Outline/Summary of Recent LDC Revisions

JULY 12, 2013

Staff and the consultant team have made updates to the LDC over the past few months based on the City's legal review comments, City Council and Planning Commission input (January meetings), City Council and Landmarks and Design Commission input (March/April meetings)and per internal team discussion (this includes corrections and clarifications). The outline/summary herein documents only the more substantial changes (more than simple editing updates) that have been made in the LDC since the release of Draft 1 in January 2013.

General – Document Numbering

The numbering system has been updated to allow greater flexibility for additions/revisions in the future. In the most recent draft, for example, Article 2 chapters went from 15.20 to 15.29, leaving no additional room for a new chapter. With this new updated draft, we've added an extra digit, so Chapter 15.22 is now Chapter 15.220 and Section 15.22.010 is now Section 15.220.010.

Article 1

Chapter 15.110:

- Updated roles and responsibilities – notably involving the landmarks and design commission (15.110.060)
- Removal of vesting provisions (will instead use the State vesting provisions)
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Chapter 15.130 Definitions – new and major updates include:

- Take out all adult entertainment definitions (moving all provisions to Title 6)
- Alter or alteration (updated)
- Alteration, sign (new)
- Appeal, closed record (new)
- Appeal, open record (new)
- Arts commission (new)
- Articulation (new)
- Boundary line adjustment (new)
- Cannabis and cannabis products (new from Medical Cannabis regulations in 15.370)
- Closed record hearing (new)
- Collective garden (new from Medical Cannabis regulations in 15.370)

- Cultivation (new from Medical Cannabis regulations in 15.370)
- Decision-maker (new)
- Designated care provider (new from Medical Cannabis regulations in 15.370)
- Development (updated)
- Development application (new)
- Development approval (new)
- Docket (updated)
- Elevation (updated)
- Fill or fill material (new)
- Green roof (updated)
- Hearing, open record (new)
- Historic resources inventory (new)
- Indoors (new from Medical Cannabis regulations in 15.370)
- Kennel (updated)
- Landmarks and design commission (new)
- Landmarks register (new)
- Legal parcel (new)
- Medical (or medicinal) use of cannabis (new from Medical Cannabis regulations in 15.370)
- Modulation (new)
- Nonconformance (updated)
- Nonconforming lot (new)
- Nonconforming use (updated)
- Outdoors (new from Medical Cannabis regulations in 15.370)
- Owner occupancy (new)
- Personally identifiable information (new from Medical Cannabis regulations in 15.370)
- Planning commission (new)
- Plant (new from Medical Cannabis regulations in 15.370)
- Process (new from Medical Cannabis regulations in 15.370)
- Produce (new) from Medical Cannabis regulations in 15.370
- Public place (new from Medical Cannabis regulations in 15.370)
- Qualifying patient (new from Medical Cannabis regulations in 15.370)

- School (new from Medical Cannabis regulations in 15.370)
- Structure (updated from Medical Cannabis regulations in 15.370)
- Terminal or debilitating medical condition (new from Medical Cannabis regulations in 15.370)
- THC concentration (new from Medical Cannabis regulations in 15.370)
- Useable cannabis (new from Medical Cannabis regulations in 15.370)
- Valid documentation (new from Medical Cannabis regulations in 15.370)
- Zero lot line development (new)

Article 2

Chapter 15.200:

- 15.200.030 User guide (new)

Chapter 15.210 Permit Review Process "Types":

- 15.210.010 – added B. Exclusions from "Type" permit processing
- 15.210.020 – Determination of proper permit review process Type (several edits/additions)
- 15.210.030 Permit review process Types, defined (several edits)
- Table 15.210.040(A) Decision making and appeal process for permit review process Types (several edits)
- Table 15.210.040(B) Procedures for permit review process Types (minor edits)
- Table 15.210.040(C) Notice requirements for permit applications (minor edits)
- Table 15.210.050(A) Projects under Type I review process (several edits)
- Table 15.210.050(B) Projects under Type II review process (minor edits)
- Table 15.210.050(C) Projects under Type III review process (minor edits)
- Table 15.210.050(D) Projects under Type IV review process (minor edits)
- 15.210.060 – Departures (new overview and change to reflect that Landmarks and Design Commission will review departures)

