City of Langley
PLANNING ADVISORY BOARD
AGENDA
November 6, 2019 @ 3 pm
LANGLEY CITY HALL
112 2nd Street, Langley WA

1. Call to Order
2. Approve agenda
3. Approve minutes of October 2, 2019
4. Discussion Items:
   a. PAB membership code amendments (attached)
   b. Proposed Zoning Code amendments discussion (attached)
   c. December meeting
5. New Business
6. Citizen comments
7. Announcements
8. Adjourn

Next Regular Meeting: TBD
Guiding Principles for Citizen Committees and Boards.

- All advisory board and committee meetings are to be conducted in public session and noticed in accordance with state law, unless otherwise advised by the city attorney.

- Individual committee members and the collective group will be fair, impartial, and respectful of the public, staff, and each other.

- Committee members will respect the limitations of their individual and collective authority. The role of the committee is to advise the city council and/or staff. Please keep in mind that committee appointment does not empower you to make final decisions, unless authorized by state law or the group’s enabling ordinance, or to supervise staff.

- Members will strive to appreciate differences in approach and point of view, whether from each other, the community, the city council, or staff.

- Each member will participate in the group’s discussions and work assignments without dominating the discussion or activity of the committee.

- The committee chair will ensure that all members have a fair, balanced, and respectful opportunity to share their knowledge and perspectives.

- The committee will attempt to reach consensus on issues. If consensus is not possible, strong differing opinions, such as “minority” opinions, should be recorded and acknowledged in the committee’s report to the city council.

- There should be “no surprises” from the committee, either in the nature of the work being undertaken by the committee or the method and timing for conveyance of recommendations to the city council. The staff liaison fulfills an important role in assisting the committee in this regard.

When presenting recommendations to the Council, it is essential that advisory group members keep the following in mind:

- all recommendations should be in written form;
- all ideas should be expressed in clear and concise language;
- proposed solutions should be viable and cost-effective;
- recommendations should identify the reasons for the changes suggested;
- the advice should reflect a consensus of a majority of the group members.
City of Langley
PLANNING ADVISORY BOARD
MINUTES
OCTOBER 2, 2019 3:00pm
LANGLEY CITY HALL
112 2nd Street, Langley WA

ATTENDANCE
Board: Thomas Gill, Chair; Burt Beusch; JR Fulton; Maralie Johnson; Rhonda Salerno
Regrets: Tucker Stevens
Staff: Brigid Reynolds, Director of Planning; Jill Needham, Planning Assistant

1. Call to Order

The meeting was called to order at 3:05pm

2. Approve agenda

Burt wished to receive an update on the short-term rental applications.

Rhonda was concerned that Ross’s ideas for the Coles Valley may not ensure affordable housing. JR suggested partnering with an affordable housing advocate to ensure some units are affordable. It is not yet known if the units will be leased or sold since each of the subparcels may be developed by a different developer. Brigid added that she has not seen a formal Memorandum of Understanding.

3. Approve minutes of

The minutes of the August 7, 2019 meeting were approved.

4. Discussion Items:

   a. Possible Zoning Code Amendments

      i. Parking
Brigid opened the discussion and reviewed the possible ideas for code amendments.

JR remarked that requiring zero parking is now the trend in many cities, though it was pointed out that Langley’s geography, weather, and transit may not permit it. Not enough street parking currently exists to facilitate no onsite requirements.

Currently, a single family home is required to have a minimum of two onsite stalls. A one bedroom home requires one space.

Thomas raised the issue of people parking entirely on the pavement and obstructing traffic (especially in East Langley). Brigid said she has not talked with Chief Lauer regarding general parking complaints, only those associated with STRs.

JR expressed his contempt for private streets in which only residents can park on. Rhonda suggested designating one side of the road for the purpose of parking, where the right of way is wide enough.

Rhonda recalls that Dan Burden performed a parking audit on South Whidbey. In his report, he recommends adding street classifications such as narrow streets, woonerfs (living street), and gateway entries. Thomas recommended adding street parking incrementally as streets are redone.

JR dislikes that parking minimums can add additional cost to affordable housing projects. It also reduces space that could potentially be greenspace.

Brigid showed a map showing sidewalks in the city. Burt remarked that he often sees both residents and tourists walking along the new walkway in front of his house on 1st Street.

Rhonda remarked that the city is missing bike infrastructure. Brigid mentioned that the County is planning a bike loop through Langley.

