with all other provisions of this title.
- b) Discontinuanace. A nonconforming lot shall be subject to the provisions of this title if a single, nonconforming lot adjoins one or more unimproved lots under the same ownership. Such lots shall be merged or adjusted by lot line adjustment into the number of lots that meet or most nearly meet the requirements of this title.

4. Non-Conforming Signs. The owner of a freestanding, nonconforming sign shall be required to provide information and documentation demonstrating consistency with this section. The director of community development shall set an amortization period that shall allow the owner a reasonable return on his investment. In determining the specific amortization period, the director of community development shall include in his decision findings based on the magnitude of the hardship on the sign owner or user, including the economic loss of the cost of the sign and the benefits the public may derive from the discontinuation of the nonconforming sign.
 - a) Conformance Required. Unless otherwise prescribed by state law, all nonconforming freestanding signs shall be removed (including all elements of the sign structure) or made to conform to the requirements of this title within three (3) years of the passage of this section or within a specified amortization period as established in subsection B of this section.
 - b) Specific Amortization Period. The owner of a nonconforming freestanding sign may appeal to the director of community development for a specified amortization period longer than three years. The application fee shall be the same as the fee for a variance. The applicant shall provide the following information with the application:
 - (i) The date of the sign's purchase, lease or installation, and its original cost;
 - (ii) The depreciation schedule used for the sign as shown on Internal Revenue Service tax returns;
 - (iii) The total amount of depreciation claimed for the sign; and
 - (iv) The estimated cost of making the sign conform to the requirements of this title.

J. Impact Fees (Reserved)

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K. Utilities (Reserved)

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L. Future Growth Planning Area (Reserved)

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M. Accessory Dwelling Units (Reserved)

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17.06.200 Alternative Site Design

- A. **Purpose.** The purpose of alternative design standards is to allow flexibility when through the use of innovative and creative design techniques the external impacts of development are mitigated. It is recognized that strict application of this chapter may be difficult to achieve for an individual site or specific development proposal. It is also recognized that new or creative building or site design proposals may warrant some degree flexibility in determining compliance with this code. This section provides the flexibility to address these situations.
- B. **Objectives**
1. Implement the goals and policies of the Freeland Sub Area Plan.
 2. To encourage innovation and creativity through the flexible application of this chapter.
 3. To provide a method to for review and approval of projects which clearly demonstrate Superior Site or Building Design, but may not meet the minimum standards of this Chapter.
- B. **Superior Site and Building Design standards.** Superior site and building design standards are stated below or are those determined by the Director in consultation with the Freeland Community Commission to be consistent with the Freeland Sub Area Plan:
1. The arrangement of all functions, uses, and improvements designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.
 2. In terms of setback from the street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.
 3. The design incorporates existing features such as streams, rocks, slopes, vegetation (i.e., making use of a small stream rather than placing it in a culvert).
 4. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscaping/open space in order to create a pedestrian pathway and/or open system that connects several properties.
 5. The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the surrounding area.
 6. The improvements on the site enhance and/or do not deny solar access, light or air within the site or to adjacent sites or structures.
 7. Where appropriate, the design includes a parking and circulation system that encourages a pedestrian rather than vehicular orientation, including a separate service area for delivery of goods.
 8. The arrangement of the improvements on the site does not unreasonably block or greatly degrade scenic vistas enjoyed from neighboring (especially public) sites.

9. The various functions and elements of the site design have been integrated into a unified whole, except in those cases where separation is appropriate. The overall design is visually harmonious when viewed either from within the site or from outside the site.
10. The design gives attention to the placement of storage or mechanical equipment so as to screen it from view.
11. If the project is adjacent to, or visible from, State Highway 525, the design minimizes its visual impact on the scenic character of State Highway 525.
12. The arrangement of functions, uses and improvements on the site have been designed to provide access to and within the site for individuals with disabilities.
13. The design avoids either monotonous similarity or excessive dissimilarity with existing structures in the same vicinity. If the development includes multiple structures, the design avoids either monotonous similarity or excessive dissimilarity between the component structures.
14. The size, shape and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood. In the Business Village zone, the structure(s) are sufficiently modest in scale to enhance the village character of the community.
15. The proposed materials and colors are compatible with the character setting of the city.
16. The design avoids monotony and provides visual interest and charm by giving sufficient attention to architectural details and to such design elements as texture, pattern and color.
17. If the project includes a large structure or structures, such as a large motel or condominium, the design avoids a monolithic expanse of frontages and rooflines and diminishes the massing of the buildings by breaking up building sections, or by the use of such elements as variable planes, projections, bays, dormers, setbacks, or changes in the roofline.
18. If the project is unusually large, or if it is likely to become a village landmark, or if it is located so as to become part of an introduction/ transition to Freeland or to a particular district, the design acknowledges the special impact the project would have on the entire community by addressing the design criteria in an exemplary, standard-setting fashion.
19. The height of the structure(s) is architecturally compatible with the site and the surrounding neighborhood. The height of the structures contributes to the village scale.
20. The height of the structure(s) is such that it does not unreasonably destroy or degrade the scenic values of the surrounding area.
21. The height of the structure(s) is such that it does not unreasonably block or greatly degrade the views of scenic vistas as seen from neighboring sites.
22. The height of the structure(s) is such that it does not unreasonably deny solar access,

