

MEMO

Date: November 19, 2012  
To: City Council  
From: Mike Smith, Community Development Director   
RE: Land Development Code Update – Summaries

The Land Development Code Update project is beginning to move forward again and Staff would like Council to refresh itself with the initial Draft of the new Code. Some of you have been involved from the beginning and others of you are fairly new to the project so I have prepared short summaries of the document to help each of you refresh yourselves on the new directions the document is taking. We will begin to review the document in earnest in late December and early January and it will be important for everyone to have a good idea of what the document says.

The complete document can be located and viewed on line at  
<http://www.ci.ellensburg.wa.us/index.aspx?NID=395&ART=1941&ADMIN=1>

You should have also received a hard copy last winter.

Staff is meeting tomorrow with the consultant and with the City's new land use attorney who will be working with us through our new insurance carrier that takes effect in January. This will give us a second pair of legal eyes to help us address issues raised by Carol Morris in her earlier review of the document. Staff and the consultant are also incorporating responses and/or revised language to many of the comments from Ms. Morris, the Planning Commission and the small number of others who have provided comments on the initial draft.

The goal is to then prepare a draft that identifies remaining issues that will need further discussion with the Planning Commission and Council. A joint special meeting with the two bodies will be set for later in December or early January and those issues will be discussed and the hope is to get some Council direction on those remaining issues.

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DRAFT LAND DEVELOPMENT CODE UPDATE – November, 2012  
ARTICLE SUMMARY

**Article 1        General Provisions**

15.11 Establishes the purpose/authority/interpretation provisions of the new Land Development Code  
15.11.060 also establishes the roles and responsibilities of the various actors (boards, commissions, staff, hearing examiner and Council)

15,11.070 explains the vesting of applications (***NOTE: Intial legal review recommends removing any reference to vesting since it is a legal term and it varies from by permit application type. Other jurisdictions have similar language to this to provide the applicant some basic information regarding vesting and what it means and staff is working with the consultant to address the legal review concern.***)

15.11.090 explains how terms are interpreted (shall, may, etc.)

15.12 Addresses the adoption of the Comprehensive Plan .  
***(NOTE: We may want to include the Comp Plan amendment process here. However, the initial legal review recommends removing this totally from the LDC since it is not related to land development and instead return it to ECC Title 1 where it currently resides.)***

15.13 Provides definitions for terms used in the Land Development Code. Some are new and some are from current Code. Some of the current Code definitions have been updated and others have not. The actual document eventually adopted and placed on the web in the City Code will have internal links to all terms that are defined which will appear as a pop-up on the screen when the term is clicked. ***(Staff is working with the consultant to address some of the older definitions that have been carried over to this new LDC.)***

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**Article 2        Permits and Procedures**

Totally reorganizes the land development permit review processes and procedures into a simpler and consistent format.

**NOTE:** *The biggest proposed change is that the new LDC will utilize a Hearing Examiner to hear and make the final decision on most quasi-judicial permit applications in order to ensure a consistent decision-making process that is supported by legally defensible findings and conclusions. That includes Conditional Use applications now heard and decided by the Planning Commission, Variance applications now heard by the Board of Adjustment, and design review applications now heard by the Landmarks and Design Commission. Council will still be the final decision body for Plats and Rezones.*

*If approved as drafted:*

- *the Planning Commission will serve as a recommendatory body for site specific rezones and will handle appeals of variance decisions in addition to being the recommendatory body for legislative actions such as comp plan adoption/amendment, area-wide rezones, and annexations;*
- *the Board of Adjustment will no longer have a Code function and would be eliminated; and,*
- *the Landmarks and Design Commission will serve as a recommendatory body for major design review applications, landmark register listings, landmark register demolitions, and landmark Certificate of Approval for projects and signs involving landmark register properties.*

**NOTE:** *In initial review of this draft both the Planning Commission and the Landmarks and Design Commission are recommending against using the Hearing Examiner system and desire to continue to handle quasi-judicial matters. Legal review has strongly recommended for the Hearing Examiner system due to the legal complexity involved in quasi-judicial matters.*

15.21 Establishes **5 basic permit review process types** based on level of public notice and review process requirements, who makes the final decision, the type of public hearings involved in the decision, and available appeal opportunities.

- **Type I** simple administrative decisions by the decision-maker (typically the Director) based on compliance with specific non-discretionary and non-technical standards.
  - SEPA is not involved
  - No notice is required
  - Very limited administrative review
  - No appeal opportunity except to Court via the Land Use Petition Act (LUPA)
  - Examples:
    - Permitted use decisions

- Boundary line adjustments
  - Non-conforming use determinations
  - Site development permits (*NEW – a permit will be required for all site development activity including clearing and grading*)
  - Home occupations
- **Type II** relatively simple administrative decisions based on standards and clearly identified criteria. The activity could have some minimal impact on surrounding properties.
  - SEPA review may be involved
  - Some public notice is required but typically do not require a public hearing prior to the decision
  - Conditions may be imposed based on public notice comments or due to identified adverse, but mitigatable impacts from the activity
  - Decision must be in writing with supporting documentation for approval, for approval with modifications, or for denial of the application
  - Appeal is to the Hearing Examiner through an open record hearing where new facts and testimony can be provided
  - Examples:
    - Code interpretations
    - Departures (*NEW process to allow some administrative flexibility of project design standards in Article 5*)
    - Major and minor design review
    - Sign permits
    - Short subdivisions of 9 or fewer lots
    - Some critical area determinations (exemptions and initial determinations that a Critical Area Report is or is not required)
    - Landmark Register activities
- **Type III** involve applications that are site-specific, that have a likelihood of some impact on the surrounding properties and that require the use of discretionary judgment in the review and decision on the application.
  - SEPA review may be involved
  - Public notice is required through mailing and/or posting of the property and/or publication
  - Public hearing is required – an open record hearing with new testimony and evidence allowed
  - Conditions may be imposed based on public comments or due to identified adverse, but mitigatable impacts from the activity
  - Decision must be in writing with formal findings of fact and conclusions of law
  - Appeal is typically to City Council
  - Examples:
    - Conditional use permits
    - Variances permits
    - Critical area Exceptions for public agency or reasonable use