Brigid suggested taking an inventory of available parking and pedestrian amenities. Each PAB member can take a section of town to study. She suggested inviting Chief Lauer to discuss his experiences. Brigid will create a table showing qualities like width of the road, width of the shoulder, substrate of the road, parking potential, etc.

  ii. **Front Yard Setbacks**

JR summarized his comments. He expressed that stringent setback requirements burden owners and developers by limiting available building area. Thomas was concerned that reducing setbacks too much may diminish privacy. Burt was
concerned that traffic sightlines may be impacted if corner lot setbacks are significantly reduced.

Brigid showed images from Ross Chapin of the Seabrook Cottage development. Rhonda disliked the model because of its lack of available space for gardens. Thomas and Rhonda preferred variety in setbacks (i.e. some homes setback farther from the street while others are closer).

Brigid mentioned that there should be provisions to locate garages behind the front face of a dwelling unit to reduce the dominance of cars and to create a more open frontage for the dwelling.

There are provisions in the code that allow 50% reductions of front setbacks for corner and through lots with approval from the planning official. Brigid suggested including these sorts of setback reductions by right instead.

Brigid clarified that binding site plans (e.g. the Highlands) allow reduced setbacks for individual lots. The discussed code would impact single lot owners more than large developers. She suggested that the PAB research the setback codes of other City’s and return to the discussion at a later meeting.

iii. Mixed Use Buildings

Mixed use buildings are not explicitly permitted or defined in the code. Neighborhood Business allows for some commercial uses, and the NB retail overlay applies to the three properties on the north side of Second St. Jill suggested reopening the discussion of expanding NB uses to include retail to accommodate a small grocery stores and corner stores. Thomas agreed that with the topography, weather, and age of the population, walking to the CBD is not always feasible. Limited retail is permitted in home occupations as long as it is ancillary to another use. Thomas mentioned that the NB zone on Camano used to have several retail locations before it was designated NB. He recalls it used to be a corner store, soda fountain, among other uses before being torn down in the early 2000s.

iv. Code Definitions

Code definitions still need to be aligned with Comprehensive Plan. Some uses are permitted in the code but are not explicitly defined, such as the arcade.

Rhonda asked if brewpubs are explicitly allowed in NB. Brigid explained that care must be taken to ensure noise does not become an issue with these types of uses.

Rhonda suggested the City buy 510 Cascade Ave with a $3 million economic development grant and creating a boardinghouse for workforce housing. This is
unlikely as the City is not a developer and this could be considered a gift of public funds.

v. Attached Tiny Houses

JR suggested allowing two tiny homes to share a party wall to save on development costs.

He also suggested allowing two attached ADUs attached to a single-family residence to also reduce costs.

Brigid suggested that two attached ADUs to a SFD is essentially a triplex.

Brigid asked if JR had checked the building code for additional requirements that may be required, such as 2 hour fire separation for party walls. Brigid suggested that design review guidelines be established first for multifamily dwellings. The City has not received an application yet under the new ADU/Tiny Home Code. Brigid suggested letting the current code settle before amending it.

JR expressed that adding design review guidelines would be burdensome to developers and a slippery slope for the City. Brigid maintained that design review is necessary to protect the small town aesthetic. It was speculated that no multifamily housing has been built in the last 20 years largely due to financing ability.

Burt agreed that allowing more shared walls would result in a positive density increase. Under current code, it would have to be a variance. Brigid requested some example photos of duplex style tiny homes.

5. New Business

Rhonda asked what the plans were for the orange cottage at 107 6th St. Brigid responded that he did obtain a demo permit, but no formal building application has come forward yet.

Rhonda also requested an update on the THINC development. Maralie mentioned that recent EPA requirements have made it much more difficult and costly to design and implement drainage systems.

Brigid provided an update on the STR code. So far, the City has received a total of nine applications, eight being Type IV and one being Type III. Council has suggested opening a discussion with compliant operators to share their experiences with the compliance process.

6. Citizen comments

There were no citizen comments.