light or air to an adjacent structure, on or off the site.

23. The design sufficiently addresses the relationship of the structure(s) to the sidewalk and to pedestrian activity so as to foster human interaction.
 24. The proposed signage harmonizes with the other structures in terms of form, materials and scale.
 25. The project incorporates design elements or building improvements which result in the conservation of energy.
 26. The design of the project ensures continued privacy for the occupants of adjacent structures.
- C. **Allowable Considerations.** The following site and building design requirements may be considered as part of a superior alternative design proposal:
1. Signage and Outdoor Lighting
 2. Off Street Parking
 3. Landscaping, Tree Retention, and Screening
 4. Open Space and Community Gathering Places
 5. Design Standards
 6. Highway Corridor Overlay.
- D. **Prohibited Considerations.** The following site and building design requirements may not be considered as part of a superior alternative design proposal:
1. Density
 2. Minimum lot size
 3. Transitional Development standards
- E. **Pre-application.** An application for an Alternative Site Design Approval shall require a pre-application meeting with the Planning Department. A representative of the Freeland Community Commission will be invited to attend. Applicants are encouraged to bring sketch plans or conceptual design sketches to the pre-application meeting. Applicants are encouraged to submit any such sketches or plans to the Planning Department in advance of the scheduled meeting.
- F. **Application Requirements.** Applications for Alternative Site Design Approval shall include all of the following information:
1. A detailed description of why each element of the standard zoning requirement in question cannot be met and the rationale demonstrating the proposed Superior Site and Building Design standards.
 2. A detailed description of how the proposed Alternative Site Design fulfils the Objectives of this subsection.
 3. Appropriate sketch plans, photographs, videos, or architectural renderings of the site and the proposed superior design standards.
 4. Draft site plans or architectural renderings of the site demonstrating compliance with

the standard zoning code requirements.

F. **Standards.** Determination of a superior design alternative and subsequent approval of all or any part of an alternative site design is a discretionary approval of the Planning Director, upon consultation with the Freeland Community Commission. Whenever the Planning Director does not approve an alternative site design, the standard zoning requirements shall apply. No application for Alternative Site Design Approval shall be granted unless the County, after consultation with the Freeland Community Commission, finds the submitted application satisfies the application requirements and the following standards:

1. Consistency with the Freeland Sub Area Plan.
2. The granting of the Alternative Site Design Approval mitigates any external impacts of development which would otherwise not be present under a normal application of the regulations of this chapter.
3. A description of how the Alternative Site Design clearly demonstrates a superior site or building design.

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17.06.210 Freeland Community Advisory Commission

- A. Purpose. Island County establishes the Freeland Community Advisory Commission (FCAC) for the purpose of providing local involvement and increasing early awareness in the review of land use permit applications.
- B. Composition of Commission
 - 1. The Commission shall be comprised of seven (7) members. A minimum of five (5) members of the Commission shall reside within the boundaries of the Freeland Non-Municipal Urban Growth Area.
 - 2. Representation. Diversity of the Commission's membership is a high priority. The Commission should be represented by individuals who have backgrounds in such areas as architecture, the building trades, planning, landscape architecture, or trail/park planning and/or that represent the business community, local community organizations, utility providers, and the community at large.
 - 3. Appointments.
 - a) All Commission members shall be appointed by the Board of Island County Commissioners.
 - b) Sitting members of the Commission may make recommendations to the Board of Island County Commissioners for consideration of Commission appointments.
 - 4. Terms
 - a) The initial appointments to the Commission shall be staggered. Two (2) members shall be appointed for one (1) year, two (2) members shall be appointed for two (2) years, two (2) members shall be appointed for three (3) years, and one (1) member shall be appointed for four (4) years. Thereafter the terms shall be for four (4) years. Terms shall begin on January 1st and shall expire on December 31st.
 - b) Following the initial appointment of members, membership on the Commission shall be limited to two (2) full consecutive four (4) year terms. Reappointment after two (2) full consecutive terms maybe made after at least a one (1) year absence.
 - c) Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed by the Board of Island County Commissioners due to inefficiency, neglect of duty or malfeasance in office. The members shall be selected without respect to political affiliations.
- C. Powers and duties: The major responsibilities of the Commission are as follows:
 - 1. Act as a resource to landowners and contractors during the pre-development design phase of site planning.
 - 2. Conduct a review of specific types of land use applications, including making