- **Type IV** Same as Type III except
  - the public hearing is held by the City Council
  - the appeal is to Superior Court
  - Examples:
    - Preliminary subdivision applications
    - Master site plans for regional retail commercial projects
    - Site specific rezones
  
- **Type V** legislative, non-project actions that apply to large areas of the city or to the entire City of Ellensburg
  - SEPA may be involved
  - Public notice may be required
  - Public hearing may be required
  - Decision by City Council
  - Appeal is to Superior Court or to Growth Management Hearings Board if GMA action
  - Examples:
    - Adoption/amendment of Comprehensive Plan
    - Adoption/amendment of development regulations and codes
    - Area-wide rezones
    - Annexations

***NOTE: Initial legal review has recommended that the Type V permit process be removed from the Land Development Code because they involve legislative non-project actions rather than project specific actions. The concern is that the processes for legislative versus quasi-judicial matters are very different and could get confused with other "process" steps detailed in Chapter 2. Staff is considering how best to approach this as most other jurisdictions include it as a permit type with the other permit types.***

15.22 and 15.23 Provide **detailed new permit review procedures** for each permit review Type, including notice, hearing and appeal procedures

- 15.24 Revises current **nonconforming use and structure** provisions and creates two levels of non-conformity
- **Benign nonconformity** buildings and structures that do not have a negative impact on the health and safety of the public, but may impact the welfare of the public such as:
    - Insufficient landscaping
    - Insufficient off-street parking
    - Insufficient setbacks

- Can typically be repaired, maintained and rebuilt in same footprint so long as no increase in nonconformity
- **Detrimental nonconformity** has a negative impact on the health and safety of the public such as:
  - Offensive or dangerous use in a residential zone
  - May be maintained and repaired
  - May be rebuilt in same footprint within 1 year of natural destruction

***NOTE: Initial legal review has struggled with this novel approach to nonconforming uses. The general rule is to eliminate nonconforming uses over time, yet this proposal would allow some nonconforming uses that are "benign" to be rebuilt.***

***This approach was developed in response to the large percentage of nonconforming uses in our city that involve just a building (typically a garage) being located in the required rear or side yard setback areas. Over time those garages have deteriorated with age and the owners want to replace them with new garages. Traditional nonconforming use theory would say that they cannot replace them because the goal is to eliminate all nonconforming uses over time. But the result is that the structures only get in poorer and poorer shape and detract from property values.***

***Staff's view is that these types of nonconforming structures were in existence before setbacks became a development requirement and the neighborhood has over time accepted them as the developed pattern of the neighborhood. So why not allow someone to replace an old deteriorated garage in a setback with a modern garage that meets all code except for those setback requirements?***

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ARTICLE SUMMARY

**Article 4      Community Design**

*NOTE: Initial legal review of this Chapter has raised legal questions relating to these new community design standards and the legal basis for imposing them on individual projects without some direct relationship to the impacts from that specific individual project. Staff is currently obtaining a second legal review from the City's upcoming 2013 insurance carrier land use attorney to determine if such issues can be addressed. Most jurisdictions in the state impose some basic desired design requirements on new development in order to ensure the community develops in a manner that supports the community's vision for growth, so staff is trying to determine how best to accomplish that.*

Establishes new design standards for the larger scale community design elements such as new subdivisions, and establishes new Streetscape design standards for private frontages along certain types of streets in the city.

- Applies to the area adjacent to buildings that is occupied by public street rights-of-way and related street, sidewalk, and landscaping improvements, as well as to the front lot line setbacks and front yard areas on private property.

15.40.020 thru 15.40.070      Establishes new **street designs**

- **Arterial streets 15.40.020**
  - Principal: 2 lanes of travel in each direction, a center/left turn lane, bicycle lanes, planting strips, and sidewalks. Some on-street parking may be permitted on arterials that pass through single family zones and in special commercial circumstances
  - Minor: same as Principal except only 1 lane of travel in each direction
- **Collector streets 15.40.030**
  - 1 lane of travel in each direction with shared auto and bicycle lanes, on-street parking, planting strips, and sidewalks
- **Local Access streets 15.30.040 – 3 OPTIONS**
  1. 20-foot wide street
    - 1 lane of travel in each direction with shared auto and bicycle lanes, no-parking on the street, planting strips and sidewalks on both sides of the street
  2. 30-foot wide street
    - 1 lane of travel in each direction with shared auto and bicycle lanes, parking on 1 side of the street, planting strips and sidewalks on both sides of the street
  3. 40-foot wide street
    - 1 lane of travel in each direction with shared auto and bicycle lanes, parking on both sides of the street, planting strips and sidewalks on both sides of the street

15.41.010 thru 15.41.060 Establishes new **Subdivision Design and Block Structure**