7. Announcements
8. **Adjourn**

The meeting was adjourned at 5:00 PM

9. **Next Regular Meeting:**

The next meeting is scheduled for November 6, 2019
ORDINANCE XXXX

AN ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, AMENDING
CHAPTER 18.20 OF THE LANGLEY MUNICIPAL CODE, ENTITLED “PLANNING AGENCY”

WHEREAS, the City of Langley has through the adoption of Chapter 18.20 of the Langley
Municipal Code established a planning agency for the City consistent with 35A.63.020 RCW; and

WHEREAS, the Planning Official and the Planning Advisory Board collectively constitute the City
of Langley’s planning agency, a designation that among other responsibilities establishes the Planning
Advisory Board as advisory to the City Council on matters pertaining to the Langley Comprehensive Plan,
land use regulations and some land use applications; and

WHEREAS, the residency requirements of the Planning Advisory Board state that four members
and the alternate shall reside either within the city of Langley, or a maximum of one may reside within
the unincorporated urban growth area (UGA), as defined by the most current adopted comprehensive
plan map; and

WHEREAS, the current Comprehensive Plan adopted in 2019 reduced the size of the urban
growth area considerably; and

WHEREAS, filling Planning Advisory Board vacancies has been challenging due to a lack of
available and interested candidates; and

WHEREAS, the City Council believes that it is in the best interest of the public and consistent
with the good planning practices; and

WHEREAS, there are no residency restrictions in the enabling statute;

Now, therefore,

THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, ORDAINS AS FOLLOWS

Section 1. LMC Chapter 18.20 Amended. Chapter 18.20 of the Langley Municipal Code is hereby
amended consistent with the following.
Chapter 18.20
PLANNING AGENCY

Sections:
18.20.010 State statutes adopted.
18.20.020 Created – Responsibilities.
18.20.030 Planning official.
18.20.040 Planning official – Duties.
18.20.050 Planning official – SEPA official.
18.20.060 Planning advisory board – Created.
18.20.080 Planning advisory board – Duties and responsibilities.
18.20.090 Planning advisory board – Members.
18.20.100 Planning advisory board – Meetings.
18.20.110 Parks and open space commission – Planning agency duties and responsibilities.

18.20.010 State statutes adopted.

Chapter 35A.63 RCW is adopted by reference. (Ord. 527, 1989)

18.20.020 Created – Responsibilities.

Pursuant to Chapter 35A.63 RCW, there is created a planning agency of the city with the powers and duties prescribed in this chapter. The planning agency shall be comprised of the planning official, the planning advisory board, and under certain circumstances as specified below, the parks and open space commission. The planning agency shall be responsible, through its component parts, for:

A. Review and updating of the comprehensive plan for the city;

B. Information and administration of the land use regulations of the city;

C. Development of new land use regulations or revisions of existing land use regulations for consideration by the city council;

D. Preparation of reports and recommendations on land use applications including subdivisions, variances, conditional uses, shoreline permits and other related permits and environmental review;

E. Other related duties as designated by the mayor or the city council.

18.20.030 Planning official.

The head of the planning agency shall be known as the city planning official. The position shall be appointed by the mayor and shall be confirmed by the city council.

18.20.040 Planning official – Duties.

The planning official shall provide regular staff services to the planning advisory board and such staff services to the comprehensive plan group as the executive team of the comprehensive plan group may request. The planning official shall submit to the planning advisory board a report and recommendation on all proposed land use regulations. The planning official shall convey to the city council the majority report of the planning advisory board, any minority report and the recommendation of the planning
official on any proposed regulation which requires city council action as currently provided by ordinance.

18.20.050 Planning official – SEPA official.

The planning official shall serve as the responsible official pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW).

18.20.060 Planning advisory board – Created.

The city of Langley hereby creates a planning advisory board.

18.20.080 Planning advisory board – Duties and responsibilities.

The planning advisory board shall be responsible for the review and recommendation to the city council for the development or revision of land use regulations, including the zoning code and shoreline master program. The planning advisory board shall have such other powers and duties as contained in Chapter 35A.63 RCW and as provided by ordinance.

18.20.090 Planning advisory board – Members.

A. Number of Members. The board shall consist of five voting members and one alternate member. The alternate member shall attend meetings and participate in discussions and will vote when a regular board member is not able to attend a board meeting.

B. Residency. Four voting members and the alternate must reside either within the city of Langley, or a maximum of one may reside within the unincorporated urban growth area (UGA), as defined by the most current adopted comprehensive plan map, or may own a business in the City, or may be a professional including retired with specialized knowledge on land use, architecture, planning and similar who lives within the 98260 zip code.

18.20.100 Planning advisory board – Meetings.

The planning advisory board shall meet at least once each month, or as often as feasible, in order to carry out the planning advisory board function and to minimize the delay in processing land use applications and planning documents. The board shall adopt and publish policies regarding the time, place, and frequency of meetings. If there is no business to conduct a meeting cancellation notice shall be posted in the same manner as all meeting notices. Special meetings may be held as often as the board deems necessary. Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act.