- recommendations to the County prior to permit decisions are made.
3. Provide recommendations to the Planning Department for amendments to the Sub Area Plan and Chapter 17.06 ICC. The Chair of the Freeland Community Advisory Commission shall be invited to attend and participate in the Planning Department's annual joint meeting with the Board of Island County Commissioners, County Planning Commission, and Hearing Examiner. The Commission shall formulate any recommendations for amendments to the Freeland Sub Area Plan and/or Chapter 17.06 ICC in advance of the joint meeting. Recommendations shall be provided in advance of the meeting and presented during the meeting for consideration on the County's annual review docket.
 4. Review and provide recommendations for all elements of the Freeland Sub Area Plan which includes the Land Use Element, the Housing Element, the Capital Facilities Element, the Utilities Element, the Transportation Element, the Parks and Recreation Element, and the Economic Development Element.
 5. Provide review and consultation services to the County for public infrastructure plans such as trail corridors, streetscape improvements, gateway improvements, wayfinding signs, landscaping, park acquisition and improvements, on-street parking plans, centralized parking solutions, and utility planning.
- D. Compensation. All members shall serve without compensation.
- E. Rules and Officers.
1. The Commission shall hold meetings on the first and third Wednesday's of each month. Meetings shall be held in Freeland.
 2. Appointment of officers. Within the first thirty (30) days of the Commission's first meeting, the Commission shall appoint a chairperson and vice-chairperson. Thereafter, every year the Commission shall appoint officers during the month of December. Officer appointments shall begin on January 1st and expire on December 31st. The chairperson shall not vote except in the case of a tie.
 3. Creation of rules of procedure. Within one-hundred and twenty days (120) of the Commission's first meeting, the Commission shall create rules of procedures and conduct that are consistent with this Chapter. At a minimum, the rules shall establish voting procedures, agenda and meeting notification protocols, record keeping policies, and the administration of meetings. Additionally, the Commission shall work with Planning Department to develop procedures that ensure that the Commission can perform its permit review responsibilities within the permit timeframes establishes in Chapter 16.19 ICC.
 4. The rules shall also designate three (3) specific Commission members who are to act as community liaisons. This designation shall be effective for a one year term that may be renewed without limit. The primary function of community liaisons is to attend pre-application conferences and provide comments and assistance during the pre-development phases of site planning. A single community liaison lead shall be assigned to an individual permit application in order to maintain continuity throughout the process. The rules shall establish how community liaisons will be assigned.

- F. Staff Support. Staff assistance shall be provided to the Commission by the Planning Department as may be necessary to aid the Commission in carrying out its duties and responsibilities under this section. Additional support may be provided from time to time by the Health and Public Works Departments.
- G. Commission Review
1. Within the Freeland Village I and Business Genera zoning designations all applications for new development or redevelopment that are listed as a Permitted Use shall be processed as a Type I application. These applications are exempt from full Commission Review, however, a pre-application conference shall be required. The Planning Department will provide each of the community liaisons with notification of each pre-application conference and a single set of the application materials. Pre-application meetings will be held in Coupeville and shall be attended by at least one community liaison.
 2. Within the Freeland Village and Business General zoning designations all applications for new development or redevelopment that are listed as a Conditional Use shall be processed as a Type II or Type III application and shall be subject to review and recommendation by the Freeland Community Advisory Commission. Each application shall be scheduled before the Commission for their review, consideration, and recommendation. Each Commission member shall be provided with a copy of the application materials and shall be responsible for visiting the site prior to the Commission meeting in which the application is on the agenda. The Commission shall provide the Planning Director (or his/her designee) with their findings of fact and conclusions of law. Review and issuance of a recommendation shall occur within the permit timeframes established within Chapter 16.19 ICC.
 3. The Planning Director (or his/her designee) shall evaluate the findings of fact and conclusions of law provided by the Commission. The Planning Director (or his/her designee) shall affirm the decision of the Commission unless the department and/or official find (1) that the decision is an erroneous interpretation of the law after affording deference to the Commission with local expertise, or (2) is a clearly erroneous application of the law to the facts. After evaluation of the Commission's findings of fact and conclusions of law the Planning Director (or his/her designee) shall approve, approve with conditions or deny the permit application.
 4. The Commission shall also review all public infrastructure plans as described in subsection C.5 of this section.
- H. Exemptions. The following activities and/or decisions are exempt from Commission review:
1. Interior remodels.
 2. Exterior replacements or improvements to such structural features as existing roofs, windows, doors, awnings, stairs, foundation replacements, and structural or seismic upgrades.
 3. Additions to structures that do not exceed 25% of the total square footage of the existing structure.
 4. Occupancy permits.