Chapter 15.220 Permit Review Procedures:

- Numerous refinements throughout

Chapter 15.230 General Provisions for Permit Application Hearings and Appeals:

- Numerous refinements throughout

Chapter 15.240 Non-conformance:

- Some changes to non-conformance provisions – notably 15.240.050, Non-conforming structures. Minor changes in other sections.

Chapter 15.250 Review and Decision Criteria:

- 15.250.010 Temporary use permit (very minor changes)
- 15.250.020 Site development permits (minor changes)
- 15.250.030 Design review (change to reflect that Landmarks and Design Commission will review departures)
- 15.250.040 Conditional use permits (updated decision criteria)
- 15.250.050 Variances (minor changes)
- 15.250.060 Rezones ( )
- 15.250.070 Master site plans for regional retail commercial projects (updated submittal requirements and procedures)
- 15.250.080 Comprehensive plan amendments (updated initiation and procedures language)

Chapter 15.260 (Subdivisions)

- Substantial update of entire chapter – mostly in response to the City's legal comments.
- Added new binding site plan section as recently adopted.

Chapter 15.270 (SEPA) (no changes)

Chapter 15.280 (Ellensburg Landmark Register & Procedures)

- 15.280.050(B), Removed design review duties, except for projects seeking departures from design standards (review and make decision), regional retail master plans (review and make recommendation), and modification/demolition/new development to registered landmark or project within landmark district (review and make decision)
- 15.280.120, re-inserted the original Chapter 1.45 design standards for multifamily, commercial, industrial, public and institutional, rehabilitation of existing buildings, and regional retail commercial – all of which would apply to the types of projects noted in the bullet above (15.280.050(B)). NOTE: Landmarks Commission is reviewing those design standards in light of it no longer performing general design review and the standards will likely be recommended for amendment to address just the Landmarks Commission areas of responsibility

Article 3

Chapter 15.310 (Permitted Uses)

- 15.310.040, updated P-R zone provisions to remove the "placeholder" conditional use designations and replace them with typical permitted, conditional and accessory uses that would be found in the P-R zone. Also provide new guidelines for addressing the rezone of P-R zoned land when the land is no longer used for "public" purposes, for addressing existing structures in such rezones that may not be compatible with the surrounding development pattern such as a large school building that has been surplussed and rezoned to low density residential, and for addressing large P-R buildings that are proposed for demolition.

Chapter 15.320 (Form and Intensity Standards)

- 15.320.030, added a provision for residential side yard setbacks – lots smaller than 6,000sf are subject to 5' setbacks rather than 5' on one side and 10' minimum on the other side.

Chapter 15.350 (Airport Overlay Zone)

- Removed sections on violation and enforcement, appeals, judicial review, and conflicting regulations (provisions duplicative of other provisions in Article 2).

Chapter 15.370 (Medical Cannabis)

- New chapter.

Chapter 15.380 (Development Agreements)

- New chapter.

Other

- Removed the Adult Entertainment Chapter (formerly 15.34) – moved to Title 6 – Businesses and Occupations since the Chapter deals primarily with a license to operate an adult business. The use table in 15.310 identify the zones where Adult Entertainment are a permitted use and identify the locational standards for such uses within that zoning district.
- Moved the Master Site Plans for Regional Retail Projects (formerly 15.35) to Article 2 where it fits better

Article 4

Chapter 15.400 (Introduction)

- Added new introduction/applicability section, similar to Article 5

Chapter 15.410 (Streetscape Design)