18.20.110 Parks and open space commission – Planning agency duties and responsibilities.

The parks and open space commission shall be advisory to the city council on matters concerning long-range parks and open space planning, including amendments to the parks and open space element of the comprehensive plan.
ORD 527 Ch. 18.20.040 Planning Advisory Board – Membership
There is created a planning advisory board which shall consist of five members. Four members must be residents of the City. The members of the planning advisory board shall be appointed by the mayor and approved by the city council as per section 18.12.080 of this chapter. They shall serve for a term of three years.

Ord 578 and 564, 1990 – no changes to membership

ORD 873 Ch. 18.20.040 Planning Advisory Board – Membership
Specifies membership of both board members and alternate must be a resident. This ORD appears to create the alternate position.

ORD 906 – no changes to membership

ORD 924 – added parks and open space commission to Ch. 18.20
Possible Zoning Code Amendments
November 6th PAB meeting
Discussion Paper

Words in italics are in the current LMC

PARKING

18.22.110 Vehicle parking.
A. All property owner passenger vehicles including pickup trucks shall be parked in a designated driveway, parking space, carport or garage.
B. No recreation vehicle, boat, trailer, inoperable or seldom-used vehicles shall be parked or stored in any street setback area.

Parking minimums LMC 18.22.130
Revise and update. Code references figure 18-1 for stall sizes but this table doesn’t exist.
- Single family, duplex, townhomes are required to have two parking spaces. One bedroom DU can have one parking space.
Possible amendment
- Reduce number of parking spaces for multi-family developments to one per DU and require % of total as guest parking.
- Don’t base it on number of bedrooms in each MF - DU.
- Don’t require additional parking for a change of use.

Parking usage studies, including those from the Institute of Transportation Engineers (ITE), have been focused on suburban retail centers which generate about 40% or more parking demand than main streets and downtowns. Users Guide to Zoning Reform

Reduce parking requirements by right under certain conditions. This will depend on housing typology.
- Secure and covered bike parking is provided
- Proximity to bus stops

Expand allowances for shared parking.
- Currently a reduction of 10% is permitted for a combination of uses. 18.22.130.H

Expand number of compact parking stalls. But current code states up to 50% of required parking may be for compact cars.

Permit on-street parking along lot frontage to count towards required parking for that lot
- Would apply only to frontage of the subject property
- On street parking would not be dedicated to this property. No signage. No restrictions for others to park here.
- Limit the number to a certain percentage of parking

Because parking spaces cost approximately $9,550 for surface spaces and $19,050 for structured spaces, including land, construction and design costs, but excluding the cost of operations. (Victoria Transport Policy Institute, 2016) This poses a serious financial barrier to development and redevelopment.
Additionally, each space consumes approximately 300 square feet of usable site area. Adaptive reuse situations are extremely sensitive to parking where changes in use may require more parking than can be provided on the lot. In order to equitably share on-street spaces, they should count only for the lots that are directly adjacent to the space. Lean Code

REFERENCES
Lean Code
Seattle economic development strategy: http://council.seattle.gov/2012/05/10/removing-minimum-parking-requirements-where-unneeded/
Market-based parking requirements: http://www.uctc.net/access/42/access42_almanac.pdf
Why minimum parking requirements are bad business: http://shoup.bol.ucla.edu/Trouble.pdf
The true cost of minimum parking requirements for housing, office and retail: http://shoup.bol.ucla.edu/HighCost.pdf
SETBACKS
Reducing setbacks and other requirements need careful consideration as this can result in unintended consequences. Specifically, the ability to maximize development of the lot.

Setbacks for RS and MR zones are the same and are as follow:
A. Street or front: 20 feet;
B. Side yard: 10 feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section.

Front yard setbacks
Currently suburban standard of 20 feet in RS zones and MR zone
Reduce by right but under certain circumstances
- Garage door must be behind the front face of the dwelling unit, including a porch, a minimum of five feet
- Porch with a minimum depth relative to the width of the DU
- Average of adjacent building setbacks

Ellensburg establishes a 15 ft setback for the dwelling and 22 ft setback for the garage from the front lot line.