11/23/2009

5. Public infrastructure improvements that are consistent with plans that have already been reviewed by the Commission and adopted/approved by the County.
6. Tree removal that is listed as an exemption in ICC 17.06.190.C.
7. Small structures such as new decks, stairways, retaining walls, fences, sheds, and accessibility alterations.
8. Demolition permits.
9. Emergency actions.
10. Shoreline exemptions and shoreline development permits.
11. Temporary use permits.
12. Variance applications for setbacks.
13. Critical area permits.
14. Land division.
15. Code interpretation.
16. Certificates of Zoning Compliance.
17. Clearing and grading activities.

17.03.220 Code Interpretation

Code interpretations shall be reviewed and considered under the same procedures that are set forth in ICC 17.03.190.

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17.06.230 Temporary Use Approval

- A. **Purpose.** This section provides a process for authorizing certain uses or activities of a non-permanent nature for a limited duration.
- B. **Application Requirements.** The application shall contain those requirements set forth in ICC 17.06.190.G and a description of the proposed use, event or activity; and
- C. **Review Process.** The review process for a certificate of Temporary Use shall be the review process set forth in Chapter 16.19 ICC for Type I decisions.
- D. **Standards.** Temporary Uses shall be consistent with the standards set forth in ICC 17.03.190. For any Temporary Use the County shall impose such other reasonable conditions as are found necessary to ensure that the activity or Use does not disrupt the character of any of the surrounding Permitted Uses.
- E. **Time Limit.** Certificates of Temporary Use shall expire according to the terms set forth in the approval.

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17.06.240 Variances

The Planning Director may authorize variances from the standards of this Chapter pursuant to this section.

- A. **Purpose.** The purpose of this section is to allow the County to consider requests to vary or adapt the strict application of any of the following provisions of this Chapter:
1. Setback requirements of this Chapter.
 2. Building coverage requirements of this Chapter.
 3. Height requirements of this Chapter.
 4. Tract or Parcel size requirements when:
 - a) The Parcel to be divided was legally established prior to the effective date of this Chapter; and
 - b) Use of the Lot(s) to be created will comply with all terms and conditions of this Chapter (other than Lot size or setback) and will comply with other pertinent requirements of the Island County Code.
 5. A variance may be appropriate where a Lot is exceptionally narrow or shallow or contains unusual topographic conditions, but only when strict application would result in peculiar, exceptional and undue hardship on the Owner of such property.
 6. Building coverage ratios may be varied the minimum necessary to ensure the provision of adequate emergency services for the area proposed to be served.
- B. **Application Requirements.** The application shall contain the following information:
1. A description of the specific modification from the terms of this Chapter; and
 2. A description of the reasons for the variance.
- C. **Review Process.** The review process for variances shall be the review process set forth in Chapter 16.19 ICC for Type II decisions and for Type III decisions for height variances.
- D. **Standards.** No variance shall be granted unless the County makes findings of fact showing that the following circumstances exist:
1. For all variance requests, the applicant demonstrates, and the County finds that:
 - a) The granting of the variance shall be consistent with the purpose and intent of this Chapter and the Freeland Sub Area Plan, and conditions shall be imposed to ensure compatibility with surrounding Permitted Uses.
 - b) The granting of the variance will not permit the establishment of any Use which is prohibited by this Chapter.
 - c) The granting of the variance will not impair or substantially diminish property values of surrounding neighborhood properties.
 - d) The granting of the variance will not confer on the applicant any special privilege that is denied by this Chapter to other lands or Buildings in the same zoning classification.