- **Block Design and Connectivity 15.40.020**
  - Subdivision must provide connectivity to adjoining properties to logically expand street system
  - Requires continuation of streets
- **Pedestrian accessways** required
  - If street connection meeting block requirements is impracticable then may provide a pedestrian accessway in lieu of the street connection
    - Dedicated or private easement with minimum 10 foot width
      - If private then must ensure future maintenance and operation
    - Built to local access sidewalk standard
    - ADA compliant
    - Landscaping may be required to buffer pedestrians
- **Residential zones**
  - use a “modified grid” (“T” and crossroad intersections)
  - sidewalks provide continuously linked network
  - BLOCKS must provide pedestrian and vehicular connections every 660 feet
    - Departure available but no more than 1,000 foot intervals
    - Topography, existing construction patterns, etc. also may be considered
- **Commercial and Industrial zones**
  - C-C, CC-II and C-N blocks
    - pedestrian and vehicular connections every 400 feet
  - C-H, C-T, I-L and I-H blocks
    - pedestrian connections every 660 feet and vehicular connections every 1,320 feet except in I-H where pedestrian connection is every 1,320 feet
- **Community design 15.40.030**
  - Integrate design both within new subdivisions and with adjoining existing development
  - Integrate with existing and proposed parks and public open space, creeks, etc.
  - Integrate with natural amenities (views, trees, creeks, etc.) Clustering encouraged.
  - Gated communities discouraged
  - Double frontage lots limited and Alleys encouraged for rear access
    - Arterials - no more than 50% of subdivision frontage or no more than 400 continuous lineal feet of arterial street frontage allowed as double frontage lots on arterials
    - Not allowed on Collector or Local Access Streets
- **Design diversity**
  - Mixture of lot sizes and/or front setbacks
  - Diversity of floor plans and façade treatments
- **Open space/parks 15.41.040**
  - Physically and visually accessible from adjacent street and major pedestrian routes
  - Integrate with transit stops

- Must be inviting with amenities and activities that encourage pedestrians
- Must be safe
- Must serve a variety of functions for anticipated residents and users
- **Lot design 15.41.050**
  - Establishes flexible new lot design standards for placement and orientation of lots and homes in subdivisions
  - Consider privacy, solar orientation, access, location and access to open space, etc.
  - Zero-Lot line option
    - house is built up to one of the side property lines
  - Reciprocal Use Easement lots
    - (similar to 0-Lot line but structures meet side yard setbacks and use joint use easements for adjoining lot to use side setback area
  - Courtyard Access lots
    - Series of lots clustered around a private internal driveway (max of 5 units - 12 foot courtyard – 20 foot wide private driveway
  - Pedestrian-only entry lots
    - Lots are clustered around a pedestrian easement and/or common open space and parking located elsewhere on lot

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ARTICLE 5 Project Design

*NOTE: Initial legal review has raised legal questions relating to these new project design standards and the basis for imposing them without some direct relationship to the impacts from that specific individual project. Staff is currently obtaining a second legal review from the City's upcoming 2013 insurance carrier land use attorney to determine if such issues can be addressed. Most jurisdictions in the state impose some basic desired design requirements on new development in order to ensure the community develops in a manner that supports the community's vision for growth, so staff is trying to determine how best to accomplish that.*

Addresses new individual project site and building design for primarily new commercial and multi-family developments and infill.

Also provides new standards for specific types of housing, including single family.

- 15.50.020 Creates 3 **Levels of Improvement** for additions, remodels and new site improvements based on extent of the work
- **Level I** improvements within 3 year period impacting the exterior appearance by up to 50%
    - Only the proposed work must meet new standards
  - **Level II** improvements within 3 year period increasing building footprint between 50 and 100%
    - New Site Planning and Design standards must be complied with
    - New Building Design standards must be complied with except architectural scale and material standards do not have to be met for unchanged building areas where no work performed
    - Off-street parking, signage, landscaping, and fences, walls & hedges standards must be complied with if related to the improvements
  - **Level III** improvements within 3 year period increasing building footprint more than 100%
    - Must comply with all applicable standards.
- 15.50.030 Establishes a **DEPARTURE** provision for standards
- Alternative design may be considered if it meets the purpose of the standards and guidelines
  - Requires review and recommendation by Landmarks and Design at public meeting
  - Decision is Director decision (Type II permit process with appeal to hearing examiner)

***NOTE: Initial legal review has raised questions regarding these departures for alternative design proposals. The concern is on what basis or by what criteria are those departures to be granted or denied through an administrative decision. In addition to seeking a second legal review of this concept, staff believes that this can be tightened up with development of more specific criteria and is working with the consultant in that regard.***