Unenclosed Porches and entry features
- May be multi-story?
- May be forward of the setback (build-to-line) but not in the right of way
- Must be open. No more than 75% of the floor area of the porch shall be screened if the porch is forward of the setback (City of Hercules’ form based code)

A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project 30 inches into a front or rear yard, provided such projections are:
1. Limited to two per facade; and
2. Not wider than 10 feet;
B. Eaves, cornices, and signs may not project more than:
1. Three feet into a front or rear yard; and
2. Two feet into the side yard;
C. Porches and covered entries may project up to six feet into the front yard subject to conformance with any required site vision standards set forth in Section 3, Street Standards, of the city’s public works development standards applicable to the lot:
D. Uncovered porches and decks, which exceed 18 inches above the finished 
grade, may project up to six feet into the front or rear yards;
E. Storefront weather protection projections into the public right-of-way are acceptable, provided they 
don't interfere with street trees or extend beyond the edge of the sidewalk; (Ellensburg)

LMC permits projections as follows:
No portion of any building, or structure, over 18 inches above grade shall extend into a required yard, 
with the exception of the following:
1. Eaves may extend no more than 18 inches into a required yard area; and
2. Accessory buildings and structures may be located in the rear yard setback, as long as they are no 
closer than five feet from any property line.
3. Rear Yard. A principal structure may extend up to six feet into the rear setback; provided, that the 
extended structure is limited in width to 20 percent of the average lot width and is no higher than 12 
feet.

Rear yard setbacks
Currently suburban standard of 25 feet in RS zones and MR zone.
Reduce to 20 feet
Reduce for unenclosed porches/decks

LMC Current definitions
“Lot line” means any line enclosing the lot area.
Lot Line, Rear. “Rear lot line” means the lot line which is opposite and most distant from the street lot 
line; provided, however, that where, under this definition, a particular parcel or lot would have more 
than one rear lot line, the city building official shall determine which lot line shall be considered as the 
rear lot line for purposes of this title.
Lot Line, Side. “Side lot line” means any lot line that is not a street or rear lot line.
Lot Line, Street. “Street lot line” means any lot line that abuts a street.
Lot, Through. “Through lot” means a lot fronting on two streets that is not a corner lot.
“Lot width” means the distance between the side lot lines measured at right angles to the line 
establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area 
used as an access easement shall be excluded from the computation of the lot width.

“Setback” means the minimum distance required by this title for buildings and/or other structures to be 
set back from the street, side or rear lot lines, rights-of-way or access easements.
“Setback area” means the lot area between the lot lines and the setback lines.
“Setback line” means a line which is parallel to a lot line or access easement located at the distance 
required by the setback.

“Yard” means the lot area between lot lines and the building area.
Yard, Front. “Front yard” means the area between the street lot line and the building line extending the 
full width of the lot or the street setback area.
Yard, Rear. “Rear yard” means the area between the rear lot line and the building area extending the full 
width of the lot or the rear setback area.
Yard, Side. “Side yard” means the side setback area between the side lot lines and the building area, extending the full length of the building area.

Corner lots and through lots
As currently defined these lots are penalized with greater setbacks and contain regulations in the definitions

“Street lot line” means the boundary between the street right-of-way and abutting property.

“Street setback” or “front yard setback” means the minimum distance required for buildings to be set back from the street lot line. Street setbacks apply to both public and private streets. For corner lots, the street setback applies to both streets. For through lots, the street setback applies to either frontage. The planning official shall have the authority to reduce street or front yard setbacks for corner lots or through lots by up to 50 percent, upon a finding that such reduction is consistent with the intent of this code.

EXAMPLES
Lot Line, Front. “Front lot line” means the lot line separating the lot from the street; or, in the case of a panhandle lot, the lot line chosen by the owner which separates the access corridor from the remainder of the lot; and in the case of a corner lot, the street frontage designated by the owner as the front lot line. (Mukilteo)

Yard, Front. “Front yard” means the required open space extending from the principal street line to the building line and including the full width of the lot to its side lines. On corner lots the front yard is the yard upon which the principal building fronts. (Mukilteo)

Lot, Front. The side of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings, or of the principal entrance, if building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the administrator shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow (Blacksburg, Va)

For dual frontage properties, the front yard is measured from the street right-of-way that is the property’s street address and primary access. (Ellensburg)

Mixed use building
“Mixed use” means a development involving a combination of uses including residential and commercial. Typically, a mixed use project may have commercial uses at street level with residential uses in the second floor.

