Agenda

Planning Commission - Ad Hoc Committee
City and Borough of Juneau

August 14, 2018
Marine View Building 4th floor Conference Room
5:00 PM

I. ROLL CALL

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. Draft Minutes - June 28, 2018 Auke Bay Implementation

IV. AGENDA TOPICS

A. Upland Zoning for Auke Bay Draft Regulations

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

VI. ADJOURNMENT

Planning Commission
Auke Bay Implementation Ad Hoc Committee

Thursday, June 28, 2018, 12:00 PM
Marine View Building, 4th Floor Large Conference Room

Call to order 12:22

I. Roll Call

Planning Commission:
- Dan Miller (Chair)
- Paul Voelckers
- Nathaniel Dye
- Ben Haight

Absent:
- Dan Hickok

Staff:
- Jill Maclean, Director, CDD
- Beth McKibben, Planning Manager, CDD
- Allison Eddins, Planner II, CDD
- Laurel Bruggeman, Planner I, CDD
- Marjorie Hamburger, Administrative Assistant, CDD

Members of the public:
- Joann Schmidt
- Jerry Quigg
- Ann Doty
- John Doty
- Debi Ballam
- Mark Schwan
- Rick Currier
- Lisa Currier

II. Approval of Agenda

Public testimony will be heard after the Approval of Minutes.

MOTION: *by Mr. Voelckers to approve the agenda as amended.*

The motion passed with no objection.

II. Approval of Minutes

A. May 17, 2018 Draft Minutes

DRAFT

MOTION: *by Mr. Dye to approve the minutes with no edits*
The motion passed with no objection.

III. Public Testimony

Joann Schmidt - Tanner Terrace Subdivision
Ms. Schmidt wanted to share her comments in response to the public testimony at the last meeting (May 17, 2018). Mr. Quigg commented about parking and the road, and she is interested in clarification on that. Her building contains 8 units with 16 parking spaces in front as well as overflow for a total of 28 parking spaces. She does not see how this would be a problem.

Mr. Woodrow was concerned about property values. As Ms. Schmidt understands MU zoning, unless there is a change in actual use it will not affect property values. She believes instead that the value would increase because the property is rehabbed and upgraded from what is there now. Allowing the building of more new condos will only strengthen property values all-round. Currently there is low income housing at the bottom of the street so the use will not change.

In response to traffic concerns, Ms. Schmidt anticipates traffic calming. Making a more walkable community with this type of development will make a more pedestrian friendly community.

Ms. Ballam is concerned about views, said Ms. Schmidt, yet her house is at the top of hill, well above the building's elevation, which is limited to 35 feet. In the Auke Bay Plan, this is the most valuable view to preserve. Honsingers own waterfront property in front of Ms. Schmidt's property, and she believes that they have a right to develop this even if it may impact her own development's views. Ms. Schmidt said she is concerned about tone of the letter submitted to the Committee by Ms. Ballam and Mr. Schwan. She asked if by the sweep of a pen can something that was written into the Auke Bay Plan be changed due to some neighbors' feelings. This Plan is a vision for the community of Juneau, not just a few individuals, said Ms. Schmidt. She feels strongly about thinking beyond individual concerns to the good of the community. Keep in mind the impacts of shutting down economic development crafted by the Steering Committee and CBJ, she said. She advocates for the plan and sticking with its intent but is concerned the work will be thrown out.

Rick Currier - Cross Street
Mr. Currier read excerpts from a letter he submitted to Ms. Eddins and the committee on June 28, 2018. The issue is the Traditional Town Center (TTC) boundary. Others TTC's are zoned commercial due to long term use. Auke Bay is different and residential areas will be inversely impacted by commercial development. Mr. Currier said the biggest investment he has made is his house. Taking away the water view results in a reduction of his property value and a reduction in his quality of life, he said. CBJ paved his neighborhood's streets 3 years ago. Sidewalks are 3 feet wide and only on one side. He is concerned about congestion and safety

with increased vehicle and pedestrian traffic. Attachment B to the Ad Hoc Committee's May 17 meeting packet showed 4 yellow dots defined as "view sheds" for Auke Bay. Most Tanner Terrace residents can see 3 or 4 of these points. In his letter, Mr. Currier recommends moving the TTC east of Bay View Street.

Mr. Currier went on to say that as far as height and view, an elevation above a lower structure does not mean it won't block the view. Neighbors on Tanner Terrace took a balloon up to 35 and 45 feet and looked from their deck. Cross Street is at the top of the neighborhood, and 45 feet blocked most of the water view while 35 feet blocked 65% of the view. A house on Glacier View that was recently built took away 10% of the view.

Lisa Currier – Cross Street
Ms. Currier said when she and her husband moved into the neighborhood it was their biggest investment. They took some trees down to see more of the view. This is our forever house, she said. Soon as this is done there is nothing anyone can do. We might as well live in the desert. Progress is important but quality of life is also important. So much empty commercial land is not being used in the borough, why put commercial here, she asked? Housing is increasing all over the borough as well. Ms. Currier said that 13 families will be impacted in this little area. She does not feel she is being selfish. She sees no reason to add so many more people to this little area that it impacts the quality of life for all 13 families.

Commissioner Discussion
Mr. Voelckers made a friendly suggestion; there is confusion about maps and origins of maps. Can Ms. Eddins clarify?

Ms. Eddins brought map images up on the projection screen (see PowerPoint from June 28, 2018). The original map approved in the Auke Bay Plan identifies the hub with a black outline and the center with a blue is outline. It was adopted by the Assembly in the Auke Bay Area Plan. The Plan calls for some rezoning, higher density, and protection of viewsheds. When it came time to implement the vision, in 2016 the Steering Committee and CDD staff had a meeting and produced a second map which excludes the Tanner Terrace neighborhood. Now the committee is trying to grapple with this issue. The official adopted map is in place, but the second map went through a public process.

Mr. Voelckers noted that at the last meeting, some efforts were made towards the creation of a third map; this is recapped in the minutes of the May 17 meeting.

Mr. Miller pointed out that the public testimony points to the difficulty of this undertaking. It is not just a matter of changing an existing zone. We don't think any current zones fit, said Mr. Miller. We are talking about an overlay or some new type of zone defined specifically for Auke Bay. It is not an easy process but there will be a full public component complete with neighborhood meetings before anything is finalized. Receiving written comments are helpful,

he noted. Mr. Miller said that the committee would hold off on any more public comment at this committee meeting, however, and he directed Ms. Eddins to run committee members through zoning district regulations.

Ms. Maclean asked if moving forward there will there be other opportunities for public testimony. Yes, said Mr. Miller

IV. Agenda Topics

A. Zoning versus Overlay: Where regulations should live

Ms. Eddins said the goals for today are to come to a consensus about which regulations should be included in a new district and which in an overlay district. Also the committee needs to consider which should be mandatory and which should be optional. Once she receives her marching orders from the committee, Ms. Eddins said she will make a presentation at the next meeting to include research on how other communities preserve viewsheds. Also Ms. Eddins wants to encourage discussion about how to make design standards palatable to developers. It will be helpful to see real numbers for development, but first the committee needs answers to first two items (see PowerPoint from June 28, 2018).

Ms. McKibben asked if the committee looked at the staff memo dated June 4, 2018. There is a list of zoning district regulations in a base zone and a list of overlay district regulations to gain a density bonus.

Mr. Voelckers wanted clarification that the committee is creating, hypothetically, a unique new zoning district with Auke Bay flavors and features presented as an overlay. But, he asked, could the underlying zoning could work elsewhere in borough? Yes, said Ms. Eddins.

Ms. McKibben said perhaps zoning regulations on the water side could apply elsewhere.

Mr. Miller said he wanted to emphasize that he is not necessarily convinced it is best to have a zoning district that is applicable anywhere else in the borough. He said he wants to get Auke Bay done, and if later it turns out to fit somewhere else, that is okay. But he does not want to worry if the zoning overlay will fit somewhere else. The committee's job is to get Auke Bay implemented, he said, and he wants to move forward on this specific goal.

Mr. Dye said he echoes Mr. Miller's thoughts. However he keeps coming back to the question of why not use zoning districts already nearby and use overlay district tactics for fitting Auke Bay specifically.

Ms. Eddins said that material was provided in past meetings which had allowable uses and dimensional standards and presented what is proposed for Auke Bay. Staff's opinion was there

are so many discrepancies that it would be easier to create a new zoning district rather than eroding an underlying district.

Ms. McKibben reminded the committee that at a meeting prior to May 17, it was decided to go down this path - to investigate a new zoning designation.

Mr. Voelckers said we were persuaded that it was better to create a new district, but he agrees completely that maybe a zoning district that addresses all is best. No matter what, he said, we have determined a new zone should be proposed. It is a minor adjustment whether the details within that zone are intrinsic or should live in an overlay.

Mr. Dye asked about the advantages to having these two units, a new zone and an overlay. Why not just create a new district, he asked?

Ms. McKibben said it is in the details now; the committee can talk about mechanics later.

Mr. Miller said if the waterfront is kept as a commercial zone and the uplands are designated as a new zone, then maybe an overlay makes sense as it can apply to both. This may end up being best way, he said.

Mr. Voelckers asked if Waterfront Commercial allows for condo development. Ms. Eddins replied that any zoning district with waterfront property has to meet some standards regarding uses related to or dependent upon water. An argument in the past is that residential uses meet this criterion, she said.

Ms. McKibben said the zoning is 18 units per acre.

Mr. Miller said the maximum height is 35 feet.

Ms. Eddins directed the committee's attention to the staff recommendations for zoning district recommendations listed on the PowerPoint:

- Permissible Uses
- Density Standards
  - Mixed use development receives higher density as a bonus*
- Dimensional Standards
  - Maximum square footage for one story, single use buildings*
  - Lot size
  - Lot coverage
  - Setbacks
  - Building heights
- Vegetative Cover

- Parking Standards
  - Minimum Parking Requirements (20% reduction from what is currently required)*
  - New parking lots located along the side or rear of a building*

But, she said, exact details are not spelled out yet. The items with an asterisk are brand new concepts not in any current zoning district.
Mr. Dye asked about the maximum square footage recommendation. This is to incentivize developers to construct 2 stories or more, said Ms. Eddins. Ms. McKibben pointed out that this recommendation came from the Auke Bay Steering Committee.

Ms. Eddins said staff is proposing a 20% reduction in minimum parking requirements, but this is just a recommendation.

Mr. Voelckers asked if staff is hoping the committee will say this is a good framework. Yes, said Ms. Eddins, then details about what the setbacks mean, and so forth, can be hashed out. It is her hope that the committee likes the framework and asks staff to bring back details.

Mr. Voelckers asked if the 20% figure was arbitrary. He said he favors a larger reduction; downtown has a 60% reduction. The goal as he understands it is a more walkable community.

Ms. Eddins said she can run some numbers for the next meeting to play with. Mr. Miller would like to see the parking reduction tied to the bonus.

Mr. Dye said he struggles with parking lots and forcing them to the rear. He wondered if anyone had thoughts on the matter. Mr. Voelckers said it might work to incentivize. The goal is to have a walkable community with canopies, etc. What really is the front or the back, he asked?

Ms. Maclean said there are safety concerns for pedestrians and kids walking to school. She reminded the committee that this is not just a plan for today, but for 20-30 years into the future. If the community wants to create something new, the committee needs to keep that in mind.

Mr. Dye asked about bonus points.

Ms. McKibben said there is flexibility in requirement and then if not feasible, the director or the commission could make a finding with some criteria. There can be a default and the applicant has the onus to show why he/she cannot meet the default requirement. Mr. Miller mentioned a combination for reduction and bonus. This helps a developer figure out how to do it. The only way this happens is if the developer sees the benefit in doing it that way and penciling it out to see if it is a good idea. We need to figure it out so that they can, said Mr. Miller.

Mr. Voelckers said the big thing, the key starting point, is the suggestion that we have Waterfront Commercial on the water side of the arch. If we did that, then the task is easier just focusing on the upper band. D18 zoning comports with the Auke Bay Plan, he said, and the committee might not need to re-create too much on the water side so that we are looking at new area. Mr. Miller asked if there was consensus on this. Yes, said the committee.

Ms. Eddins clarified by stating that the waterfront will be excluded from the discussion right now.

Mr. Haight said now the focus should be talk about the overlay.

B. Zoning Regulations: Mandatory vs. Opt-In

Ms. Eddins directed attention to the staff recommendations in the PowerPoint for the overlay district:

Mandatory

- Waterfront-specific Uses
- Special height and side yard setback standards to protect viewsheds - exceptions will require a Conditional Use Permit (CUP)
- Screening standards required for commercial/existing industrial developments adjacent to residential uses (not zoning districts), AND multi-family adjacent to single-family residential uses
- Special parking lot location standards for waterfront properties – exceptions will require a Conditional Use Permit

Optional

- Building design standards (canopies, recessed entryways, 25% transparency for windows at street level) – density bonus for opting in
- Screening standards for commercial and multi-family properties not abutting residential uses – density bonus for opting in
- Landscaping standards for commercial and multi-family properties - density bonus for opting in
- Site features (outdoor seating, outdoor planters, public art, pedestrian walkways) - density bonus for opting in
- Reduction in parking if providing bike/ped infrastructure or proximity to a transit stop and provide a bus shelter

Mr. Voelckers noted that the first bullet point can now be dropped.

Ms. Eddins said Bullet 2 states a CUP is needed if a developer can prove the standards cannot be met. Some screening standards came from the Auke Bay Committee. What would standards

look like, she asked, to make a buffer between commercial and residential uses to include multifamily and single family?

Parking lot locations for waterfront properties needs to be considered. The community does not want parking with waterfront views. Those properties have parking on the alternate side, said Ms. Eddins. None of this is pulled out of thin air; it either has come from the steering committee or the meeting minutes.

Mr. Dye said he is concerned about screening; some areas hardest to achieve this are alongside large roads unless the lot affords an area to push away things like road salt. Vegetation along these roads is difficult to maintain.

Mr. Voelckers said Mr. Dye had a good point about screening being hard to achieve. He suggested gaming up the options and thinking about this in the standards.

Ms. McKibben said she wanted to enter consideration of different sign standards in Auke Bay into the conversation. There is an emphasis in this neighborhood on aesthetics, and current CBJ sign standards are outdated. This could be an opportunity to align sign standards with visual aesthetics, she pointed out. Mr. Dye said he would love to redo all sign standards and then talk about Auke Bay. Ms. McKibben said this could be a way to start the change and later address the situation for the whole community. Mr. Voelckers agreed this might be such an opportunity, but he feels a sense of time urgency and thinks the committee should keep blinders on for the big picture, and then later take on the signage issue.

Ms. Eddins stated she will remove waterfront specific bullets from the list. Now there is a list of optional regulations for the district allowing for density bonuses; parking can be added here too. These things anticipate if something is mandatory in a zoning district but would be hard to sell to developers and the public. It is expensive to develop in this town and we hate to put the kibosh on development. However the public put a lot of time into this so we want people to do it but still be worth their while. So some standards should come with a density bonus or a parking reduction bonus. These are concepts but she is happy to do more research.

Mr. Voelckers asked if there is talk about vertical development. He thinks vertical density is obvious to be meaningful but needs to be linked to protecting the viewsheds. However in some areas it is possible to build very high. All of this should be included in a density bonus.

Mr. Miller said he thinks if you protect or widen a viewshed, you should get a bonus. He would like to leave options open for people.

Ms. McKibben pointed out that there is a lot of talk about density, but for a single use building these options are not available.

Mr. Voelckers said tying a parking reduction to a bonus is key. The real trick to development is how many parking spaces must be provided. Incentivizing this is going in a good direction.

Mr. Dye pointed out some awkward wording that appears to set a standard for 25% transparency for windows. He reminded all to get the wording right.

Ms. Maclean said she will make a note for Ms. Eddins to look at the parking waiver. In order to incentivize, then this area would be excluded from the PD1 and PD2 areas. Ms. McKibben suggested maybe having a parking waiver in certain situations?

Mr. Voelckers said that a lot of this work was already started by Mr. Feldt, previously. Some of the geometries were roughed in by him.

Ms. Eddins said Mr. Feldt and the Steering Committee explored a marine commercial zone. A TTC proposes 50 units per acre and a 55 foot height limit.

Ms. McKibben said that a few years ago LC density was increased as well as GC. It used to be that WC and LC had the same density. We could explore this, she said, but if so the WC density would not just apply in Auke Bay. Or perhaps Auke Bay WC could have residential density beyond 18 units.

Mr. Miller said it might be hard to get to 18 units per acre with a 35 foot height maximum.

Mr. Voelckers said he wonders if there is an advantage to having an overlay district. It could apply to both sides of the road. It could be good to have pedestrian infrastructure and linkages on both sides.

Ms. Eddins said when talking about permissible uses, there was discussion about limiting to 5,000 sq. ft. showed photo of this footage. She showed an image of what a one story footprint looks like. Maybe the committee is not ready to have this conversation, she said, but when we get into the nitty gritty she suggests using information from other communities. Next she gave examples of screening and landscaping and suggested this be talked about at the next meeting (see PowerPoint from June 28, 2018). What would be the cost, she asked? She recommended keeping this in mind when the committee gets to talking about this and about permissible uses. When we say 5,000 sq. ft., what is doable? Per floor, asked Mr. Miller? Ms. Eddins said she was talking about the footprint and that this came from the Steering Committee.

C. <u>Viewsheds/Bonuses: Next Steps</u>

Ms. Eddins said she has also been exploring lot coverage versus height. She has been working with the CDD cartographer about viewsheds. He can help play around with a 35 foot building placed on the waterside and can project where views will be blocked and where preserved.

Mr. Voelckers suggested that this is interesting but not essential. The committee needs to figure out viewsheds and cones and draw where these are. This is the more germane thing, he said. What are we protecting?

Ms. Maclean said she had the same thought as Mr. Voelckers. She would like to have a look at old minutes since she seemed to recall that viewsheds are public, not private properties. It is good to have minutes for when this was discussed to clarify what the plan says.

Mr. Dye said as the committee goes down that path, hopefully it will be easy to draw the lines of the maximum footprint. It seems odd to say that large buildings in the area are ok as is but not if they are rebuilt. Ms. Eddins said this can be made to be specific to retail and commercial.

Mr. Voelckers pointed out that this is frequently the nature of a specific area plan. A long-range plan imposes standards that make what is there already out of compliance. This is done to avoid mega-development. There are often tensions between old and future goals, he said.

V. Committee Member Comments and Questions

Ms. Maclean said if the date for the next meeting is pushed out, staff can prep materials to look a little more like an ordinance, if so desired by the committee. She suggests using as a model the ordinance for non-compliance.

Ms. Eddins said she will try to anticipate questions and give visuals. Ms. McKibben suggests considering language first, before determining boundaries. Ms. Eddins replied it is helpful to imagine what parking look like if in one place or another.

Mr. Voelckers asked if was acceptable for ideas to circulate by email, due to people's travel plans? Ms. Maclean said she will email Ms. Eddins, and she will blind cc: everyone in the response. This can happen via email as long as this process is followed so as to keep all discussion in the public record.

The next meeting was scheduled for August 9, 12 noon in the CDD conference room. Members should plan for a 2 hour meeting.

VI. Adjournment

The meeting was adjourned at 1:35 pm

CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT

(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

Date: **August 3, 2018**

To: **Auke Bay Implementation Ad Hoc Committee**

From: **Allison Eddins, Community Development**

Subject: **Draft Ordinance for new zoning and overlay districts for Auke Bay**

Recap - The Auke Bay Implementation Ad Hoc Committee formed in January 2018 with the mission of implementing the Auke Bay Area Plan (ABAP). At the April 13, 2018 meeting the Committee decided that the best path forward is the creation of a new zoning district(s) that would reflect the general vision and land use goals of the ABAP with the plan's more specific goals being accomplished through the creation of an overlay district.