15.51.010

thru 15.51.130 Establishes new **Site Orientation Standards**

- **Creates New Street Frontage Types**
  - **Storefront Streets**
    - Buildings at edge of sidewalk or with pedestrian-oriented setback space
    - Non-residential uses only on first floor street frontages
    - Parking to rear, below, or above storefronts. Limited option for up to 60 feet of frontage parking. No parking lots at street corners.
    - No vehicular access from street or maximum of 1 if have to have it
    - Entry faces sidewalk
    - Entry weather protection at least 8 feet above sidewalk and can project 6 feet over sidewalk
    - Window transparency of minimum 70% of first floor frontage
      - Between 30 inches and 8 feet above grade
      - Display windows OK for up to 50% if at least 16 inches deep
      - Departures can decrease transparency by 50% with no less than 35% between 30 inches and 8 feet
    - Ground floor and façade of at least 15 feet
  - **Secondary Streets**
    - Buildings at edge of sidewalk OR 10-foot setback
    - Covered entry weather protection up to 6 feet into setback
    - No ground floor use restrictions
    - At least 1 building entry visible from sidewalk
    - Entry weather protection at least 3 feet deep
    - Parking to side or rear with no more than 50% of street frontage
    - Transparent window area along at least 15% of façade. Departures available
    - Landscaping all areas between sidewalk and building, except walkways, porches, decks or other pedestrian-oriented space
  - **Secondary Streets 2**
    - Locations as shown on map OR all I-L, I-H and P-R zone sites
    - Same as Secondary Streets except no frontage parking restrictions
  - **Landscaped Streets**
    - Locations as shown on map OR all residential zone sites
    - Modest front yard setbacks – 15 foot minimum or zone minimum
    - No ground floor frontage use restrictions
    - At least 1 building entry visible from sidewalk
    - Entry weather protection at least 3 feet deep

- Transparent window area along at least 15% of façade. Departures available
- Landscaping all areas between the sidewalk and the building except walkways, porches, decks or other pedestrian-oriented space
- Parking to side or rear with no more than 50% of street frontage
- **Gateway Streets**
  - Modest front yard setbacks – 15 foot minimum or zone minimum
  - No ground floor frontage use restrictions
  - At least one building entry visible from sidewalk
  - Entry weather protection along at least 15% of façade. Departures available
  - Transparent window area along at least 15% of façade. Departures available
  - Landscaping all areas between the sidewalk and the building except walkways, porches, decks and other pedestrian-oriented space.
  - Parking to side or rear only. Drive-thru lane between sidewalk and building prohibited.

15.52.010

thru 15.52.090 Establishes new **Site Planning & Design Elements** for layout of buildings, open spaces, circulation, and large site development

- **Side/rear yard design**
  - Multi-family with solar access only from side or rear requires 15-foot side or rear yard setback
  - Balconies or rooftop decks within 15 feet of side property line require opaque guard rails
  - All new development and Level II and III improvements must use one or more design option along side and rear property line
    - Landscaping Type A 10 feet deep on side and rear
    - Landscaping Type B and C 10 feet deep along side and rear if visual separation desired
    - Shared pathway along property line with landscaping
    - Shared internal drive along property line
    - Tall privacy fence or hedge (8 feet)
- **Open space** for all **non-residential** outside of I-H that is more than 1 acre in size
  - Pedestrian-oriented space at least 1% net project area PLUS 1% gross non-residential building floor area, less structured parking. Storage buildings exempt.
  - Must be publicly accessible for outdoor activity and include visual amenities
  - Can be a sidewalk area widened beyond minimum
  - Must be physically and visually accessible from adjacent street or pedestrian route
  - Paved walking surface – concrete or other approved type
  - Pedestrian-scaled lighting less than 14 feet tall
  - 3 feet of seating area or 1 seat per 60 sq.ft. open space
  - Visually interesting landscaping

- Encouraged: water feature, drinking fountain, consideration of sun angle, movable seating, weather protection
- Prohibited: asphalt or gravel pavement unless part of continuous path, chain link fence, unscreened blank walls, dumpsters or service areas
- **Open space for multifamily** – all multi-family including portions of mixed use developments
  - Equal to at least 10% of building living space
  - 100% may be common open space available to all residents such as courtyards, front porches, patios, play areas, gardens, etc.
  - Up to 50% may be private or common balconies
  - In mixed use buildings up to 50% may be common indoor recreation areas or shared roof decks available to all residents
  - Up to 25% may be pea patch
  - Includes landscaped courtyards, decks, front porches, gardens, play area, multi-purpose recreational areas and green spaces
    - Required yard setback areas do not count toward open space unless they are part of the open space and meet all open space requirements
    - Must be large enough to be functional for leisure or recreation – at least 15 feet wide except for front porches
    - Must be visible from some dwelling units and near pedestrian activity
    - Must feature paths, landscaping, seating, lighting and other pedestrian amenities
    - Low walls and hedges encouraged to delineate public versus semi-public spaces
    - Must be separated from ground floor windows, automobile circulation and service areas by landscaping or low fencing
    - Should be oriented to receive sunlight
    - Shared front porches qualify if at least 8 feet on all sides and accessible to all residents
    - Private balconies and decks qualify if at least 35 sq.ft. and no dimension less than 4 feet wide and meets ADA standards
    - Indoor recreational areas must meet ADA standards, be visible by an entrance, lobby or high traffic corridor and be designed to serve recreational functions and not just leftover space
    - Shared rooftop decks must be ADA accessible to all dwelling units, provide amenities such as seating or landscaping, feature hard surfaces, and be safe
    - Pea Patches must be located to receive at least 6 hours sunlight on summer day, have access to irrigation, have at least 1 foot tillable soil, may be shared or private common open space, must have a management plan, planting beds must be raised at least 6 inches above ground level and have walkways at least 2 feet wide.
- **Internal pedestrian access and design** to improve pedestrian environment
  - All building must have clear pedestrian access to sidewalk, street frontage, and to connecting businesses and building on the same site
  - Parking lots greater than 150 feet long, must have a paved walkway or sidewalk at least 6 feet wide.