Not specifically permitted in CB and NB zones. Need to add into table 18.09

“Mixed-use building” refers to a building that includes both residential and nonresidential uses and/or business or professional office uses with other nonresidential uses. Such uses may be mixed vertically or horizontally in one building. Examples include a restaurant with apartments and/or professional offices upstairs or professional offices on one end of the building with retail and/or residential uses on another end. (Ellensburg)
Definitions
Align with Comp Plan definitions.
Add definitions for permitted uses that are not currently defined. (housekeeping)

Home Occupation
Permit type I by right.
Type II may require an inspection by the BO.
Include provisions for makers space in home occupation

Zoning Map
Remove RS7200-WS from the map.
Ord 992 adopted in 2013 rezoned properties from RS7200-WS to RS15000

Neighborhood Business Retail Overlay
This overlay applies to three lots at Second and DeBruyn only. This is reflected on a zoning map with ORD 1004. Subsequent maps don’t show this
Permit limited retail use in NB zone.
Recently approved retail use for a NB zoned property on Third St. Retail is limited to a certain % of the space and goods produced on site are for sale.

New Uses

Other considerations
Rewrite the nonconforming section of the zoning code to remain strict on nuisances but more lenient on improvements and adaptive re-use. written to minimize the effects of nonconformity except where buildings or their uses are offensive or true nuisances. Simple strategies include increasing the amount of allowable improvements to nonconforming buildings and providing clear criteria that authorize further improvements if they would bring buildings closer into compliance. Lean Code Tool

Building Height
Convert from feet to number of stories
Permit non-hazardous, small manufacturing and light industrial in urban or mixed-use districts.
Control types of development with the following regulations: I Limit building footprint I Limit building width I Control environmental impacts including glare, noise, fumes, and combustion.
VARIANCES
Establish process for two types of variances one approved administratively and one by Hearing Examiner. The LMC currently contains some flexibility in this regard

See LMC 18.30. Must be approved by the Hearing Examiner.
LMC permits administrative variances for certain scenarios. LMC 18.22.030 permits reducing up to 25% for ‘yard requirements’ for reasonable use of the property.
Definition of street setback includes the following – “The planning official shall have the authority to reduce street or front yard setbacks for corner lots or through lots by up to 50 percent, upon a finding that such reduction is consistent with the intent of this code.”
LMC 18.35.160 outlines variance procedures related to signs, links to LMC 18.30 and must be approved by the hearing examiner.

Administrative Variance. (Ellensburg)
1. Purpose. To allow limited flexibility in the application of the development standards herein.
2. Applicability. The director may allow an administrative variance for proposals that are within 10 percent of compliance of applicable dimensional standards set forth for building height and building placement.
3. Procedures. An administrative variance is subject to the Type II review process set forth in Chapter 15.210 ECC.
4. Decision Criteria. Proposals shall fall within the scope of the definition for “variance” set forth in ECC 15.130.220, and shall meet the purpose(s) of the applicable development standards.
HEIGHT

"Building height," for the purposes of this code, means the vertical distance measured from the grade to the highest point of the roof (see exemptions in definition of "grade" below).

"Grade" means the average of the existing or finished ground level, whichever is lower, at the center of all walls of a building or beneath the proposed structure, whichever is applicable. The following items are exempt when making height determinations:
1. Radio and television aerials and flagpoles.
2. Other Features. Open rails, planters, skylights and chimneys may exceed the height limits by four feet or may extend four feet above the ridge of a pitched roof.
3. Wireless communication antenna arrays up to a height of 15 feet from the highest point of the roof.

(these two definitions need to be combined as ‘grade’ definition includes ‘height’ definition standards and exceptions)

Residential zone height is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.

Building Height Measurement.
Building height is measured pursuant to the building code.

B. Exception from Maximum Building Height Standards. [Except as required pursuant to FAA regulations.] (C/c)Himneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

[C. Building Height Transition. To provide for compatible scale and height relationships between new multi-story buildings and existing single-story dwellings [in the RL district], new buildings and vertical additions to existing buildings shall maintain a building height transition to adjacent single-story building(s), as follows:
1. This standard applies to new and vertically expanded buildings and structures [in any zone] within [20-40] feet (as measured horizontally) of an existing single-story building with a height of [20] feet or less [in the RL zone]; and
2. The building height transition standard is met where the new or vertically expanded building or structure meets the following criteria:
   a. The existing single-story dwelling is located within [20-40] feet of, and on the same side of the street as, the proposed structure.
   b. The height of the proposed structure is not more than [120] percent of the height of the subject single-story dwelling.
   c. Where the proposed structure is to be located between two existing single-story dwellings, the height of the proposed structure shall not exceed [120] percent of the average maximum height of both adjacent dwellings. For example, where the two adjacent dwellings have an average maximum height of 24 feet, the new or vertically expanded structure shall not exceed 28.8 feet in height.]
2. **Exception:** The building height transition standard does not apply when the approval body finds that the subject single-story buildings located within [20-40] of the subject site are redevelopable. “Redevelopable,” for the purposes of this section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from the [name] County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the minimum lot size standards of the applicable zone.] (LEAN CODE)
MAKERS SPACE
LMC doesn’t currently specifically permit manufacturing.