At the June 28, 2018 meeting the Committee decided which land use regulation they wanted to see in a new zoning district for the uplands portion of the *Auke Bay Center*. The Committee wanted density, setbacks and parking to have built-in flexibility and incentives for going beyond the minimum requirements. The draft zoning ordinance that is attached to this memo is meant to only apply to the uplands portion of the *Auke Bay Center* with the Waterfront Commercial (WC) area of the *Center* not changing. The Committee also decided that protecting private viewsheds and allowing, through the Conditional Use permit process, buildings to be taller than the proposed height limit was too subjective. Staff mentioned that the ABAP calls for maintaining views from public property only.

For Today - For the August 9, 2018 meeting the Committee should focus on the details of the proposed regulations. The proposed regulations include some ideas that are new to Juneau. The Committee talked about these new ideas at the June 28th meeting and agreed to explore them further. These include flexible setbacks, maximum setbacks, and buffers between commercial and residential uses, as well as automatic and incentivized parking reductions. The benefits of flexible and maximum setbacks ensure the development of the pedestrian oriented and built-up streetscape called for in the ABAP while allowing creative license in building and site design. Requiring buffers between commercial and residential uses will help maintain light, air and the potential for privacy. In order to compare the proposed dimensional standards to the required dimensional standards currently being applied in Auke Bay, staff included D15, Light Commercial, General Commercial and Waterfront Commercial. These are the four zoning districts that currently exist with the *Auke Bay Center* boundary.

The draft regulations propose an automatic 10% parking reduction for all uses in the *Upland Zoning for Auke Bay (UZAB)* zoning district. Additional reductions can be attained when certain site design features are incorporated. The goal is to create a parking standard that encourages the development of bike/ped and public transit infrastructure by making it economically beneficial to the developer/owner.

Next Steps - Staff will continue researching development cost for parking reductions and density bonuses and will bring detailed overly regulations to the Committee for discussion at the next meeting.

Draft Language: Uplands zoning district for Auke Bay
Auke Bay Subcommittee
August 3, 2018

Purpose

The purpose the *Uplands Zoning for Auke Bay (UZAB)* zoning district is to encourage the development of lively, mixed use neighborhoods that are compact and walkable. It is intended that this area will be a primary focus of community activity for the surrounding neighborhoods.

More specifically, the purpose of the new district is as follows:

a. Promote the development of small scale commercial uses within walking distance of medium to high density residential neighborhoods.
b. Provide flexible regulations regarding setback and parking requirements.
c. Encourage the creation of a semi-compact village like setting comprised mostly of mixed-use buildings.

Definition

The UZAB is intended to accommodate medium to high density residential and non-residential land uses around civic uses, employment centers, and public transit routes, as well as other areas suitable for a mixture of retail/ commercial, office, and residential. Residential and non-residential uses should be combined within a single structure.

Boundary

Density

Zoning District	Maximum Dwelling Units/Acre
D15	15 units per acre
LC	30 units per acre
GC	50 units per acre
WC	18 units per acre
New Zoning	**40 units per acre (Mixed use building – 50 units per acre)**

Table of Dimensional Standards

Zoning Regulations	D15	LC	GC	WC	New Zoning
Minimum lot size	5,000	2,000	2,000	2,000	4/6,000
Minimum lot width	50’	20’	20’	20’	50’
Minimum lot depth	80’	80’	60’	60’	No minimum
Maximum lot coverage	50%	None	None	None	None
Permissible Use Max. Height	35’	45’	55’	35’	45’
Accessory Use Max. Height	25’	35’	45’	35’	35‘
Max. square footage of one story building					5,000

Setbacks

The required building setback promotes a streetscape that is consistent with the desired character of the Auke Bay Center area. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and potential for maintaining privacy and views.

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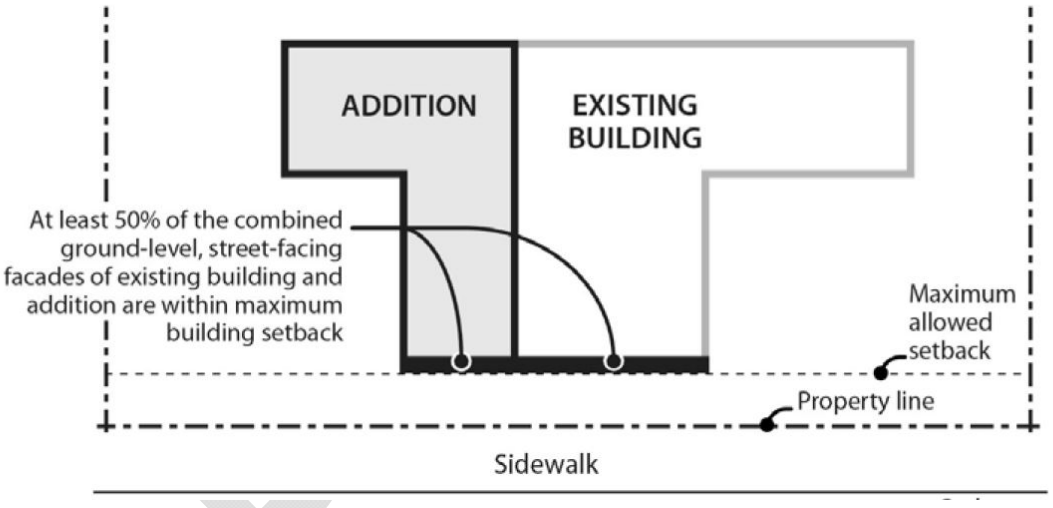
Zoning Regulations	D15	LC	GC	WC	New Zoning
Front	20’	25’	10’	10’	0-10’ max.
Street Side	13’	17’	10’	10’	0-10’ max.
Side	5’	10’	10’	10’	0’
Rear	15’	10’	10’	10’	0’

Setback Exceptions (This section is a work in progress. Will probably be similar to existing setback exceptions in 49.25.430)

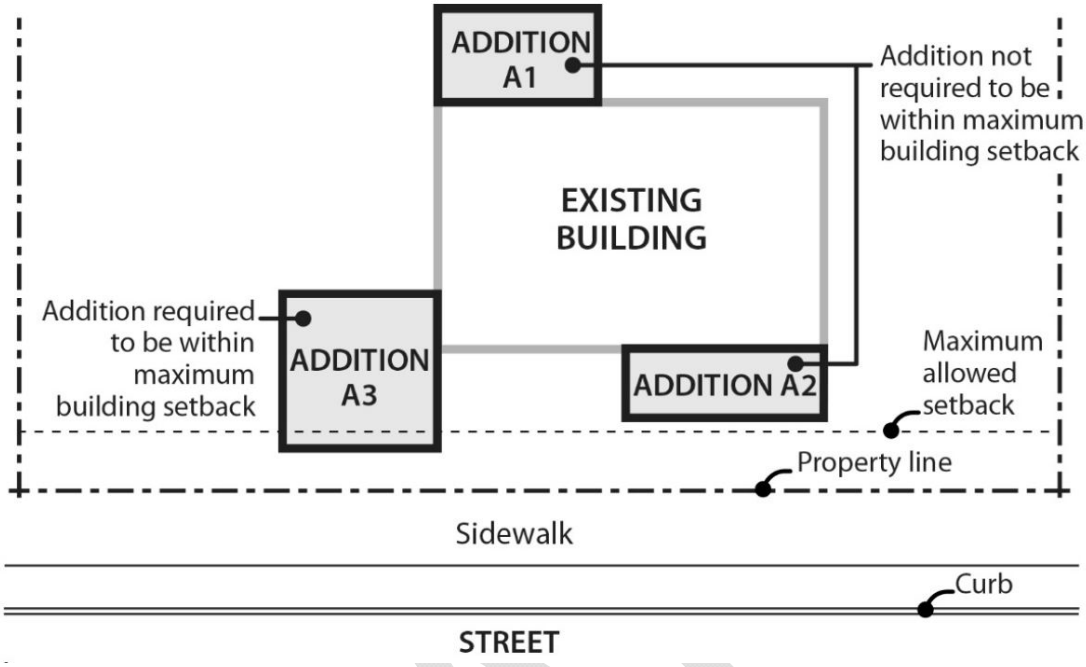
- First story decks, patios, terraces, etc.
- Enclosures for outdoor fuel tanks, storage sheds, greenhouses, playhouses, etc.

Maximum Building Setback for Front and Street Side Lot Lines: The maximum building setback for commercial buildings is 10 feet from the front and street side lot line. At least 50% of the length of the ground level street-facing façade of buildings must be within 10 feet of the front lot line. If the site has three or more right of way frontages, this standard only applies to two frontages.

Alteration to Existing Building in Conformance with Maximum Setback Standard



Alterations to Existing Building



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55 **Minimum Building Setbacks and Minimum Landscape Buffer from Residential Zone lot lines:**

Height of building wall	Lots abutting a residential zone side lot line	Lots abutting a residential zone rear lot line
15 ft. or less	5 ft. setback and landscaping	No setback, no landscaping
16 – 30 ft.	8 ft. setback / 5 ft. setback and landscaping	8 ft. setback / 5 ft. setback and landscaping
31-45 ft.	10 ft. setback / 5 ft. setback and landscaping	10 ft. setback/ 5 ft. setback and landscaping

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57 **Vegetative Cover**

Zoning District	Percentage of lot in vegetation
D10, D15 & D18	30%
LC	15%
GC	10%
WC	10%
UZAB	**20%**

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Parking

All uses within the UZAB zoning district will receive a 10% reduction in the number of required parking spaces in CBJ 49.40.210.

Common shared parking facilities are encouraged. Required parking may be accommodated on off-site, shared parking facilities provided they are within 500 feet of the buildings where the uses are located. If the shared parking is located on land that is not owned by the parking application or building owner, a parking easement is required.

Site Feature	Parking Reduction on top of 10% reduction
New or expanded parking lots located in the rear or street side	40%
Installation of a new pedestrian path or sidewalk or connection to an existing path or sidewalk	10%
Installation of a bike rack	10%
Installation of covered bus stop	20%
Screening the parking area with live vegetation or site obscuring fence	10%

The maximum reduction is 60%. Any reduction beyond 60% will require a parking waiver approved by the Planning Commission for major developments and the Director for minor developments.

Parking Reduction Example (for subcommittee purposes only)

<u>A new 3 story building</u>

- 1st Floor – 2 retail spaces @ 1,200 sf. each; 1 restaurant space @ 2,800 sf.
- 2nd Floor – 5 one bedroom apartments
- 3rd Floor – 3 two bedroom apartments

Without any parking reduction - 35 spaces (2 ADA)

With a 60% reduction – 17 spaces (1ADA)

- With the 10% automatic reduction – 31.5 spaces (10% of 35 is 3.5; 35-3.5=31.5)
- With the 40% location reduction – 18.9 spaces (40% of 31.5 is 12.6; 31.5-12.6=18.9)
- With the 10% screening reduction – 17 spaces (10% of 18.9 is 1.89; 18.9-1.89=17.01)

If the initial cost to construct each space is $5,000, the construction cost for the entire lot:

- 35 spaces = $175,0000
- 17 spaces = $85,000

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Auke Bay Overlay Standards

Screening

The purpose of this section is to preserve and enhance the aesthetic values of the Auke Bay neighborhood by minimizing views of specific activities or specific parts of property or structure from streets, pedestrian ways, abutting properties and mapped view sheds.

The following shall be screened or otherwise hidden from abutting streets, pubic pedestrian pathways, and mapped view sheds in the Auke Bay Area Plan, on all commercial and multi-family properties (or ALL properties).

a) Unenclosed recycle and trash receptacles
b) Above ground oil, gas, water or wood pellet storage containers
c) Freestanding utility, mechanical and electrical boxes

Screening shall consist of at least one of the following:

a) vegetation
b) sight obscuring fence or wall
c) murals

Parking and Circulation

Parking lot standards. Where buildings face the water, parking shall be along the right of way unless approved by the Director.

Landscaping

View shed

Building Design Standards

DRAFT

From: Joanne M Schmidt [mailto:joanne.schmidt@gci.net]
Sent: Tuesday, August 7, 2018 11:11 AM
To: Allison Eddins
Subject: OVERLAY DISTRICTS AND TRANSPORTATION CORRIDORS

Dear Allison:

I am asking that the City and Borough of Juneau's Planning Commission, Auke Bay Area Plan Ad Hoc Committee and the Community Development Department consider establishing a Transportation Corridor Overlay District in the Auke Bay Area for lands adjacent to Glacier Highway North and consistent with accepted and established transportation corridor/overlay districts in other areas across the US (examples enclosed).

There are some overlay districts that have been identified as Transportation Corridor Overlay Districts due to the fact that a primary feature within that zoning district is a roadway that provides primary access for the movement of people and goods. This is an important distinction, because development naturally springs up in a similar manner along transportation corridors, with commercial activities and higher density residential adjacent to the transportation corridors. Guiding community development to consider the unique needs and opportunities inherent to a transportation corridor can offer numerous benefits and growth opportunities to a community, including:

1. Providing a variety of transportation choices;
2. Directing development toward existing communities and neighborhoods;
3. Incorporate a mix of land uses ;
4. Take advantage of compact building and site design;
5. Preserve open space, scenic viewpoints and critical habitat areas;
6. Create a range of housing opportunities;
7. Create walkable neighborhoods; and
8. Create distinctive, attractive communities with a strong sense of place.

Incorporating a new overlay district that takes transportation corridors into account is a Smart Growth design principle, and promotes greater accessibility and makes land more useable and valuable. It's all about access – access to opportunities, housing, jobs, education, healthcare, recreation, services, and everything people may need.

Transportation planning principles focus on developing transportation infrastructure that meets the needs of the community and provides the most sensible, accessible transportation choices available – so wouldn't it make sense for land use planning to incorporate principles in land use, zoning and design that recognize the critical role that transportation corridors play in a vibrant and sustainable community?

I have attached a few good articles for your review. Thank you.

Joanne Schmidt
Douglas Island Development LLC
907-723-6803

HATCH

How transportation corridors influence city development

By Bob Pell | September 1, 2016

They call it “city shaping.” Essentially, it’s about building up population density and all the amenities that go with it using smart, efficient, transit infrastructure as hubs. Engineers and planners think of it as designing cities for the future—thoughtful, functional, economically sustainable, and ultra-habitable.

The urban centers we’re envisioning will be very different from much of what we see today. They’ll be places with far fewer cars, used far less often. Most trips will be made by walking, cycling, and transit. It’s a vision that’s much more realistic if populations, jobs, and services are concentrated in centers or arranged along accessible corridors.

Accessibility saves

We know that well-appointed transportation corridors do more than move people and goods from A to B. They provide diverse and connected networks of transportation choices. Nearby land becomes more usable and valuable. Cities become more accessible. Governments are better able to prioritize investment and plan for utilities, waste collection, and recreation facilities because they know where people and demand are most likely to be. When these works and programs are organized and carried out in narrow, well-planned corridors, the costs are lower and the population’s needs are met far more effectively.

Transit is transformational

Concentrating mixed-use development—combining people, industry, and commerce—can turn a lack-luster area into a thriving community, or give an existing one a new lease on life. Properties and buildings of various sizes and descriptions can be bought and sold at different prices. The tax base increases, giving cities more of the revenue they need to provide services and administration. In Toronto, Canada, selected development and revitalization has led to tax increments that are financing entire districts. Income flow to the city has increased because communities have been planned to facilitate exactly that.

The 20-year future

No one ever has enough money. So the trick is to create value where there was none before. If any private money can be found to invest in transportation corridors, governments can move debt off their balance sheets while they wait for neighborhood transformations to provide the return on investment. It’s not a case of private equity giving cities a gift to help pay for infrastructure delivery. The contributors and government both capture value that can produce revenue for years to come and attract more commerce and investment to the area.

Also in Canada, the City of Calgary has taken on the biggest infrastructure investment in the province of Alberta's history, and it's all about transit. The 40-kilometer Green Line will be funded largely as a public-private partnership. By incorporating transportation and land-use principles into every aspect of the planning and design process, the city is doing all the right things to integrate the Green Line and provide convenient mass transit in communities all across the area.

How far can one person walk?

If we're going to encourage more livable, service-oriented communities, we have to face facts. It's simply not efficient to have workplaces in one area and housing in another. The magic is in the life-mix of work, school, goods, services, recreation, and home.

Cities present opportunities for people to migrate. In South Africa, there are massive, government-created formal settlements to satisfy demand for urban housing. Now, together with the private sector, government is implementing large-scale, sustainable human settlement projects on well-located land with socioeconomic opportunities, including job creation.

Still, transit—and getting everyone to use it—must be fundamental to any city-building strategy. Sometimes that means retrofitting an existing city. Sometimes it means getting in ahead of the curve to determine where the new development should go.

Either way, it's all about access. Access to opportunities. To jobs. Education. Health care. Recreation. Services. Everything people need, where they actually need it. Or at the very least, a transportation corridor that takes them there, easily, quickly, and economically.

Title 19
ZONING REGULATIONS

Chapters:

19.10 Authority
19.20 Establishment of Zoning Districts
19.25 Nonconforming Uses and Structures
19.30 Changes and Amendments
19.40 Residential Development Options
19.50 Planned Residential Developments
19.60 Permitted Uses
19.65 Supplemental Use Regulations
19.70 Density and Dimensions
19.75 Transitional Regulations
19.80 Adult Uses
19.85 Marijuana Uses
19.90 Essential Public Facilities (EPFs)
19.100 Historic Preservation
19.110 Special Overlay Zones
19.120 *Repealed*
19.130 Site Plan Review
19.140 Administrative Exceptions
19.150 Conditional Use Permits
19.160 Temporary Use Permits
19.170 Variances
19.180 Newly Annexed Areas

Chapter 19.10
AUTHORITY

Sections:
19.10.010 Adoption authority.
19.10.020 Applicability.

19.10.010 Adoption authority.

Title 19 SVMC is established pursuant to Section 11, Article XI of the Constitution of the State of Washington, RCW 35.63.080, chapter 35A.63 RCW, and chapter 36.70A RCW.

19.10.020 Applicability.

Title 19 SVMC shall govern the occupation, use erection, alteration, removal, demolition, or conversion of any and all buildings, structures, and land located within the corporate limits of the City.

Chapter 19.20
ESTABLISHMENT OF ZONING DISTRICTS

Sections:

19.20.010 Zoning districts.
19.20.015 Zoning districts purpose.
19.20.020 Zoning district map.
19.20.030 Zoning district boundary considerations.

19.20.010 Zoning districts.

The City has established the following zoning districts:

Comprehensive Plan Land Use Designation	Map Symbol	Zoning District
Single-Family Residential	R-1	Single-Family Residential Estate
Single-Family Residential	R-2	Single-Family Residential Suburban
Single-Family Residential	R-3	Single-Family Residential Urban
Multifamily Residential	MFR	Multi-family Residential
Mixed Use	MU	Mixed Use
Corridor Mixed Use	CMU	Corridor Mixed Use
Neighborhood Commercial	NC	Neighborhood Commercial
Regional Commercial	RC	Regional Commercial
Industrial	I	Industrial
Industrial Mixed Use	IMU	Industrial Mixed Use
Parks, Recreation, and Open Space	P/OS	Parks/Open Space

19.20.015 Zoning districts purpose.

A. R-1 – Single-Family Residential Estate. Preserves the distinct character of existing single-family large lot development, while allowing for a limited number of large animals.