- Must have a walkway for every 3 parking aisles or walkways that are separated by no more than 150 feet, separated from vehicular parking and traffic by contrasting or raised paving material. Speed bumps do not meet this requirement. Trees and pedestrian-scaled lighting shall be used for walkways and other pedestrian areas in parking lot
- **Internal walkways**
  - Pathways in mixed-use or retail building 100 feet or longer not adjacent to street must be at least 12 feet wide and include:
    - Street trees average of every 30 feet in grates
    - Planting strips may be used between vehicle access or parking areas and the pathway
    - Pedestrian scaled lighting may substitute for street trees
    - All other interior pathways must be sufficient to accommodate number of expected users
- **Pedestrian crossings**
  - required when walkway crosses a paved area accessible to vehicles
  - sidewalk/walkway pattern/material must continue across driveway
- **Internal vehicle circulation**
  - All development must provide safe and convenient network of vehicular circulation connecting to surrounding road network and provides for future extension to adjacent parcels if applicable
  - Sites larger than 2 acres and deeper than 150 feet
  - Multi-family and non-residential must comply block design and connectivity standards
  - Interior network must be designed to connect to abutting developed land or future newly developed or redeveloped land
- **Service and mechanical areas**
  - Requires a designated spot that minimizes negative impacts
  - Must be paved with concrete
  - If visible then must be enclosed and screened and sides and rear landscaped
- **Utility and electrical apparatus**
  - Minimize visibility to public and screen with vegetation or architecture if visible
- **Rooftop mechanical**
  - Must be screened and/or colored
- **Lighting**
  - Draft contains an updated version of old Code. City has adopted new Outdoor Lighting Code and a decision should be made which way to go.
- **Parking lot design**
  - If new parking lot or associated with Level III Improvement and adjacent to street must use one of following buffer options
    - 5 foot planting bed that incorporates a low wall (3 feet tall) – planting bed on street/sidewalk side and a Type C landscaping
    - Elevated planter minimum 5 feet wide and 2 to 3 feet tall with 12 inch ledges for seating
    - At least 10 feet of Type C landscaping

- IF located along side property line then
  - 6 to 8 foot screen fence with at least 5 feet of Type A, B or C landscaping in front of fence – breaks may be installed for access
  - Properties fronting on Storefront Streets or that have shared parking agreement are exempt.
- **Special features and amenities**
  - Durable pedestrian furniture where required
  - Streetscape amenities must be integrated into sidewalks for new development or Level III improvements along all Storefront and Secondary Streets.
  - Level I and II improvements or if sidewalk recently newly installed or upgraded by city are exempt.
  - Each 100 cumulative lineal feet of Storefront Street frontage must use at least 2 amenities
  - Secondary Streets must use at least 1 amenity
  - Amenities include seating, trash receptacles, planting beds, special pattern pavement or tree grates, bicycle racks, info kiosk, decorative clock, approved artwork, special lighting

15.53.010

thru 15.53.060 Establishes new **Building Design standards**

- **Architectural character**
  - Historic districts and Landmark Register properties subject to Landmarks and Design review for all development projects
  - No franchise architecture is allowed
- **Architectural scale – Building Articulation**
  - **Storefront Streets or if meet definition of ‘storefront’** must use at least two articulation features at least every 40 feet (pattern of small storefronts). Exempt if less than 60 feet wide. Window or entry pattern of small storefronts
    - Weather protection features that pattern small storefronts
    - Change in roofline
    - Use of vertical piers to reinforce storefront pattern
    - Change in building method or siding style
  - **Other non-residential /mixed use buildings** must include at least 3 features along all facades with public entry at intervals at least every 60 feet. I-H and I-L zone buildings for manufacturing, storage or service uses generally not visible from street are exempt
    - Vertical building modulation at least 2 feet deep and 4 feet wide when combined with change in siding material or roofline modulation. Otherwise vertical modulation must be at least 10 feet deep
    - Horizontal modulation (step back of upper level) at least 5 feet and used consistently or at least along 75% of façade
    - Repeating distinctive window pattern
    - Providing covered entry or weather protection for each articulation interval

- Use of vertical piers to reinforce storefront pattern. Piers must project at least 2 inches from façade and run from ground to roofline
  - Change roofline
  - Change materials and/or color in building plane
  - Provide lighting fixtures, trellis, tree or other landscape feature within each interval
- **Multi-family (includes mixed use buildings)** must include at least 3 features at intervals no more than 30 feet along all street facades, common open space and common parking areas
  - Repeating distinctive window patterns
  - Providing vertical building modulation or horizontal modulation
  - Change roofline
  - Articulate the building's top, middle and bottom
- **Roofline/cornice design options**
  - if visible from public street, open space or public parking. I-H and I-L zone buildings exempt. Must meet 1 of the following
    - Roofline modulation provisions
    - Provide a decorative cornice projecting at least 6 inches and extending along at least 75% of façade
    - Combination of the above
- **Roofline modulation** must be varied by emphasizing dormers, chimneys, stepped roofs, gables
- **Maximum façade width**
  - 120 feet if facing streets or parking lot. I-H is exempt. Exceptions for buildings greater than 120 feet in width which must incorporate modulation or articulation to break up the scale of the façade. Must use one of several optional methods.
- **Building elements and details**
  - All non-residential and mixed use buildings except I-H and I-L
  - Toolbox of façade detail elements
  - All new buildings and additions associated with Level II and III improvements must use at least one detail element from each of 3 categories
    - window and/or entry treatment
    - building elements and façade details
    - building materials and other faced elements
- **High visibility street corner buildings**
  - Designates certain high visibility street corners on a map
  - Buildings located there must provide at least 1 of the listed optional elements such as corner pedestrian entry, or bay window or turret, or clock or bell tower, or balconies, or unique art work or façade materials
- **Window design**
  - Must recess or project windows above ground floor at least 2 inches from façade and use window trim at least 4 inches wide with contrasting color
- **Year of construction plaque**
  - All new commercial and mixed use buildings must note year of construction on a plaque attached to the building