The Comp Plan contains this definition and there is supporting policy for this use:
Cottage Industry means an establishment or activity primarily engaged in small-scale manufacturing, production or assembly which does not involve, on the premises, the use of heat, noise, or odor generating/producing processes which are detectable off-site. The retail sales of products produced on site is ancillary to the production of goods.

LMC 18.22.060 Home occupation use
The home occupation activity shall not generate noise, vibration, smoke, dust, odor, heat, glare, light, electrical interference, or externally visible signs of activity that exceed levels customarily associated with residential use;
There shall be no outside storage of materials;

I. Businesses Not Permitted. Not all businesses are permitted as home occupations. The following businesses are examples of those not accepted as legitimate home occupations in residential zones under this section:
1. Automobile or heavy equipment repair services;
2. Businesses that require more than one service vehicle such as trucks, backhoes, cranes, bulldozers, and so forth;
3. Short- and long-term lodging facilities;
4. Group care facilities;
5. Medical, dental, and veterinary offices;
6. Rental of space for storage;
7. Restaurants;
8. Firearm sales and services;

PRECEDENCE
Category – Arts and Creative Enterprises City of Somerville
Artisan Production
Arts Exhibition
Arts Sales and Services
Co-working
Design Services
Work/Live Creative Studio

Arts & Creative Enterprise Use Categories
a. Artisan Production Individuals and firms involved in the on-site production of hand-fabricated or hand-manufactured parts and/or custom or craft consumer goods through the use of hand tools or small-scale, light mechanical equipment. The artisan production category includes apparel manufacturing, breweries, cabinetry, chocolatiers, confectionery, furniture making,
glass working, jewelry making, metal working, pottery, sculpture, wood working, and their substantial equivalents. Showrooms and the ancillary sales of goods produced on-site are permitted.

The following standards apply: i. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effect is prohibited, except in the Fabrication and Commercial Industry districts. ii. In its discretion to approve or deny a special permit authorizing an artisan production use, the review board shall consider the following: a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria. b). Appreciable methods to mitigate noise for abutting residential properties. c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup. d). The limitation of visitors and ancillary retail sales to between the hours of 7:00am to 9:00pm.

b. Arts Exhibition The production, rehearsal, or live performance of cultural entertainment or artistic expression such as singing, dancing, comedy, literary readings, performance art, musical theater, live plays, and concerts. The arts exhibition category includes venues such as assembly halls, auditoriums, cinemas, concert halls, dinner theaters, gallery space, performance halls, rehearsal & preproduction studios, live theaters, and their substantial equivalents along with the administrative offices, booking agencies, and ticket sales of performing arts organizations.

c. Arts Sales & Services The display and retail sale, lease, or rental of finished artwork, art supplies, musical instruments, multi-media, or publications and activities that provide various arts related services to individuals, groups, or businesses including galleries, supply stores, printing shops, set design studios, and their substantial equivalents. The following standards apply: i. Outdoor display of products and merchandise is permitted according to the following: a). Outdoor display is permitted in any storefront frontage or on a public sidewalk subject to all City Ordinances as an ancillary activity. b). Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day. c). Display areas extending more than eight feet from the facade are prohibited. d). A minimum four (4) foot wide clear path of access must be maintained to the principal entrance. e). Display areas are permitted to occupy no more than 30% of the frontage area. f). Display areas must comply with the sidewalk standards of Article 8: Public Realm. ii. In its discretion to approve or deny a special permit authorizing an arts sales & service use, the review board shall consider the following: a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria. b). Appreciable methods to mitigate noise for abutting residential properties. c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup. d). The limitation of visitors and ancillary retail sales to between the hours of 7:00am to 9:00pm.

d. Co-Working A commercial or non-profit organization providing multiple individuals and small firms access to workplace facilities, including but not limited to, creative studios, office suites, for-rent ‘hot-desks’, dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.

e. Design Services Individuals and firms that provide design services to individuals, groups, or businesses including architectural design, fashion design, graphic design, interior design, industrial
design, landscape architecture, product development, software development, urban design, and their substantial equivalents. The following standards apply: i. In its discretion to approve or deny a special permit authorizing a design services use, the review board shall consider the following: a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria. b). Appreciable methods to mitigate noise for abutting residential properties. c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup. d). The limitation of visitors to between the hours of 7:00am to 9:00pm.