- Took out the definitions of each street type (since these are in the public works development standards)
- 15.410.040, added limitation provisions for the narrow 20' streets
- 15.410.050, added provisions for multi-use pathways

Chapter 15.420 (Subdivision Design & Block Structure)

- 15.420.020(A)(3), Updated provisions for pedestrian accessways. Note that these features aren't required, only encouraged as a means of enhancing pedestrian connectivity within neighborhoods.
- 15.420.020(B), Residential zones – took out reference to "modified grid" and updated departure provisions (notably that 1,000' block sizes is the maximum size even with a departure, except where special site constraints are present).
- 15.420.020(C), Commercial zones – took out maximum block size provisions for the I-H zone. NOTE: Should re-title that sub-section as "Commercial and Industrial zones".

- 15.420.030(D), updated provisions to prohibit gated communities and subdivision design featuring double frontage lots where homes back up to collectors and arterial streets.
- 15.420.040(D), added a provision about park maintenance (maintained by private landowners unless dedicated to the City).
- 15.420.050(A), added a note that zero lot line lots shall be referenced on the plat with applicable information.
- 15.420.050(E), added a note that the City shall review and approve any necessary easements and/or covenant agreements.

Article 5

Chapter 15.500 (Introduction)

- Figure 15.500.020 added to clarify the difference between Level I, II, and III improvements (remodels/additions)
- 15.500.030 refinement to departure provisions (as noted in Chapter 15.210 above) with updated cross-references

Chapter 15.510 (Site Orientation)

- Figure 15.510.040(C) updated to replace Secondary Street II designation with the standard Secondary Street designation for Lakeshore Way and South Opportunity Street (off of Umptanum Road).
- Eliminate provisions for Secondary Street II designation, since none now exist.
- 15.510.130 added objectives for the development frontages for civic buildings

Chapter 15.520 (Site Planning & Design Elements)

- 15.520.050(C), added a subsection with standards on drive-through lanes
- Moved the lighting section previously in this chapter to be integrated with Chapter 15.580 (no substantial changes to content, however)

Chapter 15.530 (Building Design)

- 15.530.030, adjusted the applicability of the building articulation standards for non-residential buildings – notably for buildings in the industrial zones and whether building frontages face the street and contain customer entrances.
- 15.530.040, adjusted the applicability of the building elements and details for non-residential buildings.
- 15.530.040(C), updated provisions so that all street corners within the Downtown Historic District are classified as a high visibility street corner and thus subject to the provisions herein.
- 15.530.050, adjusted the applicability of the building materials standards for non-residential buildings – notably for buildings in the industrial zones and whether building frontages face the street and contain customer entrances.
- 15.530.070, eliminated standard for new roofs to meet solar reflectivity standards.

Chapter 15.540 (Housing Type Standards)

- 15.540.020, adjusted garage setback standards for single family homes (at least 3' behind front wall of house).

Chapter 15.550 (Parking Standards)

- 15.550.030, adjusted parking requirements for studio apartments (0.7/du) and cottage housing (to 1.5/du from 1.0), added provisions for adult family homes and uses with drive-in facilities, and added new parking standards for residential uses in the C-C zone outside of the historic district (0.7/bedroom).

- Updated bicycle parking provisions.
- Updated loading zone provisions for storefront uses that aren't served by alleys.

Chapter 15.560 (Sign Standards)

- 15.560.060, adjusted pole sign standards: reduced minimum setback for pole signs from 200 feet to 10 feet.
- 15.560.130, added new provisions for double post signs, a type of sign that wasn't previously addressed.
- 15.560.220, updated language associated with the removal of certain signs (per legal comments).

Chapter 15.570 (Landscaping Standards)

- 15.570.040, eliminated Type D landscaping (deemed unnecessary for Ellensburg)

Chapter 15.580 (Outdoor Lighting)

- Integrated provisions previously in Chapter 15.52.

Article 6 Critical Area Regulations

- No changes except to make consistent with Article 2 review processes.