- **Building Material standards** for all non-residential and mixed-use buildings except I-L and I-H
  - **Metal siding** may be used if incorporated with other permitted materials and
    - features visible corner molding and trim and does not extend lower than 2 feet above grade with masonry or other material between the siding and the ground plane
    - metal siding must be factory finished with a matt or no-reflective surface
    - prohibited in the Downtown Historic District
  - **Concrete block** may be used if incorporated with other permitted materials and if
    - If used for primary façade the building must incorporate a combination of textures and or colors
    - May comprise no more than 50% of a façade facing a public right-of-way or open space
  - **Stucco or troweled finishes** must
    - Be trimmed with wood, masonry or other material and sheltered from extreme weather
    - Limited to no more than 50% of the façade facing public ROW or open space
    - Should not extend below 2 feet above ground plane and be separated by concrete or masonry, etc.
  - **Prohibited materials**
    - Mirrored glass beyond 10% of façade
    - T-111 siding, etc.
    - Chain link fencing except temporary or for parks
    - Fiberglass sheeting
    - Back-lit vinyl awnings used as signs
  
- **Blank Wall Treatment standards.**
  - Ground floor wall or portion over 6 ft tall with horizontal length of 15 or more feet and no transparent window or door OR any ground floor wall or portion of wall 400 sq.ft. or larger with no transparent window or door
  - Prohibited on public street or pedestrian pathway
  - Must treat them by:
    - Display window at least 16 inches deep
    - Landscaped planting bed at least 5 ft wide or raised bed at least 2 feet high and 3 feet wide in front of wall with plantings that obscure at least 60% of wall within 3 years
    - Vertical trellis with vines or plants
    - Mural as approved by Director (**NOTE: In historic downtown?**)
    - Special building detailing adding visual interest at pedestrian scale
  
- **Firewalls** along property lines are exempt but if visible to public must include horizontal and vertical banding or design for visual interest
- Voluntary **Energy Efficiency Building Design standards**
  - Residential – Northwest ENERGY STAR Homes Certification Requirements for Single Family Homes or Multifamily Homes

- Commercial and mixed use – ENERGY STAR rating by achieving at least 75 using EPA Energy Target Finder tool
- Solar Reflectivity Index for flat roofs minimum of 78 and for sloped roofs minimum 29

15.54.010

– 15.54.060

Establishes new **Housing Type Standards**

- Apply to new residential developments
- **Single Family Design Standards**
  - Maintain “eyes on the street” – deemphasize garages and driveways along street and provide usable yard space
  - **Entries and Façade transparency**
    - Pedestrian access from sidewalk to entry for new homes
    - New houses provide covered entry - minimum of 4 ft by 6 ft. May project 6 feet into front yard
    - At least 15% façade includes transparent windows or doors
  - **Garage placement and design**
    - lots abutting alley – garage or off-street parking encouraged from alley
    - garage face no more than 50% of ground-level façade facing street
    - setback 25 feet from front property line
  - **Driveway standards**
    - New driveway off street permitted if:
    - Only 1 driveway per dwelling unit
    - If lot is 50 feet or wider the driveway may be up to 20 feet wide
    - If lot less than 50 feet wide the driveway may be up to 12 feet wide
    - Tandem parking allowed for two-car garages for single family and duplexes
    - Also see Public Works Development Standards for driveways
  - **Minimum useable open space** All new single-family must provide at least 10% lot area as contiguous open space
    - Must not be within the front yard setback
    - Must be at least 15 feet on all sides
    - Driveways do not count as usable open space
    - Single family additions cannot make existing usable open space non-conforming
  - **Energy efficiency** single family and accessory buildings subject to energy efficiency standards
- **Duplex and 3-plex design standards**
  - Design similar to single with visible entry and windows facing street
  - Driveway and garage visibility minimized
  - Must comply with single family design standards EXCEPT
    - May include 20 foot wide shared driveway or two 12 foot driveways on opposite sides of lot
    - Tandem parking for two-car garages OK for duplex NOT OK for triplex
    - Separate covered entry for each unit (new buildings only)

- New Corner lot duplex must place pedestrian entries on each street frontage
- Duplexes and 3-plex must use modulated roof forms

- **Accessory Dwelling Unit design standards (ADU)**

**Apply to all ADUs**

- Only allowed on single family lots of record
- Prohibited on lots of record with single family structures that have been converted to multi-family use (e.g. Units A and B or 1 and 2)
- Only 1 ADU allowed per lot if all conditions are met
  - ADU entrance subordinate to primary dwelling unit entrance (less visible from street)
    - Must provide pedestrian walkway from street/alley to ADU
    - Stairway access to 2<sup>nd</sup> story ADU must be internal or not visible from street
  - ADU limited to maximum of 2 bedrooms
  - ADU limited to maximum of 300 square feet floor area excluding stairways or garage
  - 1 additional off-street parking space required for ADU
  - ADU must be screened from neighboring properties by 6 to 8 foot fence where necessary
  - ADU must have proper street numbering visible from street