B. R-2 – Single-Family Residential Suburban. Preserves existing single-family development patterns, while allowing for development that is similar in size and scale to the surrounding neighborhood.

C. R-3 - Single-Family Residential Urban. Allows for single-family residential development at an urban density that provides flexibility and promotes reinvestment in existing single-family neighborhoods.

D. MFR – Multifamily Residential. Allows for multifamily housing located near business and commercial centers, the arterial street system, and public transit. Adjacent single-family zones are protected through transitional standards.

E. MU - Mixed Use. Allows for two or more different land uses within developments. Mixed-use developments can be either vertical or horizontally mixed, and could include employment uses such as office, retail, and/or lodging along with higher-density residential uses, and in some cases, community or cultural facilities. Adjacent residential zones are protected through transitional standards.

F. CMU - Corridor Mixed Use. Allows for light manufacturing, retail, multifamily, and offices along major transportation corridors. Adjacent residential zones are protected through transitional standards.

G. NC - Neighborhood Commercial. Allows for small-scale neighborhood retail and office uses while allowing for single-family development.

H. RC - Regional Commercial. Allows a broad range of retail, wholesale, service, and other compatible uses, with a wide range of development types. Adjacent residential zones are protected through transitional standards.

I. I – Industrial. Allows all types of industrial development such as manufacturing, processing, fabrication, assembly, disassembly, and freight-handling. Transitional standards protect adjacent non-industrial zones are from industrial uses significant noise, odor, or aesthetic impacts.

J. IMU - Industrial Mixed Use. Allows retail, office, light manufacturing, and other light industrial uses such as contractor yards. Transitional standards protect adjacent non-industrial zones are from industrial uses that have significant noise, odor, or aesthetic impacts.

K. P/OS – Parks/Open Space. Protects and provides for parks, open space, and other natural physical assets of the community.

19.20.020 Zoning district map.

The boundaries of the zoning districts established herein are shown on the Zoning Map of the City and adopted as part of the SVMC.

The Zoning Map shall be filed in the office of the City Clerk. The Director shall maintain and update the Zoning Map with any changes that the City Council may approve.

19.20.030 Zoning district boundary considerations.

In determining the boundaries of any zoning district the following rules shall apply:

A. When following the features below, zoning boundaries shall be construed as following:

1. The centerline of streets, highways, or alleys;

2. Platted lot lines;

3. City limits;

4. Railroad lines; or

5. The centerline of all creeks, streams, or drainage ways;

B. When public right-of-way is vacated by official action of the City Council, the zoning district adjoining each side of such public right-of-way shall be automatically extended to its midpoint and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts;

C. Where the location of streets or alleys on the ground differ from the streets or alleys as shown on the Zoning Map, the location of the streets or alleys on the ground shall control;

D. Zoning Map distances shall be determined by the scale of the map;

E. The zoning district applied to property adjacent to the right-of-way shall extend to the centerline of the right-of-way; and

F. When there is a question as to how or whether property is zoned that cannot be resolved by SVMC 19.20.030(A - E), the property shall be evaluated pursuant to chapter 19.180 SVMC, Newly Annexed Areas.

Chapter 19.25
NONCONFORMING USES AND STRUCTURES

Sections:
19.25.010 Applicability.
19.25.020 Continuing lawful use of property.
19.25.030 Nonconforming structures.
19.25.040 Completion of permanent structures.

19.25.010 Applicability.

A. Legal nonconforming uses and structures include:

1. Any use which does not conform with the present regulations of the zoning district in which it is located that was in existence and in continuous and lawful operation prior to the adoption of Title 19;

2. Any permanent structure in existence and lawfully constructed at the time of any amendment to Title 19 SVMC, which by such amendment is placed in a zoning district wherein it is not otherwise permitted and has since been in regular and continuous use;

3. Any permanent structure lawfully used or constructed that was in existence at the time of annexation into the City and which has since been in regular and continuous use;

4. Existing legally-established single-family residential uses located in a nonresidential zoning district.

B. Structures or uses deemed nonconforming only pursuant to the SMA (chapter 90.58 RCW) and the City SMP (chapter 21.50 SVMC, Shoreline Regulations) shall comply with the provisions of SVMC 21.50.160.

19.25.020 Continuing lawful use of property.

A. The lawful use of land at the time of passage of Title 19 SVMC, or any amendments hereto, may be continued, unless the use is discontinued or abandoned for a period of 12 consecutive months; except that any nonconforming use discontinued as a result of foreclosure or judicial proceedings, including probate, shall be permitted to continue for a period not to exceed 24 months. The right to continue the nonconforming use shall transfer to all successive interests in the property. Discontinuance of a nonconforming use shall commence on the actual act or date of discontinuance.

B. A nonconforming use that is abandoned or discontinued shall not be replaced with another nonconforming use.

C. A nonconforming use which has not been abandoned or discontinued may be replaced with a conforming use or another nonconforming use when the use meets the following criteria:

1. The new use is not less conforming than the prior use. This determination shall be made by the Director

2. The proposed use does not place a greater demand on transportation and other public facilities than the original use; and,

3. The proposed use does not adversely impact the use of neighboring property.

D. A nonconforming use in residential zones may be expanded only within the boundaries of the original lot and any adjacent lot having the same ownership as the lot at the time the use on the original lot became nonconforming, if:

1. The expanded use does not degrade the transportation level of service greater than the original use;

2. The expanded use does not adversely impact the use of neighboring property;

3. Any transfer of ownership on adjacent lots was made concurrently with the transfer of ownership of the lot on which the nonconforming use is located as part of a single transaction; and

4. The expansion does not create additional development opportunities on adjacent lots that would not otherwise exist.

E. A nonconforming use in a nonresidential zoning district may be expanded only within the boundaries of the original lot and any lot adjacent to the original lot, if:

1. The original lot and the “expansion” lot are in the same zoning district;

2. The expanded use does not degrade the transportation level of service greater than the original use; and

3. The expanded use does not adversely impact the use of neighboring property.

F. Residential lots made nonconforming relative to dimensional requirements shall be deemed conforming if the use is allowed in the respective zoning district.

G. Nonconforming uses that do not provide the required number of off-street parking spaces pursuant to current standards shall not be required to meet parking standards.

H. Any nonconforming use damaged by fire, flood, neglect, or act of nature may be replaced if:

1. Restoration of the use is initiated within 12 months; and

2. The damage represents less than 80 percent of market value.

I. Any nonconforming use changed to a conforming use shall not be permitted to convert to a nonconforming use.

19.25.030 Nonconforming structures.

A nonconforming structure may be expanded in accordance with the following:

A. The expansion or alteration does not change the occupancy classification under adopted building Codes;

B. The expansion or alteration does not create additional nonconformity with respect to building setbacks or lot coverage; additions to nonconforming structures shall meet setbacks required within the zoning district;

C. The number of dwelling units does not increase so as to exceed the number of dwelling units permitted within current regulations;

D. Off-street loading and/or parking, stormwater facilities, and landscaping shall be provided for the alteration or expansion in accordance with chapter 22.50 SVMC; and

E. Nonconforming structures damaged by fire, flood, neglect, or act of nature may be replaced if:

1. Restoration of the structure is initiated within 12 months; and

2. The damage represents less than 80 percent of market value of the structure.

19.25.040 Completion of permanent structures.

Compliance with chapter 19.25 SVMC shall not require changes to the plans, construction, or designated use of a structure for which:

A. A building permit has been issued or a site plan approved by the City or County prior to incorporation of the City or the effective date of Title 19 SVMC; or

B. A substantially complete application for a building permit was accepted by the building official on or before the effective date of the Title 19 SVMC; provided, that the building permit shall comply with all applicable regulations on the date that the application was filed and the building permit is issued within 180 days of the effective date of chapter 19.25 SVMC.

Chapter 19.30
CHANGES AND AMENDMENTS

Sections:
19.30.010 Comprehensive Plan text and map amendments.
19.30.020 Area-wide rezones.
19.30.030 Site-specific Zoning Map amendments.
19.30.040 Development regulation text amendments.

19.30.010 Comprehensive Plan text and map amendments.

A. Pursuant to RCW 36.70A.130(2)(a), proposed updates to the Comprehensive Plan shall only be processed once per year except for the adoption of original subarea plans, amendments to the SMP, the amendment of the capital facilities chapter concurrent with the adoption of the City budget, in the event of an emergency, or to resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board.

B. Comprehensive Plan text and map amendments are classified as Type IV development applications and shall be processed pursuant to SVMC 17.80.140.

19.30.020 Area-wide rezones.

A. Area-wide rezones shall be considered only in conjunction with updates to the Comprehensive Plan text and maps to ensure full consideration of the cumulative effects of all changes.

B, Area-wide rezones are classified as Type IV development applications and shall be processed pursuant to SVMC 17.80.140.

19.30.030 Site-specific Zoning Map amendments.

A. Site-specific Zoning Map amendment requests may be submitted at any time. Site-specific Zoning Map amendments are classified as Type III development applications and shall be processed pursuant to SVMC 17.80.140.

B. All site-specific Zoning Map amendment requests shall meet all of the following criteria:

1. Meet the requirements of chapter 22.20 SVMC, Concurrency;

2. Be consistent with the Comprehensive Plan land use designation;

3. Bear a substantial relation to the public health, safety, and welfare;

4. Be warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed zoning district classification, or because the proposed zoning classification is appropriate for reasonable development of the subject property;

5. Be adjacent and contiguous (which shall include corner touches and property located across a public right-of-way) to property of the same or higher zoning classification;

6. Not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

7. Have merit and value for the community as a whole.

19.30.040 Development regulation text amendments.

Requests to amend Titles 17 through 24 SVMC may be submitted at any time. Text amendments are classified as Type IV development applications and shall be processed pursuant to SVMC 17.80.150.

Chapter 19.40

ALTERNATIVE RESIDENTIAL DEVELOPMENT OPTIONS

Sections:

19.40.010 Purpose.
19.40.020 Relationship to other SVMC provisions.
19.40.030 Development standards – Accessory dwelling units.
19.40.040 Development standards – Industrial accessory dwelling units.
19.40.050 Development standards – Cottages.
19.40.060 Development standards – Duplexes.
19.40.070 Development standards – Manufactured homes on individual lots.
19.40.080 Development standards – Manufactured home parks.
19.40.090 Reserved.
19.40.100 Development standards – Townhouses.
19.40.110 Community buildings and community space.
19.40.120 Homeowner’s or property owner association required.

19.40.010 Purpose.

The purpose of chapter 19.40 SVMC is to provide alternative residential development options to traditional single-family dwellings and multifamily dwellings. These standards provide opportunities changing composition of households and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential and non-residential development.

19.40.020 Relationship to other SVMC provisions.

A. Title 19 SVMC, Zoning Regulations. The standards of chapter 19.40 SVMC modify and supplement the standards in other provisions of Title 19 SVMC. In the event of a conflict between the standards in chapter 19.40 SVMC and other requirements of Title 19 SVMC, the provisions of chapter 19.40 SVMC shall govern.

B. Chapter 17.80 SVMC, Permit Processing Procedures. Alternative residential development is allowed in the zoning districts shown in the permitted use matrix in SVMC 19.60.050.

19.40.030 Development standards – Accessory dwelling units.

A. Site.

1. An ADU may be developed in conjunction with either an existing or new primary dwelling unit;

2. One ADU, attached or detached, is allowed per lot; and

3. One off-street parking for the ADU is required in addition to the off-street parking required for the primary dwelling unit.

B. Building.

1. The ADU shall be designed to meet the appearance of a single-family residence and shall be the same or visually match the primary dwelling unit in the type, size, and placement of the following:

   a. Exterior finish materials;

   b. Roof pitch;

   c. Trim; and

   d. Windows, in proportion (relationship of width to height) and orientation (horizontal or vertical);

2. The entrance to an attached ADU shall be located on the side or in the rear of the structure or in such a manner as to be unobtrusive in appearance when viewed from the front of the street. Only one entrance may be located on the facade of the primary dwelling unit in order to maintain the appearance of a single-family residence;

3. The ADU shall not exceed 50 percent of the habitable square footage of the primary dwelling unit, nor be less than 300 square feet;

4. The footprint of the ADU shall not exceed 10 percent of the lot area or 1,000 square feet, whichever is greater; and

5. The ADU unit shall not have more than two bedrooms.

C. Additional Development Standards for ADUs.

1. ADUs shall be located behind the front building setback line and placed on a permanent foundation;

2. ADUs shall preserve all side yard and rear yard setbacks for a dwelling unit pursuant to Table 19.70-1;

3. ADUs shall not be allowed on lots containing a duplex, multifamily dwelling, or accessory apartment contained within the principal structure; and

4. Existing detached accessory structures may be converted into detached ADUs; provided, that all development standards and criteria are met, including side yard and rear yard setbacks.

D. Other.

1. The owner, as established by the titleholder, shall occupy either the primary dwelling unit or the ADU as their permanent residence for six months or more of the calendar year and at no time receive rent for the owner-occupied unit. The application for the ADU shall include a letter from the owner affirming that one legal titleholder lives in either unit, meeting the requirement of owner occupancy.

2. Prior to issuance of occupancy, a deed restriction shall be recorded with the Spokane County auditor to indicate the presence of an ADU, the requirement of owner occupancy, and other standards for maintaining the unit as described in the SVMC.

3. Home businesses are prohibited in the ADU.

4. Approval of an ADU may be revoked if the ADU is no longer in compliance with the development standards and criteria outlined in the SVMC.

5. The owner may cancel an ADU's registration by filing a letter with Spokane County auditor. The ADU may also be cancelled as a result of an enforcement action.

6. Cargo shipping containers and similar enclosures are not a permitted accessory structure in any residential zoning district.

19.40.040 Development standards – Industrial accessory dwelling units.

A. Site.

1. An industrial ADU may be developed in conjunction with either an existing or new building;

2. The maximum number of allowed industrial ADUs is 10 per site; and

3. One off-street parking for each ADU is required in addition to the off-street parking required for the primary use.

B. Building.

1. The ADU, excluding any garage area, is prohibited on the first floor of the building; and

2. The ADU unit shall not have more than two bedrooms.

C. Permit Type. Industrial accessory dwelling units shall require approval of a conditional use permit pursuant to chapter 19.150 SVMC.

19.40.050 Development standards – Cottage development.

A. Site.

1. The design of a cottage development shall take into account the relationship of the site to the surrounding areas. The perimeter of the site shall be designed to minimize adverse impact of the cottage development on adjacent properties and, conversely, to minimize adverse impact of adjacent land use and development characteristics on the cottage development;

2. The maximum density shall be two times the maximum number of dwelling units allowed in the underlying zone;

3. Where feasible, each cottage that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space;

4. Buildings shall meet the following minimum setback standards:

   a. 20-foot front yard setback;

   b. 10-foot rear yard setback; and

   c. 5-foot side yard setback;

5. Common open space is required and shall meet the following criteria:

   a. 400 square feet of common open space per cottage;

   b. Setbacks and private open space shall not be counted towards the common open space;

   c. One common open space shall be located centrally to the project with pathways connecting the common open space to the cottages and any shared garage building and community building;

   d. Cottages shall surround the common open space on a minimum of two sides of the open space; and

   e. Community buildings may be counted toward the common open space requirement;

6. One and one-half off-street parking spaces for each cottage is required.

B. Building.

1. Cottages shall not exceed 900 square feet, excluding any loft or partial second story and porches. A cottage may include an attached garage, not to exceed an additional 300 square feet.

2. The building height for a cottage shall not exceed 25 feet.

3. The building height for any attached garage or shared garage building shall not exceed 20 feet.

4. Buildings shall be varied in height, size, proportionality, orientation, rooflines, doors, windows, and building materials.

5. Porches shall be required.

C. Other.

1. Accessory dwelling units are prohibited.

2. All other SVMC provisions that are applicable to a single-family dwelling unit shall be met.

D. Permit Type. Cottage development shall require approval of a conditional use permit pursuant to chapter 19.150 SVMC.

E. Title 20 SVMC, Subdivision Regulations. The design requirements of SVMC 20.20.090 are waived.

19.40.060 Development standards – Duplexes.

Duplexes shall meet the minimum lot size per dwelling unit, setback standards, maximum lot coverage, and building height standards shown in Table 19.70-1.

19.40.070 Development standards – Manufactured homes on individual lots.

A. Pursuant to the requirements of RCW 35.21.684, the City does not discriminate against consumers' choices in the placement or use of a home that is not equally applicable to all homes. This section applies only to manufactured housing units placed on individual lots.

B. Homes built to 42 U.S.C. 70 Sections 5401 through 5403 standards (as they may be amended) are regulated for the purposes of siting in the same manner as site-built homes, factory-built homes, or homes built to any other state construction or local design standard; provided, however, that the manufactured home shall:

1. Be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved product which can be either load-bearing or decorative;

2. Comply with all local design standards, including the requirement for a pitched roof with a slope of not less than 3:12, applicable to all other homes within the neighborhood in which the manufactured home is to be located;

3. Be thermally equivalent to the state energy code; and

4. Otherwise meet all other requirements for a designated manufactured home as defined in RCW 35.63.160.

C. This section does not override any legally recorded covenants or deed restrictions of record.

D. An existing single-wide manufactured home may be replaced with a new single-wide manufactured home when replacement is initiated within 12 months of the date of damage which represents less than 80 percent of market value, or removal of existing habitable manufactured home.

E. Manufactured homes with dimensional features that match or closely match the predominant manufactured home type within a manufactured home subdivision may be placed in the manufactured home subdivision without regard to the age of the manufactured home.

19.40.080 Development standards – Manufactured home parks.

A. Manufactured home parks shall require approval of a binding site plan and site plan review pursuant to Title 20 SVMC, Subdivision Regulations, and chapter 19.130 SVMC, Site Plan Review.

B. Manufactured home park density shall be consistent with the zoning classification they are located in not to exceed 12 units per acre. A minimum of five manufactured home spaces shall be required per park.

C. Manufactured home parks shall provide at least 10 percent of the gross area of the park for common open space for the use of its residents.

D. Each manufactured home space shall have direct frontage on a public or private street.

E. The minimum setbacks shall be pursuant to Table 19.40-1.

Table 19.40-1 Manufactured Home Park Minimum Setbacks (in Feet)[1]

	Minimum setback from the property lines of individual in park spaces			**Minimum setback from the boundary of the manufactured home park**		
	Front Yard	**Side Yard**	**Rear Yard**	**Side Yard**	**Rear Yard**	**Right-of-Way**
Manufactured homes	5	5	5	10	10	20
Patio covers, decks, landings, awnings	5	5	5	5	5	20
Carports	5	5	5	5	5	20

[1]Greater setback shall control.

19.40.090 Reserved.

19.40.100 Development standards – Townhouses.

A. In zero lot line developments approved as part of a planned residential development, zero setbacks along one side are allowed, provided a two-foot maintenance easement is recorded as part of the subdivision plan.

B. Townhouses located on individual lots, shall meet minimum rear, front, and side yard requirements (where applicable), minimum area requirements, maximum lot coverage, and building height requirements shown in Table 19.70-1. Townhouses are subject to the following requirements:

1. No more than six dwelling units shall be attached in one continuous row or group;

2. Townhouse unit shall not be constructed above another townhouse unit;

3. There shall be a side yard on each side of a contiguous row or group of dwellings of not less than six feet;

4. Townhouses included in a condominium development may limit the lot to the building footprint; provided, that the yard area shared in common with all units is equivalent in area to the yard required by the underlying zone.