- e) Any variation in Setback and/or height is established based upon the following factors.
 - (i) The typical spacing of Buildings on surrounding properties;
 - (ii) Visual compatibility;
 - (iii) Solar access of adjacent Structures;
 - (iv) View obstruction;
 - (v) Fire and safety;
 - (vi) Roadway and intersection sight distance; and
 - (vii) Land forms and natural resources.
 - f) The granting of the variance shall not knowingly harm, destroy, injure, damage, or deface any archaeological resource.
2. For variance requests allowed pursuant to A.1, A.2, A.4, A.5 or A.6 of this section, the applicant demonstrates, and the County finds that:
- a) The granting of the variance must be necessary for the Reasonable Use of the land or Building and the variance as granted by the County is the minimum variance that will accomplish this purpose. The findings shall fully set forth the circumstances by which this Chapter would deprive the applicant of a Reasonable Use of his land. Mere loss in value shall not justify a variance.
3. For variance requests allowed pursuant to A.3 of this section, the applicant demonstrates, and the County finds that:
- a) For residential structures:
 - (i) Any variation in height does not adversely impact the surrounding community. The following factors shall be considered:
 - (1) Visual Compatibility with the surrounding area;
 - (2) Solar access of adjacent structures;
 - (3) View obstruction;
 - (4) Fire and safety;
 - (5) Roadway and intersection sight distance;
 - (6) Land forms and natural resources;
 - (a) While forested land is a natural resource that can conceal structures thereby eliminating any impact on the surrounding community, consideration shall be given to the fact that timber can be removed from the site.
 - (b) Structures that require a variance in height must fit within the existing natural landscape/viewscape and/or within the existing built environment.

- (ii) The pre-development grade of the site severely restricts the ability to conform with the applicable height standard, or
- (iii) A variation in height, combined with a significant increase in other standards set forth in this Chapter, will enhance the compatibility of uses and views enjoyed by adjoining and potentially affected parcels. For example, a variation in height, coupled with an increased side yard setback may provide greater view potential for an adjoining lot by creating more open space in between structures. This standard shall only be utilized by parcels that meet the following criteria:
 - (1) For those lots that are located entirely or partially within 200 feet of the shoreline and that are less than 100 feet wide, a variation in height may be permitted in conjunction with increased side yard setbacks as follows:

INCREASED SETBACK REQUIRED ON ALL SIDEYARDS	ALLOWED VARIATION IN HEIGHT
7 feet to all sideyards	1 foot added to height
9 feet to all sideyards	2 feet added to height
11 feet to all sideyards	3 feet added to height
13 feet to all sideyards	4 feet added to height
15 feet to all sideyards	5 feet added to height

- (2) For those lots that do not meet the criteria set forth in subsection (1) of this section, a variation in height may be permitted in conjunction with sideyard setbacks as follows:

INCREASED SETBACK REQUIRED ON ALL PROPERTY LINES	ALLOWED VARIATION IN HEIGHT
20 foot setback on all property lines	1 foot added to height
35 foot setback on all property lines	2 feet added to height
50 foot setback on all property lines	3 feet added to height
65 foot setback on all property lines	4 feet added to height
80 foot setback on all property lines	5 feet added to height

- (iv) Under no circumstance shall a residential structure be granted a variance that exceeds 40 feet in height.
- (v) Variances for residential structures shall only be granted if the roof is peaked with pitch not less than 4:12.

b) For commercial structures:

- (i) A variance shall only be granted upon demonstration that there is a compelling economic need for exceeding the height standard, and
- (ii) A variance shall only be granted upon a finding that the benefits of allowing an increase in height exceed any negative impacts that may result, and
- (iii) A variance shall only be granted upon a finding that there will be a long-term economic benefit and/or significant expansion of the employment base.

17.06.250 Appeals

Appeals shall follow the procedures and requirements set forth in Chapter 16.19 ICC.

17.06.260 Penalties and Enforcement

Any violation of Chapter 17.06 ICC shall be enforced by the Planning and Community Development Director and shall be subject to the enforcement provisions of Chapter 17.03 ICC.

17.06.270 Severability

If any provision or provisions of this Chapter or its/their application to any Person or circumstances is held invalid, the remainder of this Chapter or the application of the provision or provisions to other Persons or circumstances shall not be affected.

17.06.280 Effective Date

The amendments to this Chapter shall take effect on XXXXXX and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.