**Attached ADU additional standards**

- May not exceed lesser of 40% of floor area of primary dwelling unit or 1,000 square feet
  - may increase in certain conditions
- ADU additions to existing homes must be architecturally consistent
  - exterior finish same or visually matching
  - roof pitch similar
  - trim same type, size and location
  - windows must match in proportion and orientation unless building code conflict
  - front façade of principal unit shall not be significantly altered unless whole structure being remodeled

**Detached ADU (DADU) additional standards**

- may not exceed lessor of 40% of primary unit floor area or 800 square feet in in R-S zone or 1,000 square feet if within R-L, R-M, R-O, C-C, CC-II and P-R
- may be separate free standing structures to side or rear of primary unit or placed next to or on top of garage
- subject to building placement standards for garages
- site coverage for DADU and primary structure cannot exceed 40% of rear yard area
- must be minimum 15 feet between existing dwellings and the DADU except if DADU built on top of or adjacent to garage
- maximum width of ADU including any projecting building elements is 75% of lot width

- **Cottage Housing design standards**

- Clusters of small detached dwelling units around common open space
- May be condominiums or fee-simple lots
- **Density Bonus** – each cottage counted as ½ a dwelling unit for density calculations
- **Dimensional standards**
  - Maximum floor area 1,200 square feet
  - Maximum floor area/ground or main floor 800 square feet
  - Minimum common space 400 square feet per cottage

- Minimum private open space 200 square feet per cottage
- Maximum height 25 feet and all roof above 18ft pitched no less than 6:12
- Maximum height accessory structure 18 feet
- Setbacks per ECC 15.32.030
- Minimum distance between structures including accessory structures 10 feet
- Minimum parking per cottage 1.5 spaces
- **Units per cluster**
  - Minimum of 4 cottages and maximum of 12 cottages
  - OK to have more than 1 cluster per development site
- **Windows on street**
  - Transparent windows/doors on at least 15% of façade facing street or common open space. Departure available
- **Parking and driveway location and design**
  - Parking must be located on same property as development
  - If lot abuts alley, the garage or off-street parking is encouraged to use alley
  - Must be located to side or rear of cottage clusters and not between street and cottages
  - Parking prohibited in front and interior setback areas
  - Parking a vehicular areas must be screened from street and adjacent residential by landscaping or architectural screens
    - If adjacent to street at least 10 feet Type C landscaping between sidewalk and parking area
    - If adjacent to residential uses, at least 5 feet of Type A, B or C landscaping
  - Parking must be in clusters not more than 5 adjoining uncovered spaces except if adjacent to alley. Departures available
  - Garage may be attached to individual cottage if all other standards met and footprint of ground floor, including garage, not more than 1,000 square feet
  - Garage must be located away from common open spaces
  - No more than one driveway per cottage cluster except where clusters front on more than 1 street
- **Common open space requirements**
  - Must abut at least 50% of the cottages
  - Must have cottages abutting on at least 2 sides
  - Cottages must be oriented around and have main entry from common open space
  - Cottages must be within 60 walking distance feet from common open space
  - Open space shall include at least 1 courtyard, plaza, garden, or other central open space, with access to all units and with minimum dimensions of 15 feet by 20 feet
- **Required private open space**
  - Private usable open space with no dimension less than 10 feet must be provided adjacent to each dwelling unit. It should also be oriented to common open space.
- **Porches**
  - Cottage façade facing common open space or common pathway must feature a roofed porch at least 80 square feet with no side less than 8 feet
  - **Covered entry and visual interest** any cottage facing public street must provide:
    - A covered entry feature minimum of 6 feet by 6 feet visible to street
    - At least 10 feet of landscaped open space between residence and street

- At least 2 architectural details (Departures available)
  - Decorative lighting
  - Decorative trim
  - Special door
  - Trellis or decorative building elements, and/or
  - Bay window
- **Character and diversity**
  - Cottage cluster and accessory buildings must be designed with same architectural style
  - Such as:
    - Similar building/roof form and pitch
    - Similar siding
    - Similar porch
    - Similar window trim
  - Within a cluster diversity may include
    - Alternating porch style (maybe roof form)
    - Alternating siding details or roof gable
    - Different siding color
- **Energy efficiency** – cottage and accessory structures subject to energy efficiency standards
- **Townhouse design standards**
  - **Entries**
    - If front on street each townhouse must have individual ground-related entry accessible from street.
    - Enclosed rear yards backing onto street is prohibited
    - If alley or other rear vehicular access, new buildings must emphasize pedestrian entrances rather than private garages by providing BOTH
      - Enhanced entry with trellis, small porch, architectural features providing cover and a transitional space between outside and inside of building
      - Planted area in front of pedestrian entry at least 20 square feet with no side less than 4 feet and provide combination shrubs or groundcover and street tree
    - Planting strip with no side less than 4 feet required adjacent to primary entry of all units including townhouses located to rear of lots off alley or private internal drive
  - **Garages and driveways**
    - If lot abuts alley the garage or off-street parking should access alley
    - For Lots without alley must have a shared driveway
    - Garages facing public street prohibited
    - Internal drive aisle standards
      - Must meet minimum fire code widths
      - Minimum building separation is 25 feet
      - Upper level building may not project over drive aisles more than 3 feet
  - **Open space**
    - At least equal to 10% of building living space, not counting auto storage area
    - One or more methods
      - Usable open space adjacent and accessible to dwelling units no smaller than 12 feet on all sides and configured for human activity (outdoor eating, gardening, play, etc)
      - Meets common open space required by ECC 15.52.030(E)(1)
      - Balconies, decks and/or front porches
      - Pea patch