19.40.110 Community buildings.

Community buildings are encouraged in cottage developments. Community buildings shall meet the following criteria:

A. Community buildings shall be clearly incidental in use and shall not exceed 1,000 square feet.

B. Community buildings shall be no more than 20 feet in height.

C. Community buildings shall be commonly owned and maintained by the property owners.

19.40.120 Homeowner's or property owner association required.

In a cottage development or manufactured home park, a property owners' or homeowners' association shall be established for the purpose of ownership, maintenance, and management of open spaces, common areas, and buildings, and private streets as required by the provisions of the SVMC.

Chapter 19.50
PLANNED RESIDENTIAL DEVELOPMENTS

Sections:
19.50.010 Purpose.
19.50.020 Where permitted.
19.50.030 Permitted uses.
19.50.040 Relationship to other SVMC provisions.
19.50.050 Development standards.
19.50.060 Open space standards.
19.50.070 Administration.
19.50.080 Homeowners' or property owners' association required.

19.50.010 Purpose.

It is the purpose of chapter 19.50 SVMC is to:

A. Encourage imaginative design and the creation of permanent open space by permitting greater flexibility in zoning requirements than is generally permitted by other sections of the SVMC;

B. Preserve or create environmental amenities superior to those generally found in conventional developments;

C. Create or preserve usable open space for the enjoyment of the residents;

D. Preserve, to the greatest extent possible, the natural characteristics of the land including, but not limited to, topography, natural vegetation, waterways, and views;

E. Encourage development of a variety of housing types; and

F. Provide for maximum efficiency in the layout of streets, utility networks, and other public improvements and infrastructure.

19.50.020 Where permitted.

Planned residential developments (PRDs) are permitted in all residential zoning districts in the City.

19.50.030 Permitted uses.

The following uses are permitted in a PRD; provided, that they meet the standards and criteria established in chapter 19.50 SVMC:

A. Those uses permitted as a matter of right in the underlying zoning district;

B. Residential developments of all types as defined by chapter 19.50 SVMC; and

C. As a secondary use, uses permitted in the Neighborhood Commercial zoning district may be permitted in a PRD of 10 acres or larger.

19.50.040 Relationship to other SVMC provisions.

A. Title 19 SVMC, Zoning Requirements. The provisions of chapter 19.50 SVMC pertaining to land use of the underlying zoning district shall govern the use of land in a PRD. The specific setback, lot size, height limits, and other dimensional requirements are waived and the regulations for PRDs shall be those indicated in SVMC 19.50.050.

B. Title 20 SVMC, Subdivision Requirements. A PRD shall be exempt from the specific design requirements of Title 20 SVMC except that when any parcel of land in a PRD is intended for individual ownership, sale, or public dedication, the subdivision and procedural requirements of Title 20 SVMC and applicable state laws pertaining to subdivision, conveyance of land, and the preparation of maps shall be followed.

C. Chapter 17.80 SVMC, Permit Processing Procedures. A PRD is a Type III permit type and shall require a public hearing before the Hearing Examiner consistent with the provisions of chapter 17.80 SVMC.

19.50.050 Development standards.

The following standards shall govern the administration of chapter 19.50 SVMC:

A. Relationship of PRD Site to Adjacent Areas. The design of a PRD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PRD shall be designed to minimize adverse impact of the PRD on adjacent properties and, conversely, to minimize adverse impact of adjacent land use and development characteristics on the PRD.

B. Site Acreage Minimum. The minimum site shall be five acres.

C. Minimum Lot Size. The minimum lot size provisions of other sections of the SVMC do not apply in a PRD.

D. Density. The Hearing Examiner may authorize a dwelling unit density up to 20 percent greater than that permitted by the underlying zone, rounded to the nearest whole number.

E. Maximum Coverage. Lot coverage shall not exceed the percentage permitted by the underlying zone.

F. Landscaping Required. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the Hearing Examiner. Natural

landscape features which are to be preserved, such as existing trees, drainage ways, rock outcrops, etc. may be accepted as part of the landscaping plan.

G. Setback and Side Yard Requirements.

1. Setbacks from the exterior boundary line of the PRD area shall be comparable to or compatible with those of the existing development of adjacent properties, or, if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning.

2. Setbacks or Side Yards Between Buildings. The standard setbacks and yard requirements between buildings may be waived in a PRD. Buildings may have common walls.

H. Off-street parking shall be provided in accordance with chapter 22.50 SVMC, Off-street Parking and Loading Standards.

I. Secondary Use Limitations.

1. Commercial uses shall comply with chapter 19.30 SVMC, Site Plan Review. Site plans shall be included in the application for the PRD;

2. The gross floor area of the commercial use shall not exceed the product of 50 square feet multiplied by the number of dwelling units within the development; and

3. Construction of at least 35 percent of the residences in the PRD shall be completed before issuing any building permits for the construction of commercial uses, except this shall not prohibit a sales office.

19.50.060 Open space standards.

Each PRD shall dedicate at least 30 percent of the gross land area for common open space for the use of its residents. Common open space areas shall meet the following criteria:

A. Location. The open space shall be entirely within the PRD and within reasonable walking distance of all dwelling units in the PRD. Where practical, the common open space shall be located adjacent to other established or planned park and recreational areas in adjacent developments, schools, or City parks; provided, that such dedication would increase the overall benefit to the residents of the PRD and conform to other criteria in SVMC 19.50.060.

B. Access. All dwelling units within the PRD shall have legal access to the proposed common open space at the time of final PRD approval. Private or access streets, trees, or other landscaping may separate the common open space area; however, access may not be blocked by major obstacles such as arterial, collector streets, or significant natural features such as rivers, streams, or topographic features. Active recreational open space areas shall have reasonable access from street frontages.

C. Types of Open Space.

1. Land dedicated for open space shall be usable for either greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees, active recreational activities, or for protecting critical areas.

2. Except as provided in SVMC 19.50.060(C)(4), a minimum of 30 percent of the required common open space area shall be suitable for active recreation. The topography, soils,

hydrology, and other physical characteristics of the active recreation area shall provide a dry, obstacle-free space in a configuration which is suitable for active recreation.

3. The percentage of active recreational areas may be increased to as high as 50 percent if it is determined that anticipated recreational needs require a larger percentage. In increasing this percentage, the following standard shall be used: the ratio of one acre to 125 residential units.

4. The percentage of active recreational area may be decreased to as low as 15 percent if it is determined that:

   a. Inclusion of buffers or critical areas better meet the open space needs of the residents of the PRD; or

   b. A higher percentage would lead to the detrimental grading or other disturbance of the natural setting.

D. Open space area shall not include:

1. Accessory buildings and areas reserved for the exclusive use and benefit of an individual tenant or owner;

2. Public rights-of-way, private streets, residential driveways, parking areas, loading or storage areas, or setback areas;

3. Floodplain (100-year), flood-prone areas, drainage easements, natural drainage areas, or creeks.

E. Implementation. The open space area shall be dedicated in common to the property owners within the plat or to a property owners' or homeowners' association. Maintenance and operation of the open space shall be the responsibility of the property owners' or homeowners' association.

1. The City may choose to accept dedication, maintenance, and operation responsibilities when the common open space area is in the public interest and complies with at least one of the following:

   a. Is greater than 10 acres;

   b. Is adjacent to an established or future City park or school grounds;

   c. Is an access to a body of water greater than three acres in size; or

   d. Is a critical area.

2. The dedication shall be identified on the PRD plan.

F. Improvements. The following improvements to the open space area may be required prior to final approval of the PRD:

1. Removal of construction debris and hazards; and

2. Rough grading and establishment of grass cover over those portions of the site suitable for playfields.

G. Equivalent Facilities. When proposed open space areas do not meet the criteria for dedication in chapter 19.50 SVMC, such land may be improved by grading, filling, landscaping, or with

installation of recreation equipment so as to be equivalent in result to the intent of chapter 19.50 SVMC. The Director shall determine if the proposal is equivalent based on the following guidelines:

1. The proposed land and improvements shall create recreational opportunities generally equivalent to or greater than the land required for the residents within the PRD; and

2. The proposed land and improvements shall not significantly disturb or alter a critical area, unless otherwise allowed by the City.

H. Stormwater Facilities. Stormwater facilities may be allowed by the City as open space subject to the following criteria:

1. The stormwater facility shall drain fully within 72 hours after a storm event unless the facility is designed as an aesthetic amenity;

2. The side slope of the stormwater facility shall not exceed 3:1 unless slopes are existing, natural, and vegetated;

3. If the stormwater facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition;

4. The stormwater facilities shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected;

5. The stormwater facility shall not be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather; and

6. In the case of joint use of open space for stormwater and recreation, the homeowners or homeowners' association shall be responsible for maintenance of the stormwater facilities.

I. Rights and Duties. The owners of open space shall have the following rights on the common open area, subject to restrictive covenants or other restrictions:

1. The right to locate recreational facilities, such as tennis courts, swimming pools, picnic tables, and fireplaces (accessory to picnic tables) for the exclusive use of residents of the PRD and their guests;

2. The right to locate pedestrian, bicycle, and bridle paths;

3. The right to protect and maintain the common space area or to correct a hazardous condition posing a threat to life or limb;

4. The right to regulate access to the open space land and the duty to maintain it.

19.50.070 Administration.

A. Building permits and other required permits for the development of property under the provisions of chapter 19.50 SVMC, shall be issued only when, in the opinion of the Director, the work to be performed meets the requirements of the final plan and program elements of the PRD.

B. Minor and Major Adjustments.

1. Minor adjustments may be made and approved by the Director when a building permit is issued. Minor adjustments are those which may affect the precise dimensions or siting of

buildings, but which do not affect the basic character or arrangement of buildings approved in neither the final plan, the density of the development, or the open space requirements. Such dimensional adjustments shall not vary more than 10 percent from the original.

2. Major adjustments are those which, in the opinion of the Director, substantially change the basic design, density, open space or other requirements of the PRD. When, in the opinion of the Director, a change constitutes a major adjustment, a building, or other permit shall not be issued without prior review and approval by the Hearing Examiner of such adjustment.

C. Parties Bound. Once the preliminary development plan is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance, or assignment, any interest in the real property within the proposed PRD, shall be bound by the conditions attending the approval of the development and the provisions of chapter 19.50 SVMC.

19.50.080 Homeowners' or property owners' association required.

In a PRD, a property owners' or homeowners' association shall be established for the purpose of ownership, maintenance, and management of open spaces, common areas, and private streets as required by the provisions of the SVMC.

Chapter 19.60
PERMITTED USES

Sections:
19.60.010 General.
19.60.020 Use categories.
19.60.030 Uses not listed.
19.60.040 Explanation of table abbreviations.
19.60.050 Permitted uses matrix.

19.60.010 General.

A. Uses allowed in each zoning district are shown in SVMC 19.60.050, Permitted uses matrix.

B. Uses within shoreline jurisdiction are also subject to additional use restrictions pursuant to chapter 21.50 SVMC, Shoreline Regulations.

19.60.020 Use categories.

Uses are assigned to the category that describes most closely the nature of the use. Uses have been classified into general use categories and subcategories. Definitions and examples are provided in SVMC Appendix A, Definitions.

19.60.030 Uses not listed.

A. If a use is not listed, the Director shall have the authority to allow uses that are similar to a use category or use listed in SVMC 19.60.050 Table 19.60-1, subject to the same review procedures as the similar use.

B. Accessory uses. The Director shall have the authority to allow accessory uses when they are subordinate to, or incidental to, the primary use on the same lot and permitted within the zoning district.

C. Temporary uses. Temporary uses are permitted for a limited period of time or pending the occurrence of an event pursuant to chapter 19.160 SVMC, Temporary Use Permits.

19.60.040 Explanation of table abbreviations.

The following describe the abbreviations used in SVMC 19.60.050, Permitted uses matrix:

A. Permitted uses are designated with a "P." Permitted uses are allowable uses within a zoning district.

B. Conditional uses are designated with a "C." Conditional uses are authorized pursuant to chapter 19.150 SVMC, Conditional Use Permits.

C. Regional siting uses are designated with an "R." Regional siting uses are of statewide or regional/countywide significance. They are authorized pursuant to chapter 19.90 SVMC, EPFs.

D. Uses subject to supplemental use regulations are designated with an "S." The Supplemental regulations are set forth in chapter 19.65 SVMC and shall apply to the corresponding supplemental uses listed in SVMC 19.60.050 Permitted use matrix.

E. Prohibited uses are designated with a blank cell.

19.60.050 Permitted uses matrix.

	Residential				Mixed-Use		Commercial		Industrial		Parks and Open Space
	R-1	**R-2**	**R-3**	**MFR**	**MU**	**CMU**	**NC**	**RC**	**IMU**	**I**	**POS**
Agriculture and Animal											
Animal processing/handling										P	
Animal raising and/or keeping	S	S	S	S					S	S	
Animal shelter						S			P	P	
Beekeeping, commercial										P	
Beekeeping, hobby	S	S	S								
Community garden	S	S	S	S	S	S					S
Greenhouse/nursery, commercial								P	P	P	
Kennel					S	S	S	S	P	P	
Orchard, tree farming, commercial									P	P	
Riding stable									P	P	C
Communication Facilities											
Radio/TV broadcasting studio					P	P		P	P		
Repeater facility	P	P	P	P			P	P	P	P	
Telecommunication wireless antenna array	S	S	S	S	S	S	S	S	S	S	
Telecommunication wireless support tower	S	S	S	S	S	S	S	S	S	S	
Tower, ham operator	S	S	S	S	S	S	S	S	S	S	
Community Services											
Community hall, club, or lodge			P	P	P	P	P	P			P

	Residential				Mixed-Use		Commercial		Industrial		Parks and Open Space
	R-1	**R-2**	**R-3**	**MFR**	**MU**	**CMU**	**NC**	**RC**	**IMU**	**I**	**POS**
Church, temple, mosque, synagogue and house of worship	P	P	P	P	P	P	P	P			
Crematory						P		P	P	P	
Funeral home						P		P			
Transitional housing				C							
Day Care											
Day care, adult	P	P	P	P	P	P	P	P	P	P	
Day care, child (12 children or fewer)	P	P	P	P	P	P	P	P	P	P	
Day care, child (13 children or more)	C	C	C	P	P	P	P	P	P	P	
Eating and Drinking Establishment					P	P	P	P	P	P	S
Education											
Schools, college or university					P	P		P			
Schools, K through 12	P	P	P	P	P	P	P	P			
Schools, professional, vocational and trade schools				P	P	P		P	P	P	
Schools, specialized training/studios					P	P	P	P			
Entertainment											
Adult entertainment and retail								S			
Casino					P	P		P			
Cultural facilities					P	P	P	P			
Exercise facility					S	S	S	S			
Off-road recreational vehicle use									P	P	
Major event entertainment								P	P	P	
Racecourse						P		P	P	P	
Racetrack									P	P	
Recreational facility					P	P		P	P	P	P
Theater, indoor					P	P		P			
Group Living											
Assisted living/convalescent/nursing home			P	P	P	P					
Community residential facilities (6 residents or less)	P	P	P	P	P	P					
Community residential facilities (greater than 6 residents under 25)				P	P	P					
Dwelling, congregate				P	P	P					
Industrial, Heavy											
Assembly, heavy										P	
Hazardous waste treatment and storage									S	S	
Manufacturing, heavy										P	
Processing, heavy										P	
Mining										S	

	Residential				Mixed-Use		Commercial		Industrial		Parks and Open Space
	R-1	**R-2**	**R-3**	**MFR**	**MU**	**CMU**	**NC**	**RC**	**IMU**	**I**	**POS**
Industrial, Light											
Assembly, light					P	P		P	P	P	
Manufacturing, light						P			P	P	
Processing, light									P	P	
Recycling facility						S		S	S	S	
Industrial service									P	P	
Lodging											
Bed and breakfast	P	P	P	P		P					
Hotel/motel					P	P		P	P		
Recreational vehicle park/campground								S			
Marijuana uses											
Marijuana club or lounge											
Marijuana cooperative											
Marijuana processing								S		S	
Marijuana production								S		S	
Marijuana sales					S	S		S			
Medical				S	P	P		P	P	P	
Office											
Animal clinic/veterinary				S		S	S	S	S		
Office, professional				P	P	P	P	P	P	P	
Parks and Open Space											
Cemetery	P	P	P								
Golf course	P	P	P	P				P	P	P	P
Golf driving range	C	C	C	C	P			C	P	P	P
Parks	P	P	P	P	P	P	P	P			P
Public/Quasi-Public											
Community facilities	P	P	P	P	P	P	P	P	P	P	P
Essential public facilities	R	R	R	R		R	R	R	R	R	
Public utility local distribution facility	S	S	S	S	S	S	S	P	P	P	S
Public utility transmission facility	S	S	S	S	S	S	S	S	S	S	S
Tower, wind turbine support							S	S	S	S	
Residential											
Dwelling, accessory units	S	S	S		S	S	S	S	S		
Dwelling, caretaker's residence						S	S	S	S	S	
Dwelling, cottage			S	S	S	S					
Dwelling, duplex			P	P	P	P					
Dwelling, industrial accessory dwelling unit									S	S	
Dwelling, multifamily				P	P	P					
Dwelling, single-family	P	P	P	P	P	P	P				

	Residential				Mixed-Use		Commercial		Industrial		Parks and Open Space
	R-1	**R-2**	**R-3**	**MFR**	**MU**	**CMU**	**NC**	**RC**	**IMU**	**I**	**POS**
Dwelling, townhouse			S	S	S	S	S				
Manufactured home park			S	S							
Retail Sales and Service					P	P	S	P	P	S	S
Transportation											
Airstrip, private									P	P	
Battery charging stations	S	S	S	P	P	P	P	P	P	P	S
Electric vehicle infrastructure				P	P	P	P	P	P	P	
Heliport									P	P	
Helistop								C	C	P	
Parking facility- controlled access					P	P		P	P	P	
Railroad yard, repair shop and roundhouse										P	
Transit center					P	P		P	P	P	
Vehicle Services											
Automobile impound yard									P	P	
Automobile/taxi rental					P	P		P	P	P	
Automobile parts, accessories and tires					P	P		P	P	P	
Automobile/truck/RV/motorcycle painting, repair, body and fender works						P		P	P	P	
Car wash					P	P	S	P	P	P	
Farm machinery sales and repair								P	P	P	
Fueling station					P	P	S	P	P	P	
Heavy truck and industrial vehicles sales, rental, repair and maintenance									P	P	
Passenger vehicle, boat, and RV sales, service and repair						P		P	P		
Towing					P	P			P	P	
Truck stop									P	P	
Warehouse, Wholesale, and Freight Movement											
Auction house						P		P	P		
Auction yard (excluding livestock)									P	P	
Catalog and mail order houses					P	P		P	P	P	
Cold storage/food locker									P	P	
Freight forwarding									P	P	
Grain elevator									P	P	
Storage, general indoor					P	P	S	P	P	P	
Storage, general outdoor					S	S	S	S	P	P	
Storage, self-service facility				P	P	P		P	P	P	
Tank storage, critical material above ground									S	S	

	Residential				Mixed-Use		Commercial		Industrial		Parks and Open Space
	R-1	R-2	R-3	MFR	MU	CMU	NC	RC	IMU	I	POS
Tank storage, critical material below ground								S	S	S	
Tank storage, LPG above ground					S	S	S	S	S	S	
Warehouse					P	P		P	P	P	
Wholesale business					P	P		P	P	P	

Chapter 19.65
SUPPLEMENTAL USE REGULATIONS

Sections:

19.65.010 Purpose.
19.65.020 Agriculture and animal.
19.65.030 Communication facilities.
19.65.040 Eating and drinking establishment.
19.65.050 Entertainment.
19.65.060 Industrial, heavy.
19.65.070 Industrial, light.
19.65.080 Lodging.
19.65.090 Marijuana Uses.
19.65.100 Medical.
19.65.110 Office.
19.65.120 Public/quasi-public.
19.65.130 Residential.
19.65.140 Retail sales and service.
19.65.150 Transportation.
19.65.160 Vehicle services.
19.65.170 Warehouse, wholesale, and freight movement.
19.65.180 Uncategorized uses.