f. Shared Workspaces & Arts Education The transfer of knowledge or skills related to the creative enterprises through teaching, training, or research; organizations providing collaborative workplace facilities and business planning, finance, mentoring, and other business or administrative support services to creative enterprises; and multipurpose facilities dedicated to providing space for multiple creative enterprises. The shared workspace & arts education category includes arts centers, creative incubators, culinary incubators, design & fabrication centers, fabrication laboratories, and their substantial equivalents. The following standards apply: i. In its discretion to approve or deny a special permit authorizing a shared workspace & arts education use, the review board shall consider the following: a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria. b). Appreciable methods to mitigate noise for abutting residential properties. c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup. d). The limitation of visitors to between the hours of 7:00am to 9:00pm.

g. Work/Live Creative Studio Creative studio space consisting of not more than one (1) room, including an area for accessory living, where the work needs of creative industry activities within the same building take precedence over any "quiet expectations" of the residents and neighbors residing in work/live creative studios within the same building.
The following standards apply: i. Kitchen, dining, and bathroom facilities, excluding work sinks, must be shared between the tenants of each floor. ii. Floor area for accessory living space is limited to 200 sq. ft. or 30% of the total floor space of a Work/Live Studio, whichever is less. iii. The occupant(s) of the Work/Live Creative Studio must be a certified Artist with the Somerville Arts Council. iv. In its discretion to approve or deny a special permit authorizing a work/live creative studio use, the review board shall consider the following: a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria. b). Width of doorways and hallways to accommodate the moving of large objects. c). Weight capacity of elevators to accommodate heavy equipment. d). Access to natural light within each studio with a preference towards northern exposure. e). Sound transmission co-efficients to prevent the transmission of sounds from equipment or repetitive tasks. f). Ventilation and air handling techniques to ensure the safety and health of residents, visitors, and neighbors. g). Ceiling heights that allow for the creation of large works and equipment, including machinery and lighting. h). Weight-bearing capacity of the floor. i). Ability to install flooring for specific users such as dancers or performers.

01/09/18 SOMERVILLE ZONING ORDINANCE | 463 9. Use Pr Maker’s space is permitted in residential zones with a special permit Creative studio is permitted as a home occupation in residential zones. Permitted in commercial zones
Tacoma’s Maker Space

Artisanal Manufacturing - Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of its products or merchandise is permitted provided:
1. These activities are completely enclosed within the premises occupied by the establishment.
2. These activities are clearly accessory to sales and display activities.
3. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare must not exceed those levels which are customary for retail uses within the district. User’s Guide to Zoning Reform

Retail of goods manufactured on the property must be a component. Retail of goods not manufactured on the property must be limited to 10% of the retail space and shall be ancillary to the manufactured products. For example, a vintner makes wine and sells it. Ancillary products would include wine glasses.

How Cities Can Grow the Makers Movement

2.3.040 Artisanal and Light Manufacture Uses (Oregon Model Development Code)
User’s Guide: The following provisions are intended to encourage mixed-use employment, where light manufacturing and retail uses can be located on the same property.

A. Purpose. The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.

B. Applicability. The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. The standards are applied through Site Design Review or Conditional Use Permit review, as applicable.

C. Standards.
1. Where a manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use [and shall not exceed the floor area of the primary commercial use].
2. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building[ unless unenclosed operations are authorized by a Conditional Use Permit].
3. Where a manufacturing use is allowed in a commercial zone and the subject site is located within [100 feet] of a residential zone, the City may limit the hours of operation of the commercial or industrial uses to between [7:00 a.m. and 9:00 p.m.] where it has identified concerns about noise, parking, or other impacts related to the use.
4. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed the floor area of the primary industrial use.
Industrial, Artisan
A manufacturing use involving small-scale production, assembly, and/or repair with no noxious by-products. Includes such uses as bakeries, confectioners, breweries, metalworking, woodworking, and maker spaces. Includes related ancillary uses and facilities, such as a retail, restaurant, showroom, offices, storage, sales, and distribution of products.

(A) Standards: (i) Artisan industrial uses shall not exceed 15,000 square feet of gross floor area. (ii) Outdoor storage is prohibited, except in a C or I district. See Section 21-06.02(f)(25) for additional outdoor storage regulations. (iii) Deliveries or pick-ups related to the use are limited to parcel and small freight carriers, except in a C or I district. (South Bend, IN)

Permitted in Commercial and Industrial zone districts

Good code that includes lots of diagrams