- **Building Design**
  - Articulation same as for multifamily except intervals no wider than width of units
  - Repetition with variety via one or more of
    - Reversed elevation of 2 out of 4 dwellings
    - Different building elevations for external townhouse units by changing roofline, articulation, windows, or modulation patterns
    - Adding a different dwelling design or different scales
- **Energy efficiency** – townhouses are subject to energy efficiency standards

Establishes revised **Off-Street Parking Standards** (15.55.010 – 15.55.070)

- Based on current parking standards but have been moved from Public Works Development Standard to Land Development Code
- Continues to base off-street parking on several categories of similar uses
  - Residential/Lodging - examples
    - Single family, duplex and townhouse      2 spaces per unit and tandem parking OK
    - ADU      1 space
    - Apartment      studio unit      1.2 per unit
    - One bedroom      1.5 per unit
    - Two bedroom +      1.0 per bedroom
    - Cottage housing      1.5 per cottage (chart is incorrect)
  - General Retail and Service – examples
    - Offices, retail shops, clinic      1 per 300 sq.ft. gross floor area
  - Food and Beverage      1 per 200 sq.ft. gross floor area
  - Places Assembly      1 per 1,500 sq ft up to 20,000 sq ft
  - Public and Quasi Public - examples
    - Hospital      1.5 for each 5 beds
    - Elementary and junior high      1 per classroom plus 1 per 50 students
    - High school, college      1 per classroom plus 1 per 10 students
    - Government office      1 per 350 sq.ft
- No off-street parking for any uses in C-C zone. *A change from current code that requires off-street parking for residential uses in C-C zone.*
- No reduced parking for CC-II zone. *A change from current code that gives 50% break for commercial parking in CC-II zone )1 per 600 sq. ft*
- More detailed language for bicycle parking
- More detailed loading space requirements
- **ALLOWS ON-STREET PARKING IMMEDIATELY ADJACENT TO THE PROPERTY TO BE COUNTED TOWARDS THE OFF-STREET PARKING REQUIREMENT FOR NON-RESIDENTIAL USES.**

***NOTE: intial legal review of this draft has recommended that the off-street parking standards be removed from the Land Development Code and be kept in the Public Works Development Standards and has questioned how that on-street parking credit would be applied in the real world where property lines do not line up with off-street parking spaces and some buildings house multiple separate businesses. This on-street parking credit is something totally new for the City and should be discussed.***

Establishes revised **Sign Standards** (15.56.010 – 15.56.220)

- Based on current sign standards but have also blended in some suggestions from Landmarks and Design Commission 2009 review and has re-organized it for ease of reading

***NOTE: initial legal review of the draft has indicated that 'A'-Frame signs on public rights-of-way should be reviewed and permitted by the Public Works Department thru a right-of-way use permit process. Currently Community Development administers these types of signs, as well as outdoor patios on the sidewalks.***

***Landmarks and Design Commission continues to favor its proposed sign code amendments over these proposed new changes to the Sign Code.***

Establishes revised **Landscaping Standards** (15.57.010 – 15.57.060)

- Creates more specific minimum planting sizes
- Creates 5 new **Landscaping Types**
  - **Type A** provides a full screen and visual barrier. Typically between residential and non-residential uses
    - Mix of evergreen trees and shrubs generally in a landscaped strip
    - 70 to 90% evergreen
    - Greater of 1 tree per 100 square feet or 1 tree per 10 lineal feet
    - Evergreen shrubs 1 per 20 square feet
    - Groundcover
    - Completely screen 80% of unwanted view within 3 years of planting and fully screen within 6 years
  - **Type B** is a filtered screen serving as a visual separator. Typically between differing residential developments
    - Mix of evergreen and deciduous trees and shrubs in a landscaped strip
    - 50% deciduous and 30% evergreen trees
    - Greater of 1 tree per 200 square feet or 1 tree per 20 lineal feet
    - Shrubs at 1 per 20 square feet
    - Groundcover
    - Meet desired screening within 3 years
  - **Type C** is a see-through screen that provides partial visual separation for parking lots and building elevations. Usually along street frontages or between multifamily developments
    - Primarily deciduous trees extending beyond landscaped area
    - At least 70% deciduous
    - 1 tree per 250 sq. ft. or 1 tree per 25 lineal feet
    - Shrubs at 1 per 20 sq.ft.
    - Groundcover
    - Maintain trees and shrubs to maximize pedestrian visibility (between 3 and 8 feet)
    - Meet purpose of screening within 3 years
  - **Type D** is enhanced woodland that functions as a buffer between intensities of uses and utilizing existing trees and vegetation with supplements. Minimum of 20 feet wide.
  - **Type E** refers to all other landscaped areas that are not a Type A-D such as flower beds, or perennial beds adjacent to lawn areas. At least 3 feet wide with 1 shrub every 3 lineal feet and groundcover over rest of landscaped area

***NOTE: initial review of this draft has raised questions as to why we need 5 landscaping Types. Staff is working with the consultant to make landscaping a simpler requirement to understand and apply to individual projects.***

- **Installation and maintenance**
  - Must be installed within 6 months of issuance of certificate of occupancy but may defer installation up to 6 months with bonding
  - Must be maintained
  - Must be irrigated