19.65.010 Purpose.

The supplemental use regulations address standards for certain uses which require additional controls in order to protect public health, safety, and welfare. The regulations in chapter 19.65 SVMC supplement the building and site development standards found in chapter 19.70 SVMC, Density and dimensions.

19.65.020 Agriculture and animal.

A. Animal raising and/or keeping. Where permitted, the keeping of poultry and livestock, excluding swine and chickens, is subject to the following conditions:

1. Minimum Lot Requirements.

   a. In residential zones, the lot shall equal or exceed one gross acre in area, except as set forth in SVMC 16.65.020(A)(7) and SVMC 19.65.020(A)(9).

   b. In mixed-use zones with legally-established residential uses, the lot shall equal or exceed one gross acre in area.

2. The keeping of swine is prohibited.

3. Any permanent or temporary structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, coop, hutch, or enclosure, or any manure pile, shall not be located within 75 feet from any dwelling.

4. Permanent or temporary structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, coop, hutch, or enclosure, or any manure pile, shall not be located within the front yard setback or be closer than 10 feet from any side property line.

5. The keeping of animals and livestock is limited as follows:

    a. Not more than three horses, mules, donkeys, bovines, llamas, or alpacas shall be permitted per gross acre; or

    b. Not more than six sheep or goats shall be permitted per gross acre; or

    c. Any equivalent combination of SVMC 19.65.020(A)(5)(a) or (b).

6. Small Animals/Fowl. A maximum of one small animal or fowl (excluding chickens), including duck, turkey, goose, or similar domesticated fowl, or rabbit, mink, chinchilla, or similar animal, may be raised or kept per 3,000 square feet of gross lot area. In addition, a pen, shed, coop, hutch, or similar containment structure shall be constructed prior to the acquisition of any small animal/fowl and shall be kept a minimum of 20 feet from the front property line and five feet from side and rear property lines.

7. In residential areas, the keeping of chickens is subject to the following conditions:

    a. A maximum of one chicken may be raised or kept per 2,000 gross square feet of lot area, with a maximum of 25 birds allowed;

    b. The keeping of roosters is prohibited;

    c. Pens, coops, hutches, or similar containment structures shall be kept a minimum of 20 feet from the front property line and five feet from side and rear property lines;

    d. Pens, coops, hutches, or similar containment structures shall be kept a minimum of 25 feet from dwellings on neighboring properties; and

    e. All chickens shall be contained within the subject property.

8. Stables, paddocks, yards, runways, pens, coops, hutches, enclosures, structures, pastures, and grazing areas shall be kept in a clean and sanitary condition.

9. In residential areas, hobby beekeeping is subject to the following conditions:

    a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;

    b. Beehives shall be set back a minimum of five feet from a side or rear property line and 20 feet from the front property line;

    c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in

each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;

d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and

e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

B. Animal shelter. In the CMU zone, animal shelters shall comply with the following conditions:

1. Not have outside runs;

2. Provide human supervision in any outdoor areas;

3. Be located along an arterial; and

4. Demonstrate compliance with noise standards for a commercial noise source as identified by WAC 173-60-040.

C. Community garden. Produce may be sold pursuant to RCW 36.71.090 as adopted or amended.

D. Kennels, doggie day care facilities, and kennels associated with veterinarian clinics. Where permitted in commercial and mixed-use zones, these uses shall comply with the following conditions:

1. Not have outside runs or areas;

2. Provide adequate soundproofing for structures housing animals pursuant to chapter 173-60 WAC;

3. Provide one parking space for every 10 animal confinement areas; and

4. Demonstrate compliance with noise standards for a commercial noise source as identified by WAC 173-60-040.

19.65.030 Communication facilities.

A. Telecommunication wireless antenna array. Telecommunication wireless antenna arrays shall comply with the provisions of chapter 22.120 SVMC, Wireless communication facilities.

B. Telecommunication wireless support tower. Telecommunication wireless support towers shall comply with the provisions of chapter 22.120 SVMC, Wireless communication facilities.

C. Telecommunication wireless support towers located in a residential or multifamily zoning district requires a conditional use permit pursuant to chapter 19.150 SVMC.

D. Tower, ham operator.

1. A building permit for the private tower is required;

2. The applicant shall submit a site plan showing the height and location of the private tower;

3. The applicant shall furnish a copy of the tower manufacturer's construction and erection specifications;

4. The private tower shall be erected in accordance with the manufacturer's specifications;

5. The applicant shall demonstrate the impact area (that area in all directions equal to the tower's height above grade) is completely on his/her property. Up to one-half of the tower's impact area in distance may be administratively approved if located on adjacent property pursuant to the administrative exception process contained in chapter 19.140 SVMC; or, if the applicant has secured the appropriate easements for all property within the tower's impact area if not entirely within his/her ownership. Such easements shall be recorded with the Spokane County auditor with a statement that only the City may remove the recordation;

6. A residence shall be on the same site as the private tower, except for a private repeater facility or remote base operations; and

7. The height limitation of the zone shall not be exceeded without approval of a variance or administrative exception as either may respectively pertains.

D. Tower (does not include wireless communications support tower) provided:

1. A conditional use permit pursuant to chapter 19.150 SVMC is approved;

2. The tower base shall be enclosed by a fence not less than six feet in height with a locking gate;

3. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet above the ground;

4. The tower collapse or blade impact area shall lie completely within the applicant's property or within an adjacent property for which the applicant has secured and recorded an easement(s) for all property in the tower's impact area; and

5. Before issuance of a conditional use permit, the applicant shall have demonstrated all the applicable requirements of the FCC, FAA and any required avigation easements can be satisfied.

19.65.040 Eating and drinking establishment.

A. Espresso establishment. In the P/OS zone, espresso establishments shall be permitted as an accessory use.

B. Mobile food vendors.

1. Mobile food vendors shall obtain permission of the property owner to operate on the premises;

2. Mobile food vendors shall obtain the appropriate health certificates and permits; and

3. Mobile food vendors shall operate on designated paved areas wand not interfere with parking or internal circulation.

19.65.050 Entertainment.

A. Adult entertainment and retail. Adult entertainment and retail uses shall comply with the provisions of chapter 19.80 SVMC, Adult Uses.

B. Exercise facility. Exercise rooms and facilities not open to the public and accessory to uses permitted outright are allowed in the MFR, MU, CMU, NC, RC, IMU, and I zones.

19.65.060 Industrial, heavy.

A. Hazardous waste treatment and storage. Hazardous waste treatment and storage shall comply with the provisions of SVMC 21.40.060 through SVMC 21.40.063.

B. Mining. Existing mining operations may continue to operate and expand within the boundaries of an approved mining operation that, as of the date of SVMC 19.65.060(B), was in continuous and lawful operation, or which had received a Washington State Department of Natural Resource County or Municipality Approval for Surface Mining Form. New mining operations are prohibited.

19.65.070 Industrial, light.

A. Recycling facility.

1. In the CMU and RC zones, all recyclable materials and equipment shall be contained indoors;

2. All activities shall meet the noise requirements of SVMC 7.05.040(L);

3. In the CMU and RC zones, dangerous or hazardous materials as defined in Appendix A shall not be recycled or processed on site;

4. In the CMU and RC zones, screening in SVMC 22.70.070(E) shall be required when adjacent to an existing residential use or residential zoning district; and

5. In the CMU and RC zones, the site shall have frontage on an existing arterial or state highway and access will be limited to such frontage.

19.65.080 Lodging.

A. Recreational vehicle park/campground.

1. The maximum net units per acre shall be 15;

2. Recreational vehicle stalls shall average 1,500 square feet;

3. Accessory uses including management headquarters, recreational facilities, restrooms, dumping stations, showers, laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses;

4. A minimum of 15 percent of the gross site area shall be set aside and developed as common use areas for open or enclosed recreation facilities. Recreational vehicle stalls, private streets, storage, utility sites, and off-street parking areas shall not be counted as meeting this requirement; and

5. The recreational vehicle park shall meet all Spokane Regional Health District and City regulations regarding sewage and water.

19.65.090 Marijuana Uses.

All marijuana uses shall comply with the provisions of chapter 19.85 SVMC, Marijuana Uses.

19.65.100 Medical.

A. Medical/dental clinic.

1. Primary access shall be from an arterial in the MFR zone; and

2. Floor area shall not exceed 20 percent of the lot square footage in the MFR zone.

19.65.110 Office.

A. Animal clinic/veterinary.

1. Animal clinics and veterinary clinics shall serve only small animals in the NC zone.

2. No burning of refuse or dead animals is allowed.

3. The applicant shall demonstrate compliance with noise standards for a commercial noise source as identified by WAC 173-60-040.

4. All run areas shall be enclosed and supervised.

19.65.120 Public/quasi-public.

A. Public utility local distribution facility.

1. The utility company shall secure the necessary property or right-of-way to assure for the property construction, continued maintenance, and general safety to the property adjoining the public utility transmission facility; and

2. The facilities shall be compatible with the surrounding uses either by distance, landscaping, buffering, screening, or design, as determined by the Director.

B. Public utility transmission facility.

1. The utility company shall secure the necessary property or right-of-way to assure for the property construction, continued maintenance, and general safety to the property adjoining the public utility transmission facility;

2. All support structures for electric transmission lines shall have their means of access located a minimum of 10 feet above ground;

3. The facilities shall be compatible with the surrounding uses either by distance, landscaping, buffering, screening, or design, as determined by the Director; and

4. The height of any structure above ground shall not exceed 125 feet.

C. Tower, wind turbine support.

1. Requires the approval of a conditional use permit pursuant to chapter 19.150 SVMC;

2. The tower base shall be enclosed by a fence that is at least six feet in height and has a locking gate;

3. The tower shall have a locking trap door or the climbing apparatus shall stop 12 feet above the ground;

4. The tower collapse or blade impact area shall lie completely within the applicant's property or within an adjacent property for which the applicant has secured and recorded an easement(s) for all property in the tower's impact area; and

5. Before issuance of a conditional use permit, the applicant shall demonstrate compliance with all the applicable requirements of the FCC, FAA, and any required avigation easements can be satisfied.

19.65.130 Residential.

A. Accessory structures. The combined building footprint of all accessory permanent structures in residential zoning districts shall be:

1. Up to 1,000 square feet for parcels up to 10,000 square feet in size; or

2. Up to 10 percent of the lot size for parcels greater than 10,000 square feet in size.

B. Dwelling, accessory units. Accessory dwelling units shall comply with the provisions of chapter 19.40 SVMC, Alternative Residential Development Options.

C. Dwelling, caretaker's residence. A caretaker's residence is limited to custodial, maintenance, management, or security of a commercial property and is only allowed accessory to another permitted use on site.

D. Dwelling, cottages. Cottages shall comply with the provisions of chapter 19.40 SVMC, Alternative Residential Development Options.

E. Dwelling, duplex. Duplex dwelling units shall comply with the provisions of chapter 19.40 SVMC, Alternative Residential Development Options.

F. Dwelling, industrial accessory dwelling units. Industrial accessory dwelling units shall comply with the provisions of chapter 19.40 SVMC, Alternative Residential Development Options.

G. Dwelling, townhouse. Townhouse dwelling units shall comply with the provisions of chapter 19.40 SVMC, Alternative Residential Development Options.

H. Manufactured homes on individual lots. Manufactured homes on individual lots shall comply with the provisions of chapter 19.40 SVMC, Alternative Residential Development Options.

I. Manufactured home park. Manufactured home shall comply with the provisions of chapter 19.40 SVMC, Alternative Residential Development Options.

J. Recreational vehicles.

1. Recreational vehicles shall not be used as permanent or temporary dwelling units in any residential zone, except as permitted pursuant to chapter 19.40 SVMC;

2. A recreational vehicle shall not be parked within a required front yard setback for more than 15 consecutive days and not more than 30 days cumulative in any 12 consecutive months; and

3. Guests may park and/or occupy a recreational vehicle while visiting the occupants of a dwelling unit located on the same lot for not more than 30 days in one consecutive 12-month period.

19.65.140 Retail sales and service.

A. Appliance sales/service. Retail appliance sales may be accessory in the I zone, only if manufactured and/or assembled on premises.

B. Bakery, retail. Retail bakeries in the I zone are limited in floor area to 10 percent of the gross leasable floor area (GLFA) of the building, not to exceed 1,000 square feet.

C. Building supply and home improvement store. Floor area limited to 50,000 square feet or less in the NC zone.

D. Department/variety store. Department/variety stores are limited in floor area to 50,000 square feet or less in the NC zone.

E. Equipment rental shop. In the P/OS zone, equipment rental shops shall be permitted as an accessory use.

F. Food sales, specialty/butcher shop/meat market/specialty foods. Specialty/butcher shop/meat market/specialty foods stores shall be limited to no more than 25,000 square feet of net retail space in the NC zone.

G. Gift shop. Gift shops in the P/OS zone may be permitted as an accessory use only.

H. Grocery store. Grocery stores shall be limited to no more than 25,000 square feet of net retail space in the NC zone.

I. Hardware store. Floor area limited to 50,000 square feet or less in the NC zone.

J. Market, outdoor. Outdoor markets shall be the only outright permitted retail sales and service use in the P/OS zone.

K. Secondhand store/consignment sales. Secondhand store/consignment sales shall have frontage on an arterial with a minimum floor area of 15,000 square feet. Such uses shall be limited to a single tenant.

19.65.150 Transportation.

A. Battery charging station. Battery charging stations are allowed only as accessory to a permitted use in the R-1, R-2, R-3, and P/OS zones.

19.65.160 Vehicle services.

A. Car wash. Car washes are limited to a single bay in the NC zone.

B. Fueling station. Fueling stations are only permitted as an accessory use in the NC zone.

19.65.170 Warehouse, wholesale, and freight movement.

A. Storage, general indoor.

1. General indoors storage is only permitted as an accessory use in the NC zone.

2. In the NC zone, all storage shall be within an enclosed building, except that retail products which are for sale or rental may be displayed outdoors during business hours

only, so long as the display does not occur within any required border easement, drainage swale or easement, clearview triangle, or public right-of-way.

B. Storage, general outdoor.

1. Outdoor storage areas shall be paved.

2. In the RC zone, outdoor storage shall be screened by a sight-obscuring fence pursuant to SVMC 22.70.070(C)(1); except that no screening is required for the following:

a. Retail products which are for sale or rental and displayed outdoors during business hours only, so long as the display does not occur within any required border easement, drainage swale or easement, clearview triangle, or public right-of-way.

b. Vehicles, machinery, and other similar items normally displayed for sale, lease, or rent may be displayed if these items are in working condition and not placed within border easements or public right-of-way.

3. In the MU and CMU zones, outdoor storage shall be screened by a sight-obscuring fence pursuant to SVMC 22.70.070(C)(1); except that no screening is required for the following:

Retail products which are for sale or rental and displayed outdoors during business hours only, so long as the display does not occur within any required border easement, drainage swale or easement, clearview triangle, or public right-of-way.

C. Tank storage, critical material above ground. Tank storage shall comply with the provisions of SVMC 21.40.060 through SVMC 21.40.063.

D. Tank storage, critical material below ground. Tank storage shall comply with the provisions of SVMC 21.40.060 through SVMC 21.40.063.

E. Tank storage, LPG above ground. Tank storage shall comply with the provisions of SVMC 21.40.060 through SVMC 21.40.063.

19.65.180 Uncategorized uses.

A. Home Businesses. The following supplemental regulations apply to all home businesses.

1. Applicability. Any person, group, or entity conducting a “for profit” enterprise from a location whose primary use is a residence shall obtain a home business permit. A home business may only be established in a residence that has been legally permitted. Businesses may be exempt from the home business permit fee, as established by the master fee schedule, if all of the following criteria are met:

a. There are no proposed exterior alterations to the residence or any accessory structure(s) which change the residential character of the property;

b, Goods and commodities associated with the business are not delivered to the premises;

c. There are no business customers visiting the premises;

d. There are no signs or window displays on the property related to the business; and

e. Any employee(s) engaged in the business shall live in the residence.

2. Home businesses are permitted as accessory uses, except as indicated by SVMC 19.65.180(A)(3) incidental to the property's primary use as a residence, subject to the following requirements:

   a. Business owner shall be primary resident;

   b. Property shall retain a residential appearance and character;

   c. All storage shall be enclosed within the residence or accessory structure;

   d. There shall be a limit of two employees not residing on the premises engaged in the home business;

   e. One unlighted sign placed flush against the exterior wall of the primary structure not exceeding four square feet in area is permitted;

   f. There shall be no window display nor shall sample commodities with the exception of flowers and produce grown on the premises be displayed outside the building(s);

   g. The hours of operation are limited to 7:00 a.m. to 10:00 p.m.;

   h. The home business use shall not create electronic interference including, but not limited to, interference with radio, satellite reception, telephone, or television reception, nor generate measurable levels at the property line of noise, dust, smoke, odor, or glare. The business activity shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted;

   i. Loading docks and mechanical loading devices are not permitted;

   j. Traffic or parking of vehicles shall not be generated in greater volumes than normally expected in a residential neighborhood. Parking shall be accommodated within the required off-street parking on private property; and

   k. Uses which are detrimental to the existing residential appearance and character are not allowed as home businesses.

3. Specific uses which are not permitted as home businesses include, but are not limited to, the following:

   a. Adult retail use establishment;

   b. Adult bookstore or adult entertainment establishment;

   c. Auto repair;

   d. Auto body repair;

   e. Cabinet making;

   f. Kennel or stables;

g. Large appliance/electronics or equipment repair or service;

h. Manufacturing and/or related storage;

i. Restaurants/drinking establishments;

j. Small engine repair;

k. Truck hauling and/or tow storage yard;

l. Vehicle sales;

m. Welding or metal plating shops; and

n. Wholesale or retail sales.

B. In-ground swimming pool. The vertical wall of all in-ground swimming pools shall be located behind the front yard setback and at least five feet from all other property lines. All pools shall be secured in accordance with the requirements of the Title 24 SVMC. Temporary fencing is required during excavation.

Chapter 19.70
DENSITY AND DIMENSIONS

Sections:
19.70.010 Purpose.
19.70.020 Residential standards.
19.70.030 Mixed-use and nonresidential standards.
19.70.040 Setback designation and measurement.
19.70.050 Additional standards.

19.70.010 Purpose.

The purpose of chapter 19.70 SVMC is to establish density, dimensional, and design standards to define the buildable area, provide flexibility in project design, and maintain compatibility between adjacent uses.

19.70.020 Residential standards.

Residential development shall meet the standards shown in Table 19.70-1. Standards for alternate residential development are set forth in chapter 19.40 SVMC, Alternative Residential Development Options and standards for planned residential developments are set forth in chapter 19.50 SVMC, Planned Residential Developments.

Table 19.70-1 – Residential standards

		R-1	R-2	R-3	MFR[(1)]
Minimum	Front and Flanking Street Yard Setback	35’	15’	15’	15’
	Garage Setback[(2)]	35’	20’	20’	20’
	Rear Yard Setback	20’	20’	10’	10’
	Side Yard Setback	5’	5’	5’	5’
	Open Space	N/A	N/A	N/A	10% gross

		R-1	R-2	R-3	MFR[1]
					area[3]
	Lot Size [4]	40,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.	N/A
Maximum	Lot Coverage	30.0%	50.0%	50.0%	60.0%
	Density	1 du/ac	4 du/ac	6 du/ac	22 du/ac
	Building Height[5]	35’	35’	35’	50’
(1)	Where MFR abuts R-1, R-2, or R-3 zones, development shall comply with the provisions of chapter 19.75 SVMC, Transitional Regulations.				
(2)	Attached garages, where the garage door does not face the street, may have the same setback as the primary structure.				
(3)	Open space requirement does not apply to single-family development in the MFR zone. In the CMU and MU zones, multifamily development shall provide open space pursuant to SVMC 19.70.050(G).				
(4)	Single-family residential development in the MFR zone shall have a minimum lot size of 2,000 square feet per dwelling unit. Only one single-family dwelling shall be allowed per lot.				
(5)	The vertical distance from the average finished grade to the average height of the highest roof surface.				

19.70.030 Mixed-use and nonresidential standards.

A. Development in the RC, CMU, MU, IMU, and I zones shall meet the requirements set forth in Title 24 SVMC and chapter 19.75 SVMC, Transitional Regulations.

B. Nonresidential development in the NC zone adjacent to residential uses shall comply with the following dimensional standards:

1. Maximum building height of 35 feet;

2. Minimum front yard setback of 15 feet;

3. Minimum side yard setback of 10 feet; and

4. Minimum rear yard setback of 10 feet.

19.70.040 Setback designation and measurement.

A. Except as provided in SVMC 19.70.040(B), each lot shall contain only one front setback and only one rear setback. Any other setback shall be considered a side setback.

B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

C. The Director is authorized to designate front, rear, and side setbacks. In situations where the Director cannot establish a front and rear setback due to the orientation of the lot, the Director shall establish these setbacks based upon orientation of the lot as compared to surrounding lots and to any existing development pattern. All other setbacks shall be defined in relation to the established front and rear setback.

D. The setback shall be measured from the property line unless there is a border easement. In which case, the setback shall be measured from the border easement.

E. Setbacks, when adjacent to a private street or driveway easement, shall be measured from the inner edges of the street or driveway and are established pursuant to Table 19.70-1 except the flanking street which is five feet.

19.70.050 Additional standards.

A. Structure intrusions into setbacks are prohibited except:

1. The ordinary projections of window sills, belt courses, cornices, and other architectural features projecting not more than 12 inches and roof eaves projecting not more than 24 inches.

2. Minor features of a structure, such as chimneys, fire escapes, bay windows no more than 12 feet long and which cantilever beyond the foundation of the structure, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required setback up to 20 percent of the depth of the setback. However, these features may not be within three feet of a lot line when a setback is required.

3. Attached mechanical equipment such as heat pumps, air conditioners, emergency generators, and water pumps are allowed to project not more than 24 inches into the side or rear setback only.

4. Fences that meet the requirements set forth in SVMC 22.70.020.

5. Walkways and driveways, including parking in the driveway, are allowed in the front yard setback of R-1, R-2, and R-3 zones only.

6. Canopies, marquees, awnings, and similar features in mixed-use or nonresidential zones may fully extend into a front yard setback subject to the requirements of Title 24 SVMC.

B. Supporting member of any garage, carport, portable carport, or other automobile storage structure shall not be located within the required front yard.

C. Accessory structures shall not be erected within five feet of any rear or side property line, or be located within the front yard or any public or private easement.

D. Where applicable, structures shall not be erected to a height in excess of that permitted by SVMC 19.110.030, Airport hazard overlay.

E. In R-1, R-2, and R-3 zones, cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height, not to exceed 40 feet, above the average finished grade of the building. Water stand pipes and tanks, church steeples, domes and spires, and school buildings and institutional buildings may be erected to exceed maximum height requirements; provided, that one additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the required height.

F. Open space required pursuant to Table 19.70-1 shall be accessible to all residential units and shall be suitable for active and passive recreational purposes, subject to the following:

1. The required open space area shall not include required yards, parking areas, required landscaped areas, stormwater facilities, or required spacing between structures;

2. The amount of open space may be reduced by up to 25 percent where at least two of the following amenities are provided:

   a. Play or sports courts;

   b. Playgrounds with equipment;

   c. Trails or pedestrian walkways not required for access to residential units or parking areas;

   d. Swimming pools;

   e. Gazebos; or

   f. Clubhouses;

3. The required open space shall not be reduced by more than 50 percent.

G. In mixed-use zoning districts, projects with residential components shall provide 210 square feet of open space per dwelling unit conforming to the requirements of SVMC 19.70.050(F) and eligible for reduction for improvements on the same basis; provided, that:

1. The requirement does not apply to the development of less than 10 new dwelling units;

2. Additional open space is not required for residential development located within 1,300 feet of a public park; and

3. A fee in lieu of land dedication may be assessed for the development of public parks and open spaces to meet the needs of the residents of the mixed-use zoning districts. Council will determine this assessment and review it on an annual basis.

H. Residential development in nonresidential zones shall comply with the density and dimensional standards of the MFR zone in Table 19.70-1, except single-family development in the NC zone, which shall comply with the density and dimensional standards of the adjacent single-family residential zone. Where the NC zone abuts multiple single-family residential zones, the zone with the higher density shall apply. Where there are no single-family residential adjacencies to the NC zone, the density and dimensional standards of the R-2 zone shall apply.

I. New development exceeding three stories in height shall be served by paved service lanes that are at least 16 feet in width.

J. The following design standards apply to all outdoor lighting in residential zones:

1. All new development shall provide lighting within parking lots, along pedestrian walkways, and accessible routes of travel.

2. Lighting fixtures shall be limited to heights of no more than 24 feet for parking lots and no more than 16 feet for pedestrian walkways.

3. All lighting shall be shielded from producing off-site glare, either through exterior shields or through optical design inside the fixture, and shall not emit light above 90 degrees.

4. Street lighting installed by the City or other public utilities is exempt from SVMC 19.70.050(J).

K. Principal or accessory structures shall not be located within the clearview triangle pursuant to chapter 22.70 SVMC.

Chapter 19.75
TRANSITIONAL REGULATIONS

Sections:
19.75.010 Purpose.
19.75.020 Applicability.
19.75.030 Transitional regulations.
19.75.040 Ground level transitional use limitations.

19.75.010 Purpose.

The purpose of chapter 19.75 SVMC is to establish transitional development regulations along zoning district boundaries, specifically where properties of more intensive zoning abut less intensively-zoned properties.

19.75.020 Applicability.

A. General.

1. The ground level setback requirements shall apply to any portion of a property located in the:

   a. MFR, RC, CMU, or MU zone that abuts a property located in the R-1, R-2, or R-3; or

   b. I or IMU zone that abuts any property not zoned I or IMU.

2. The upper level setback requirements shall apply to any portion of a property located in the MFR, RC, CMU, MU, I, or IMU zones.

3. Nonresidential development in the NC zone adjacent to residential zones shall comply with the provisions of SVMC 19.70.030(B).

B. Exemptions. Wireless communications facilities are not subject to chapter 19.75 SVMC.

C. The application of transitional regulations may be modified by the Director consistent with chapter 19.75 SVMC.

19.75.030 Transitional regulations.

A. General. The transition shall be provided in the form of a ground level setback of 10 feet, or the applicable setback pursuant to chapter 19.70 SVMC, Density and Dimensions, whichever is greater, and an upper level setback as provided in SVMC 19.75.030(A)(2) and illustrated in Figure 19.75-1.

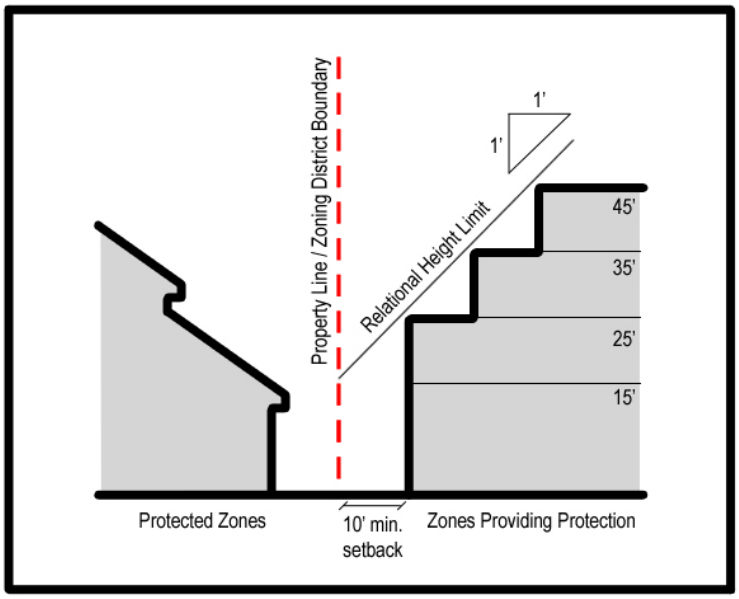
1. All transitional ground level setback areas shall be landscaped pursuant to the provisions of SVMC 22.70.070.

2. Upper level setback calculation.

a. Starting at a height of 15 feet at the boundary of an R-1, R-2, or R-3 zone, the building height may be increased at a ratio of one foot of height for every one foot of horizontal distance from the nearest R-1, R-2, or R-3 zone boundary. Figure 19.75-1 provides a graphic illustration of this requirement.

b. Where the protected zone boundary is the centerline of a right-of-way, the horizontal distance calculation in SVMC 19.75.030(A)(2)(a) shall be measured from the property line of the zone providing protection. Figure 19.75-1 provides a graphic illustration of this requirement.

Figure 19.75-1



B. The following regulations shall apply to the ground level transitional setback areas:

1. Outdoor sales, outdoor seating, or outdoor displays or signage are prohibited within 30 feet of any R-1, R-2, or R-3 zone.

2. Parking, drive aisles, and/or queuing areas in the RC, CMU, MU, IMU, and I zones are prohibited within 20 feet of any R-1, R-2, or R-3 zone. All parking and drive aisles shall be landscaped and screened pursuant to SVMC 22.70.050 and SVMC 22.70.070.

3. Loading areas in the RC, CMU, MU, IMU, and I zones are prohibited within 30 feet of any R-1, R-2, or R-3 zone.

4. Any mechanical equipment, building vents, and exhausts within the transitional setback areas shall be visually screened pursuant to SVMC 22.70.070. All building vents and mechanical equipment exhausts shall be directed away from adjacent R-1, R-2, or R-3 zone.

5. All outdoor lighting in the transitional setback areas shall be shielded and not produce off-site glare pursuant to SVMC 22.60.030 and shall be limited to 16 feet in height above grade.

19.75.040 Ground level transitional use limitations.

A. In the MFR zone ground level transitional setback areas, only the following uses are permitted:

1. Open space and landscaping.

2. Outdoor recreation areas accessory to residential uses.

3. Parking and parking structures.

4. Club houses.

B. In the ground level transitional setback areas of RC, CMU and MU zones, only the following uses are permitted:

1. Open space and landscaping.

2. Pedestrian pathways.

3. Outdoor recreation areas accessory to permitted uses on site.

C. In the ground level transitional setback areas of the I and IMU zones, the following uses are prohibited within 20 feet of a NC, RC, CMU, or MU zone:

1. Agriculture and animal uses located outside of an enclosed building;

2. Heavy industrial uses conducted outside of an enclosed building;

3. Warehouse, wholesale and freight movement uses outside of an enclosed building; and

4. Transportation uses located outside of an enclosed building.

D. In the ground level transitional setback areas of the I and IMU zones, the following uses are prohibited within 30 feet of a R-1, R-2, R-3, or MFR zone:

1. Agriculture and animal uses;

2. Heavy industrial uses;

3. Warehouse, wholesale and freight movement uses outside of an enclosed building;

4. Transportation uses located outside of an enclosed building; and

5. Outdoor storage accessory to any of the above uses unless visually screened pursuant to SVMC 22.70.070.

Chapter 19.80
ADULT USES

Sections:
19.80.010 Purpose.
19.80.020 License required.
19.80.030 Adult use development standards.

19.80.010 Purpose.

In the development and adoption of chapter 19.80 SVMC, the City recognized that there are adult entertainment uses which, due to their very nature, have serious objectionable operational characteristics, particularly when located in close proximity to residential neighborhoods and schools, thereby having a

deleterious impact upon the quality of life in the surrounding areas. It has been acknowledged by courts and communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure the adverse secondary effects of the establishments are minimized.

Chapter 19.80 SVMC is intended to protect the general public health, safety, and welfare through the regulation of the operations and licensing of the adult entertainment devices, premises, and personnel of adult entertainment establishments. The provisions of chapter 19.80 SVMC have neither the purpose nor effect of imposing a limitation or restriction on the content of any constitutionally-protected, sexually-oriented, or explicit communicative materials, or communicative performances. The regulations set forth herein are intended to prevent and control health, safety, and welfare issues, the decline in neighborhood conditions in and around adult entertainment establishments, and to prevent dangerous and unlawful conduct associated with these facilities. Chapter 19.80 SVMC may not be construed as permitting or promoting obscene conduct or materials.

19.80.020 License required.

Licensing requirements for adult uses are contained in chapter 5.10 SVMC, Adult Entertainment Establishments.

19.80.030 Adult use development standards.

A. There shall be five existing acres of contiguous (includes across streets) zoning classified Regional Commercial.

B. The use shall be located or maintained at least 1,000 feet from the nearest property line of the use listed in SVMC 19.80.030(B)(1-6). Distance shall be measured from the nearest property line of the adult retail use establishment or adult entertainment establishment(s) to the nearest property line of the following pre-existing uses:

1. Public library;

2. Public playground or park;

3. Public or private school and its grounds of kindergarten to twelfth grade;

4. Nursery school, mini-day care center, or day care center;

5. Church, convent, monastery, synagogue, or other place of religious worship;

6. Another adult use subject to the provisions of SVMC 19.80.030.

C. An adult retail use establishment or adult entertainment establishment(s) shall not be located within 1,000 feet of an urban growth area boundary or within 1,000 feet of any of the following zones:

1. R-1, Single-Family Residential Estate;

2. R-2, Single-Family Residential Suburban;

3. R-3, Single-Family Residential;

4. MFR, Multifamily Residential;

5. MU, Mixed Use;

6. CMU, Corridor Mixed Use; or

7. NC, Neighborhood Commercial.

Chapter 19.85
MARIJUANA USES

Sections:
19.85.010 Marijuana production standards.
19.85.020 Marijuana processing standards.
19.85.030 Marijuana retail sales standards.
19.85.040 Other licensed or registered marijuana uses prohibited.
19.85.050 Marijuana production and processing in residential zones.

19.85.010 Marijuana production standards.

A. Marijuana production shall be located or maintained at least 1,000 feet from the nearest property line, measured from the nearest property line of the marijuana production facility to the nearest property line of any one or more of the following uses:

1. Vacant or undeveloped parcels owned by public school districts as established in Title 28A RCW;

2. Vacant or undeveloped parcels owned by public library districts as established in chapter 27.12 RCW;

3. Vacant or undeveloped parcels leased or owned by the City; provided the following shall be excluded from consideration under SVMC 19.85.010:

   a. Any stormwater facility or right-of-way parcels owned or leased by the City and designated or identified as a stormwater facility or right-of-way in any document, plan, or program adopted by the Council; and

   b. The Appleway Trail; or

4. a. Any facility or building designated or identified in any document, plan, or program adopted by the Council as “Spokane Valley City Hall” or other similar term that identifies such facilities or buildings as the City’s primary administrative and legislative location; or

   b. CenterPlace.

B. Marijuana production in the RC zone shall only be permitted indoors.

19.85.020 Marijuana processing standards.

A. Marijuana processing shall be located or maintained at least 1,000 feet from the nearest property line, measured from the nearest property line of the marijuana processing facility to the nearest property line of any one or more of the following uses:

1. Vacant or undeveloped parcels owned by public school districts as established in Title 28A RCW;

2. Vacant or undeveloped parcels owned by public library districts as established in chapter 27.12 RCW;

3. Vacant or undeveloped parcels leased or owned by the City; provided the following shall be excluded from consideration under SVMC 19.85.020:

   a. Any stormwater facility or right-of-way parcels owned or leased by the City and designated or identified as a stormwater facility or right-of-way in any document, plan, or program adopted by the City; and

   b. The Appleway Trail; or

4. a. Any facility or building designated or identified in any document, plan, or program adopted by the City as "Spokane Valley City Hall" or other similar term that identifies such facilities or buildings as the City's primary administrative and legislative location; or

   b. CenterPlace.

B. Marijuana processing in the RC zone shall be limited to packaging and labeling of usable marijuana.

19.85.030 Marijuana retail sales standards.

A. New marijuana sales shall not be permitted within any zoning districts.

B. Marijuana sales uses in existence and in continuous and lawful operation prior to July 27, 2016, shall not be deemed nonconforming and shall be permitted as a legal use subject to the following: marijuana sales shall be located or maintained at least 1,000 feet from the nearest property line, measured from the nearest property line of the marijuana sales facility to the nearest property line of any one or more of the following uses:

1. Centennial Trail;

2. Appleway Trail;

3. Vacant or undeveloped parcels owned by public school districts as established in Title 28A RCW;

4. Vacant or undeveloped parcels owned by public library districts as established in chapter 27.12 RCW;

5. Vacant or undeveloped parcels leased or owned by the City; provided any stormwater facility or right-of-way parcels owned or leased by the City and designated or identified as a stormwater facility or right-of-way in any document, plan, or program adopted by the Council shall be excluded from consideration under SVMC 19.85.030; or

6. a. Any facility or building designated or identified in any document, plan, or program adopted by the Council as "Spokane Valley City Hall" or other similar term that identifies such facilities or buildings as the City's primary administrative and legislative location; or

   b. CenterPlace.

19.85.040 Other licensed or registered marijuana uses prohibited.

Marijuana production, marijuana processing, and existing marijuana sales shall be permitted pursuant to SVMC 19.85.010, SVMC 19.85.020, and SVMC 19.85.030. All other commercial and non-commercial licensed or registered marijuana uses are prohibited within all zoning districts of the City. This prohibition

includes, but is not limited to, marijuana clubs or lounges and marijuana cooperatives. This prohibition does not apply to home growing or processing of marijuana by qualified patients or designated providers in residential zoning districts as set forth in SVMC 19.85.050 and in compliance with state law.

19.85.050 Marijuana production and processing in residential zones.

Washington state law authorizes qualified patients and designated providers to produce marijuana and to process marijuana in dwellings, residences, domiciles, and similar housing units under limited circumstances and with limited processing methods. Subject to applicable federal, state, and local laws, any owner, lessor, or leasing agent may request or require disclosure of a renter or lessee's desire to produce or process marijuana within a rented or leased dwelling unit. In addition to compliance with any applicable state or federal laws and regulations, lawful production or processing of marijuana by any person in a dwelling, residence, domicile, or other similar housing unit shall be subject to all locally-applicable land use, development, zoning, and building regulation requirements including, but not limited to, all applicable requirements set forth in Titles 17 through 24 SVMC as the same are now adopted or hereafter amended, and the following regulations:

A. Any home production or processing of marijuana by any person pursuant to state law shall not be permitted outside of the dwelling or accessory structure;

B. Any home production or processing of marijuana by any person or allowed by state law in a dwelling or accessory structure shall be enclosed, blocked, or sight-screened from the public right-of-way and from adjacent properties so that no portion may be readily seen by normal unaided vision or readily smelled from such locations. Accessory structures shall be permanent structures enclosed by a roof and walls on all sides and connected to a permanent foundation. For purposes of SVMC 19.85.050, accessory structures shall not include cargo containers, recreational vehicles, or other similar types of structures. Accessory structures shall be completely opaque in addition to necessary site-screening;

C. Home processing of marijuana shall not involve any combustible method and shall comply with all federal, state, and local laws and rules, including all standards adopted by the Washington State Liquor and Cannabis Board; and

D. Production or processing of marijuana by any person pursuant to state law in a dwelling or accessory structure shall only be allowed in the R-1, R-2, and R-3 zones.

Chapter 19.90
ESSENTIAL PUBLIC FACILITIES (EPFs)

Sections:
19.90.010 Facilities of regional/statewide significance.
19.90.020 Local siting procedures.

19.90.010 Facilities of regional/statewide significance.

The City is signatory to an interlocal agreement relating to the siting of EPFs of statewide and regional significance in accordance with RCW 36.70A.200.

A. EPFs having statewide significance are major facilities that provide a needed public service affecting, or potentially affecting, residents and/or property located in two or more Washington state counties and may be included on the Washington State Office of Financial Management list of EPFs. These facilities include, but are not limited to, regional transportation facilities, such as commercial and military airports; freeways, highways, and beltways; state correctional facilities; secure community transitional facilities; state social services; state parks; and state higher educational facilities.

B. EPFs having regional/countywide significance are local or interlocal facilities providing a needed public service affecting, or potentially affecting, residents and/or property located in two or more Spokane County jurisdictions. They include, but are not limited to, general aviation airports; county correctional facilities; regional transportation system; public transit maintenance and operational facilities; regional solid waste disposal/recycling/composting/handling facilities; community colleges; regional wastewater treatment facilities; arenas, stadiums, and other entertainment facilities; and regional social and health services such as in-patient hospitals, mental health facilities, and substance abuse treatment centers.

Chapter 19.60 SVMC, Permitted Uses, identifies those facilities subject to the regional/statewide siting process.

C. Application for EPF siting shall be made through the Spokane County department of planning and building in accordance with the adopted procedures of Spokane County.

D. Following ranking of sites by the board of county commissioners, the applicant shall work directly with the City to meet the regulatory requirements for the construction and operation of the facility under the plans and regulations that were in effect at the time of initial application under the regional siting process.

E. All EPFs located within the City require approval of a conditional use permit pursuant to chapter 19.150 SVMC, Conditional Use Permits.

F. Spokane Valley shall require EPFs approved through the regional process to meet all local requirements except those expressly obviated as a result of the process. The City shall consider all information submitted as part of the regional siting process.

19.90.020 Local siting procedures.

EPFs having local significance are facilities providing a needed public service affecting, or potentially affecting, only residents and/or property within the jurisdiction in which they are located. The City includes such facilities in the Comprehensive Plan as "community facilities," including, but not limited to, fire stations, police stations, child care facilities, public libraries, community parks, recreation facilities, community centers, local social services, and elementary, middle, and high schools.

Chapter 19.100
HISTORIC PRESERVATION

(Reserved)

Chapter 19.110
SPECIAL OVERLAY ZONES

Sections:
19.110.010 *Repealed.*
19.110.020 *Repealed*.
19.110.030 Airport hazard overlay.
19.110.040 Pipeline hazard overlay.

19.110.010 *Repealed.*

Repealed by Ord. 16-___.

19.110.020 *Repealed.*

Repealed by Ord. 11-010.

19.110.030 Airport hazard overlay.

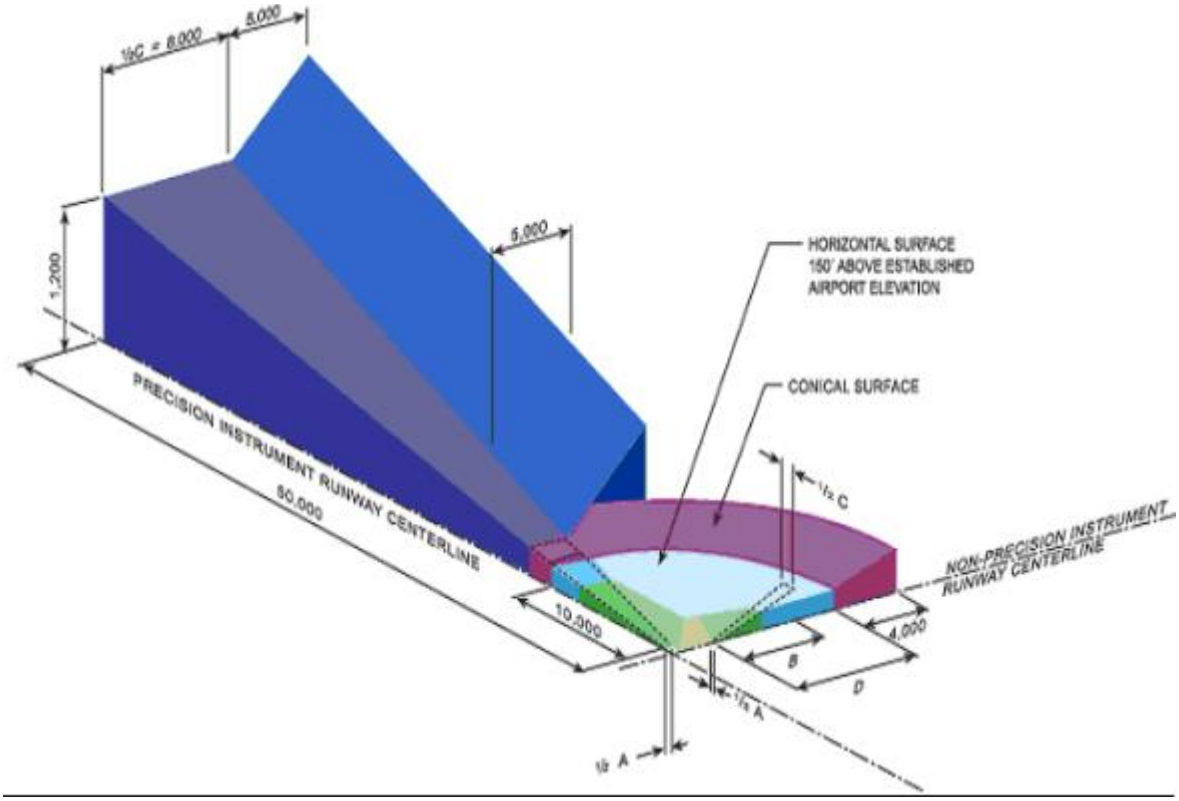
A. Purpose and Intent. The purpose and intent of the Airport Hazard Overlay (AO) zone is to reduce the potential for airport hazards, because:

1. Airport hazards endanger the lives and property of users of landing fields and persons in the vicinity of Felts Field;

2. Airspace obstructions and incompatible land uses impair the utility of an airport and diminish the value of the public investment therein; and

3. Preventing the creation or establishment of incompatible land uses and airport hazards protects the public health, safety, and general welfare, and promotes the most appropriate use of land.

B. Applicability. The AO zone applies to areas surrounding Felts Field, as established herein. Chapter 19.110 SVMC shall apply to all lands, buildings, structures, natural features, and uses located within the AO zoning district as depicted on the maps, except that the provisions of chapter 19.110 SVMC shall not apply to any use that is defined as an aviation use. All uses and activities are at all times subject to the underlying zoning district. Where the requirements and restrictions imposed by the AO zone conflict with the requirements of the underlying zoning district, the more restrictive requirement shall apply.



C. Air Hazard Height Restrictions. Except as otherwise provided herein, no building or structure shall be erected, altered, or maintained so as to project or otherwise penetrate the Federal Aviation Regulations Part 77 airspace surfaces shown on the Airport Hazard Map attached to the ordinance codified in SVMC 19.110.030 and made a part hereof for all purposes. Such applicable height limitations are hereby established for each of the zones as follows:

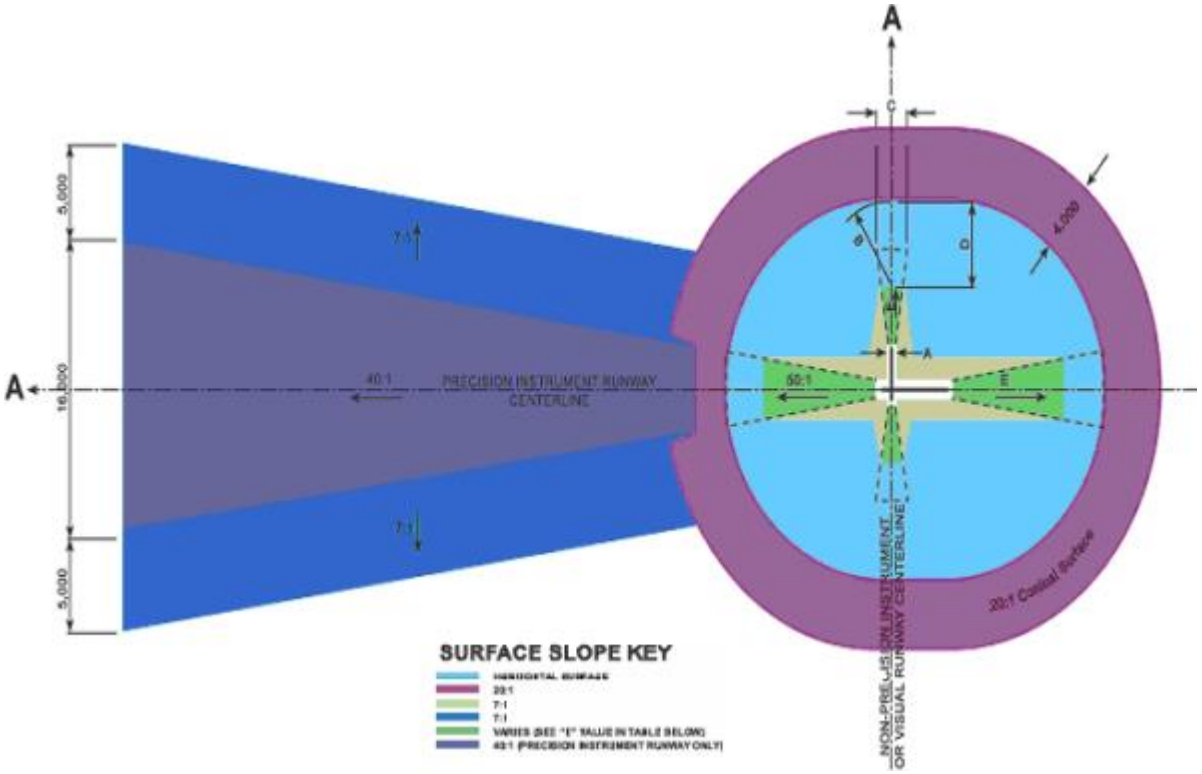
1. Primary Surface. A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of the runway and is 1,000 feet wide. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

2. Precision Instrument Runway Approach Zone. Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

3. Transitional Zones. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,952 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

4. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 2,102 feet above mean sea level.

5. Conical Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.



D. Height Exceptions. Structures shall not be constructed, altered, or maintained in the regulated air space area except as follows:

1. Any structure or object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height;

2. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the FAA with a fixed location and height; and

3. Structures necessary and incidental to airport operations.

E. Airport Land Use Restrictions. The six airport land use compatibility zones established by the WSDOT Division of Aviation guidelines are based on federal aviation accident data from the National Transportation Safety Board (NTSB) and are shown on the airport land use compatibility zone map attached to the ordinance codified in SVMC 19.110.030 and made a part hereof for all purposes.

1. Prohibited Uses in All Airport Land Use Compatibility Zones.

a. Any use that creates or causes interference with the operations of radio or electronic facilities at the airport or with radio or electronic communications between airport and aircraft;

b. Any use or lighting that impairs a pilot's ability to distinguish between airport lights and other lights, or that creates glare affecting pilot vision, or otherwise impairs visibility in the vicinity of the airport. All lighting shall be "cut-down" and fully shielded;

c. Any use that endangers the landing, taking off, or maneuvering of aircraft;

d. Any use which attracts birds in any manner affecting airport operations such as garbage, recycling, and stormwater facilities;

e. Special function land uses for which the significant common element is the relative inability of the people occupying the space to move out of harm's way such as K – 12 schools, hospitals, nursing homes, and other similar uses;

f. High intensity land uses which are characterized by a potential to attract dense concentrations of persons to an indoor or outdoor area, even for a limited period of time. Such uses include:

i. Amusement parks and fairgrounds;

ii. Box retail;

iii. Convention/exhibit halls, major auditoriums, and theaters;

iv. Stadiums and arenas;

v. Temporary events attracting dense concentrations of people – fairs, circuses, carnivals, revival meetings, sports tournaments, conventions, but not including events for which exposure to aviation safety hazard is a well-known expectation (air shows, airport open houses, pilot meetings, etc.).

2. Land uses in airport land use compatibility zones are further regulated as follows:

Table 19-110-1 – Airport Land Use Compatibility Prohibited Uses

Prohibited Uses	Airport Land Use Compatibility Zones						
	1	2	3	4	5	6a	6b
Single-Family Residential	•	•			•		
Maximum Density **	n/a	n/a	1 du/5 acres	1 du/2.5 acres	n/a	1 du/2.5 acres or underlying zone(1a)(2)	1 du/2.5 acres or underlying zone(1a-c)(2)
Manufactured Housing Parks	•	•	•	•	•	•	•
Multi-family Residential	•	•	•	•	•	•	•
Schools	•	•	•	•	•	•	•
Parks and Playgrounds	•	•	•	•	•	•	•
Hospitals	•	•	•	•	•	•	•
Nursing Homes	•	•	•	•	•	•	•
Day Care	•	•	•	•	•	•	•
Churches	•	•	•	•	•	•	•
Hazardous Materials Storage	•	•	•	•	•		
Flammable Materials Storage	•	•	•	•	•		
Incinerators	•	•	•	•	•	•	•
Overhead Utilities	•	•	•	•	•	•	•
High Intensity Uses	•	•	•	•	•		

• Prohibited Uses

** Density Limited

(1) Must comply with a minimum of one of the following criteria:

a. The site had water or sewer stubs installed for future development prior to the adoption of the City initial airport hazard overlay regulations on February 28, 2006, by Ordinance No. 06-002;

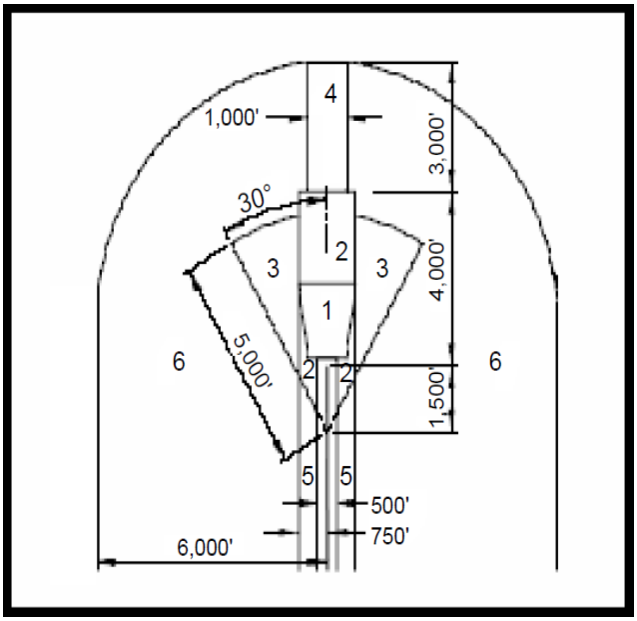
b. Consistent with adjacent (not across public rights-of-way) property sizes for proposed development; or

c. More than one residence is located on a property, excluding any residence used at one time for a dependent relative, may develop property consistent with underlying zoning to make conforming.

(2) All final short subdivisions and final subdivisions located within Zone 6 of the AO shall contain the following dedication language on the face of the plat: "*These lots are located in an Airport Hazard Overlay that may be subject to increased noise levels.*"

3. Avigation easements/title notice/covenant shall be required as a condition of the issuance of any permit for construction, reconstruction, or expansion of any structure located within any airport land use compatibility zone.

Airport Land Use Compatibility Zones



Source: California Airport Land Use Planning Handbook California Department of Transportation Division of Aeronautics, recommended by Washington Department of Transportation, Aviation Division.

4. Substantial noise impacts (over 65 Ldn) at Felts Field are confined to airport property. In the event of changed conditions authenticated by the Spokane Airport Board, the following uses will be prohibited within areas where noise levels exceed 65 Ldn:

   a. School.

   b. Church.

   c. Hospital.

   d. Manufactured home park.

   e. Child day care center.

   f. Nursing home.

   g. Parks and playgrounds.

5. Nothing in chapter 19.110 SVMC shall diminish the responsibility of project proponents to submit a notice of construction or alteration to the FAA if required in accordance with Federal Aviation Regulations Part 77, “Objects Affecting Navigable Airspace.”

F. Nonconforming Uses.

1. Regulations Not Retroactive. The regulations prescribed herein shall not be construed to require the change of use, nor the removal or alteration of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in chapter 19.110 SVMC; provided, however, that the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance of such markers and lights as shall be deemed necessary by the Director of airport operations.

2. Nonconforming Uses Abandoned or Destroyed. Whenever the Director determines that a legal nonconforming tree or structure has been abandoned, destroyed, or damaged by more than 80 percent, no permit shall be issued or granted that would allow such use, structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

G. Permits and Variances.

1. No building permit shall be issued for any prohibited use, or for any structure or obstruction which exceeds the air hazard height restrictions adopted herein.

2. An application for a permit for the construction of a building, structure, use, subdivision, short subdivision, binding site plan, or other development located within the AO zone shall submit a site plan which includes the elevation of the site above mean sea level, and the height of any proposed structure.

3. Additional Notice. Any building permit or land use action including plats, short plats, subdivisions, and binding site plans within the AO zone shall contain the following notice:

> Notice is herein provided that this property is located within the Airport Hazard Overlay Zone of the City of Spokane Valley, Washington, and is subject to restriction on height and use pursuant to SVMC 19.110.030 Airport Hazard Overlay Zone as it may be amended from time to time.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of property, not in accordance with the regulations prescribed herein may apply to the Department for a variance; provided, however, that the application shall be accompanied by a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. A copy of the application shall be furnished to the Director of airport operations for review and comment. Final determination on the variance shall be made by the Hearing Examiner following notice and hearing.

19.110.040 Pipeline hazard overlay.

The following regulations shall only apply to the pipeline facilities identified on the Zoning Map:

A. The regulation of development, including construction, excavation or fill, or installation of roads and utilities is intended to ensure the health, safety, and welfare of citizens and the protection of private property.

B. Pipeline hazard areas shall extend 500 feet from the centerline of any existing or future pipeline, whether or not such pipeline is located within a recorded easement or is included in a “blanket” or “open” easement.

C. The construction, excavation, fill, or installation of underground utilities or drainage facilities within the area of pipeline hazard shall require consultation with the pipeline operator prior to the issuance of any permit. If applicable, the pipeline operator shall identify the location and depth of cover required to protect the pipeline.

D. No permanent or temporary accessory structures, retaining walls, patios, swimming pools, or on-site waste disposal systems shall be permitted within 25 feet of any pipeline.

E. No permanent or temporary structures designed for human habitation or occupancy shall be located within 50 feet of any pipeline.

F. Utility poles, guy wires, or anchors shall not be placed within 10 feet of the pipeline.

G. For new construction, the City may require the lowering or relocation of the pipeline as a condition of the issuance of any permit.

Chapter 19.120
Repealed

Chapter 19.130
SITE PLAN REVIEW

Sections:
19.130.010 Purpose.
19.130.020 Permit type.
19.130.030 Applicability.
19.130.040 Decision criteria.
19.130.050 Conditions.

19.130.010 Purpose.

The purpose of chapter 19.130 SVMC is to ensure efficient and safe land development, compatible use of land, compliance with Title 22 SVMC, Design and Development Standards, and adequate water supply, drainage, and other utilities.

19.130.020 Permit type.

Site plan review is classified as a Type I development application and shall be processed in accordance with SVMC 17.80.070.

19.130.030 Applicability.

A building permit or land disturbing permit shall not be issued for the following unless a site plan review is approved or approved with conditions by the Department:

A. Any land disturbing activity unless exempted pursuant to SVMC 24.50.020;

B. Any commercial development;

C. Any industrial development;

D. Any multifamily development that includes three or more units;

E. Any alternative residential development pursuant to SVMC 19.40.030; and

F. Any development in single-family residential zones.

19.130.040 Decision criteria.

Prior to approving any building or permit for land disturbing activities, the proposal shall:

A. Conforms with all applicable provisions of the SVMC and all other applicable law; and

B. Conforms to the conditions required by the Department, Hearing Examiner, or Council.

19.130.050 Conditions.

The site plan shall be drawn to an acceptable scale and include all necessary information as required by the Department including, but not limited to landscape and lighting plans as required pursuant to chapter 22.070 SVMC and chapter 22.60 SVMC.

Chapter 19.140
ADMINISTRATIVE EXCEPTIONS

Sections:
19.140.010 Purpose.
19.140.020 Permit type.
19.140.030 Allowed exceptions.
19.140.040 Decision criteria.

19.140.010 Purpose.

The purpose of chapter 19.140 SVMC is to allow for minor deviations from Code requirements.

19.140.020 Permit type.

An administrative exception is classified as a Type I permit and shall be processed pursuant to SVMC 17.80.070.

19.140.030 Allowed exceptions.

An administrative exception may be approved for the following when consistent with the criteria in SVMC19.140.040:

A. Yard setback where the deviation is for 10 percent or less of the required yard.

B. Building height where the deviation is for 10 percent or less of the maximum building height. Additional building height may be granted to the equivalent height of adjacent buildings in areas where the maximum building height is generally exceeded.

C. Minimum lot area where the deviation is for 10 percent or less of the required lot area.

D. Maximum building coverage where the deviation is for 10 percent or less of the maximum building coverage.

E. Up to one-half of a private tower's impact area off of the applicant's property.

F. Flanking street yard setbacks; provided that:

1. At the time the lot was legally created, it was zoned under a zoning classification of the pre-January 1, 1991, Spokane County zoning ordinance, and subsequently on January 1, 1991, a new zoning classification from the zoning code of Spokane County, Washington, was assigned to the lot; and

2. Any flanking yard setback deviation granted under this section shall not exceed the required flanking street setback standards of the pre-January 1, 1991, zoning classification of the subject property.

G. Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the City, county, state, or federal agency.

H. Provisions in SVMC 20.20.090 that conflict with the intent of Title 19 SVMC as determined by the Director.

19.140.040 Decision criteria.

The Director shall approve, approve with conditions, or deny administrative exceptions based on the following criteria:

A. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies;

B. The exception may not increase density beyond what is currently allowed within the zoning district;

C. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a Hearing Examiner decision, or conditions associated with the applicable short plat approval;

D. The exception shall not conflict with other local, state, or federal laws; and

E. The exception does not adversely impact the public health, safety, and welfare within the City.

Chapter 19.150
CONDITIONAL USE PERMITS

Sections:
19.150.010 Purpose.
19.150.020 Permit type.
19.150.030 Decision criteria.
19.150.040 Conditions.

19.150.010 Purpose.

The purpose of chapter 19.150 SVMC is to establish criteria for determining the conditions under which a use(s) is permitted within a zoning district. Certain uses are classified as conditional uses because of their size, infrequent occurrence, special requirements, possible safety hazards or detrimental effects on surrounding properties, and other similar reasons. A Conditional Use Permit (CUP) is subject to specific review during which additional conditions may be imposed to assure compatibility of the use with other uses in the vicinity. A request for a CUP may be denied where it cannot be clearly demonstrated that the requested use will be compatible with other permitted uses in the vicinity of the proposed conditional use.

19.150.020 Permit type.

CUPs are classified as Type III permit applications and shall be processed pursuant to SVMC 17.80.070.

19.150.030 Decision criteria.

A. A CUP may only be granted if the applicant demonstrates that:

1. The conditional use is consistent with the Comprehensive Plan and with the character and appearance of the existing or proposed development in the vicinity of the subject property;

2. The location, size, and height of buildings, structures, walls and fences, and visual screening for the conditional use shall not hinder or discourage the permitted development or use of neighboring properties;

3. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

4. The conditional use does not conflict with the health and safety of the community;

5. The proposed location does not result in the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;

6. The pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

7. There are adequate public facilities or services to support the use and the use will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

19.150.040 Conditions.

A. In approving a CUP, the Hearing Examiner may stipulate conditions including, but not limited to, the following:

1. Control of use;

2. Greater front, side, or rear yard setbacks than the minimum standards of the zoning district within which the subject property is located;

3. Special landscaping, screening, fencing, signing, off-street parking, public transit, and/or high occupancy vehicle facilities or any other general development standards;

4. Right-of-way or easement dedications and/or streets and drainage improvements necessary as a result of the proposed use;

5. Limited vehicular ingress and egress;

6. Control of noise, vibration, odor, glare, and other environmental considerations;

7. Restricted hours of operation;

8. Duration or time limitations for certain activities; and/or

9. Any other reasonable restrictions, conditions, or safeguards that will uphold the intent of the SVMC and the Comprehensive Plan and mitigate any adverse impact upon the adjacent properties by reason of use, extension, construction, or alteration allowed.

B. A CUP may be suspended or revoked if, after a public hearing with notice as provided in SVMC 17.80.070, the Hearing Examiner finds that a grantee or their successors in interest fail to comply with the conditions or restrictions included in the CUP.

Chapter 19.160
TEMPORARY USE PERMITS

Sections:
19.160.010 Purpose.
19.160.020 Permit type.
19.160.030 Applicability.
19.160.040 Decision criteria.
19.160.050 Conditions.

19.160.010 Purpose.

The purpose of chapter 19.160 SVMC is to regulate certain temporary uses of property which are not otherwise regulated by other City ordinances or regulations.

19.160.020 Permit type.

Temporary use permits (TUPs) are classified as a Type I permit and shall be processed pursuant to the provisions of SVMC 17.80.070.

19.160.030 Applicability.

The Department may issue a TUP for the types of temporary uses as listed in SVMC 19.160.040.

19.160.040 Decision Criteria.

A. Interim Uses. The Department may issue a TUP to allow an owner, developer, contractor, tenant, lessee, or other occupant to conduct an otherwise permitted use on their property at the same time they are improving the property to the required City standards pursuant to the following conditions:

1. The TUP may be issued for a period up to six months and may be extended for an additional three months if the applicant has acted in good faith towards compliance of the original permit.

2. The Department may issue the permit only if the proposed use is consistent with the following findings of fact:

   a. The request is reasonable and there is no other practical alternative;

   b. Adverse impacts associated with the temporary use are appropriately mitigated and such temporary use will not cause a hazard to the occupants or to neighboring properties;

   c. A hardship is involved that cannot otherwise be reasonably resolved; and

   d. A performance surety in the amount of any required improvements shall be posted guaranteeing the completion of the project.

B. Seasonal Uses and Short-term Recreational and Economic Development Uses. The Department may issue a TUP to allow sales of seasonal goods in any nonresidential zone for a period not to exceed six months in any 12-month period. The use may not meet the standards normally associated with a permanent use if the Department finds that the temporary use is consistent with the following:

1. The use shall be consistent with the permitted uses in the zone;

2. The use shall be an appropriate use of the property pending the permanent long-term use;

3. The use shall not result in significant traffic, parking, drainage, fire protection, or other adverse impacts that cannot be appropriately mitigated;

4. The use shall provide a sanitary facility if the Department determines it is necessary to do so; and

5. Failure to comply with the conditions of the permit shall result in suspension or revocation of the TUP.

C. Temporary Uses Associated with Construction Permits. The Department may issue a TUP for activities associated with construction projects including, but not limited to, equipment storage yards, job shacks, materials storage yards, or living quarters which are not otherwise permitted outright by City ordinances or regulations. The Department may issue a TUP if it finds the proposal is consistent with the following:

1. The use shall not pose a hazard or be a detriment to the surrounding area;

2. The use shall not result in significant traffic, parking, drainage, fire protection, or other adverse impacts;

3. The temporary use shall be reviewed every six months to determine if the temporary use is still valid, if not the Department shall terminate the TUP; and

4. The temporary use shall be vacated upon completion of the associated construction project or pursuant to SVMC19.160.030(C)(3).

19.160.050 Conditions.

The Department may include any conditions deemed necessary in order to reasonably mitigate any adverse impacts anticipated from a requested TUP.

Chapter 19.170
VARIANCES

Sections:
19.170.010 Purpose.
19.170.020 Permit type.
19.170.030 Decision criteria.
19.170.040 Limitation on authority.
19.170.050 Time limitation.
19.170.060 Time extension.

19.170.010 Purpose.

A purpose of chapter 19.170 SVMC is to provide a mechanism by which the City may grant relief from the provisions of the SVMC where practical difficulty renders compliance with the provisions of the SVMC an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the purpose of the SVMC and of the Comprehensive Plan can be fulfilled upon granting of the variance.

19.170.020 Permit type.

Variances are classified as a Type III permit and shall be processed pursuant to the provisions of SVMC 17.80.070.

19.170.030 Decision criteria.

The Hearing Examiner may approve, or approve with modifications, an application for a variance from the provisions of the SVMC if:

A. The variance for the subject property does not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and the zone in which the property is located;

B. The variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use zone in which the subject property is located;

C. The granting of the variance is not materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located;

D. The special circumstances of the subject property make the strict enforcement of the provisions of the SVMC an unnecessary hardship to the property owner;

E. The special circumstances of the subject property are not the result of the actions of the applicant or a predecessor in interest;

F. The variance is the minimum necessary to fulfill the purpose of a variance and the need of the applicant;

G. The variance is consistent with the purpose and intent of the zoning Code; and

H. The variance is in accord with the Comprehensive Plan.

19.170.040 Limitation on authority.

The Hearing Examiner may not grant a variance to:

A. The regulations establishing the allowable uses in each zoning district;

B. Any procedural or administrative provisions of the SVMC; or

C. Any provision of the zoning Code which, by the terms of that Code, is not subject to a variance.

19.170.050 Time limitation.

A variance automatically expires and is void if the applicant fails to obtain a building permit or other necessary development permit and substantially completes improvements allowed by the variance within 18 months of the effective date of the variance.

19.170.060 Time extension.

Upon application of the property owner, the Hearing Examiner may extend a variance, not to exceed one year, if:

A. Unforeseen circumstances or conditions necessitate the extension of the variance;

B. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and

C. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

Chapter 19.180
Newly Annexed Areas

Sections:
19.180.010 Newly annexed areas.

19.180.010 Newly annexed areas.

Upon annexation of property, in the absence of a pre-established zoning designation therefor, the Council shall, within the annexation ordinance, establish an interim classification for the property on the City's Zoning Map. The interim zone shall be consistent with the annexation area's Comprehensive Plan designation.

If an interim zoning district is established, it shall be in place no longer than 12 months unless otherwise provided by ordinance. The process for establishing an interim zoning district shall meet the requirements of RCW 36.70.795. For all property classified in the interim zone, the Department shall commence all steps necessary to establish an official zoning classification pursuant to the procedure described in SVMC 17.80.140.

CHAPTER 106.28 - SPECIAL PURPOSE AND OVERLAY ZONING DISTRICTS

Sections:

106.28.010 - Purpose
106.28.020 - Applicability of Overlay Zoning Districts
106.28.030 - Special Planning Area (SPA) Zoning District
106.28.040 - Corridor Overlay Zoning District

106.28.010 - Purpose

The provisions of this Chapter regulate development and new land uses in the special purpose and overlay zoning districts established by Section 106.20.020 (Zoning Map and Zoning Districts), and provide guidance for development within the overlay zoning districts in the form of standards that apply to proposed development in addition to the standards and regulations of the primary zoning district, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

106.28.020 - Applicability of Overlay Zoning Districts

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Zoning Code shall be resolved in compliance with Chapter 106.12 (Interpretation of Zoning Code Provisions).

A. Mapping of overlay districts. The applicability of any overlay zoning district to a specific site is shown by the overlay Zoning Map symbol established by Section 106.20.020 (Zoning Map and Zoning Districts), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map. The overlay districts are applied to property through the rezoning process (Chapter 106.74).

B. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter for a specific overlay district:

1. Any land use normally allowed in the primary zoning district by this Article may be allowed within an overlay district, subject to any additional requirements of the overlay district;

2. Development and new land uses within an overlay district shall obtain the zoning approvals required by this Article for the primary zoning district; and

3. Development and new land uses within an overlay district shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of this Zoning Code (e.g., Article 3 - Site Planning and Project Design Standards), and the City's Design Guidelines.

106.28.030 - Special Planning Area (SPA) Zoning District

A. Purpose. The SPA zoning district is intended to provide for flexibility in the application of Zoning Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Zoning Code standards would produce without adjustment. The City expects each project within a Special Planning Area to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

B. Allowable land uses and planning permit requirements. Allowable land uses within each SPA district are specified by each SPA adopting ordinance.

C. Zoning district development standards. Development standards that apply in a particular SPA district are as specified by the applicable SPA adopting ordinance.

D. Required findings. The Commission may recommend the approval of a requested rezoning to apply the SPA zoning district, and the Council may approve rezoning to SPA only after first making all of the following findings, in addition to those required for a rezoning by Section 106.74.060 (Findings).

1. The project is consistent with the General Plan and any applicable specific plan;

2. The project complies with all applicable provisions of this Zoning Code other than those modified by the SPA ordinance;

3. The approved modifications to the development standards of this Zoning Code are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts;

4. The project complies with all applicable provisions of the City's Design Guidelines;

5. The project can be adequately, conveniently, and reasonably served by public facilities, services, and utilities;

6. The planning concepts and design features of the project are reasonably suited to the characteristics of the site and the surrounding neighborhood;

7. The location, size, planning concepts, design features, and operating characteristics of the project are and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;

8. The site is adequate for the project in terms of size, shape, topography, and circumstances; and

9. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

106.28.040 - Corridor (COR) Overlay Zoning District

A. Purpose. Portions of some major transportation corridors, where residential development fronts directly onto the street, have been identified in the General Plan as "transitional." These are areas that present special challenges for continued single-family residential uses, and where certain "light" ("low-impact" and/or "low intensity") commercial uses and a mixture of residential and light commercial uses are appropriate.

1. The Corridor (COR) overlay zone is to be applied in conjunction with a residential zoning district to expand on the uses and standards of that zoning district. The purpose of the COR overlay is to allow existing residential uses to continue, but also to allow a mix of new residential, business service, and professional office uses that are compatible with existing single-family residential uses in identified transition areas along major transportation corridors. This overlay zone is not intended to accommodate citywide demand for office space, most of which is better met in other "traditional" office and commercial zones, nor is the purpose to allow or foster strip-commercial / retail uses.

2. The COR overlay zone is intended to accomplish the following:

   a. Allow compatible use conversions that extend the economic life of the existing residential structures;

   b. Allow owners to justify expenditures for repairs and modernization of their residential structures;

   c. Create both a buffer, and a true transition, between pure residential uses and major transportation corridors;

   d. Allow for the conversion of existing structures, creating economic advantages for new users;

   e. Allow properties to take advantage of easy access onto major streets;

   f. Allow properties to take advantage of visibility from major streets; and

   g. Develop well designed and aesthetically pleasing mixed uses.

B. Allowable land uses and permit requirements.

1. Permitted uses. The following uses are permitted within the COR overlay zone:

   a. All uses listed by Article 2 (Zoning Districts and Allowable Land Uses) as permitted in the applicable residential zone, including home occupations; and

   b. Non-residential uses legally in existence on or before November 13, 2005.

2. Conditional uses. The following uses are allowed within the COR overlay zone subject to Use Permit approval (Section 106.62.050).

   a. All conditional uses permitted in the underlying residential zone;

   b. New non-residential uses that meet the development and operating standards in Subsection C., and are consistent with the purposes in Subsection A.

      (1) Examples of the type of uses that would be consistent in this overlay zone include various business and professional offices including those for insurance, real estate, law, photography, and advertising.

(2) Uses generating a high volume of traffic, and Commercial/Industrial or other uses that create heightened levels of noise, odor, or nuisance conditions for surrounding residents, are prohibited in this zone (e.g. certain retail sales; certain medical offices);

c. Expansion or enlargement of non-residential uses legally in existence on or before November 13, 2005; and

d. Expansion of existing retail sales and medical offices, only if the review authority determines that the resulting traffic generation is minimal.

3. Accessory uses. The following accessory uses are permitted within the COR overlay zone:

a. All accessory uses permitted in the underlying residential zone;

b. Accessory uses legally in existence on or before November 13, 2005 [the effective date of the revised Corridor overlay]; and

c. Existing residential uses shall be allowed to construct a wood fence, masonry wall or other acceptable buffering feature 10 feet back from the front property line. Landscaping shall be required in the 10-foot setback area. The design of the wall and landscaping shall comply with the traffic safety visibility area requirements of Section 106.30.060.E (Height Limits and Exceptions - Height limits at street corners). The design of the wall and landscaping shall be reviewed by the Department to ensure compatibility of design, materials, and species.

4. Prohibited uses. The following uses are prohibited within the COR overlay zone.

a. Automotive uses;

b. Check cashing;

c. Eating, drinking, and lodging uses, except for bed and breakfast inns;

d. Entertainment uses;

e. Food, drug, and liquor sales;

f. Kennels;

g. Liquor sales;

h. Manufacturing and processing uses;

i. Recreation equipment sales;

j. Repair services, except for small appliance and minor household equipment repair;

k. Retail sales exceeding 1,000 square feet;

l. Tattoo parlors;

m. Transportation facilities and services, except for transit shelters or bus benches;

n. Other uses determined by the Commission to be of a similar nature, but not specifically named in this Section.

C. Development and operating standards. Each use requiring Use Permit approval within the COR overlay zone shall comply with each of the following standards.

1. Height. Height regulations, shall be the same as otherwise provided for within the underlying residential zone.

2. Area and setback requirements. The area, lot width and yard requirements shall be the same as those of the underlying residential zone. Setbacks for rear and side yards, for any new construction, or addition to the dwelling, for purposes of housing a conditional use, shall be twice those required for residential uses. Front yard setbacks shall be the same as those of the underlying residential zone.

3. Subdivision requirements. The intent of the COR overlay zone is to apply only to parcels fronting on a major corridor. If there is a request to subdivide a parcel within the COR overlay zone, there shall be a zone change hearing held simultaneously, to rezone the parcel no longer fronting on the major corridor, to remove the COR designation.

4. Other required conditions. Other required conditions shall be the same as those of the underlying residential zone.

5. Driveway consolidation. Wherever possible, new uses shall provide for consolidation of driveway access through parcel consolidation or reciprocal easements.

6. Hours of operation. Traffic generating hours shall reflect the underlying residential zoning, and shall be restricted to the hours of 8:00 am to 8:00 pm, or shorter, as deemed appropriate by the Commission, through the Use Permit process, to maintain compatibility with adjoining residential uses.

7. Signs. One freestanding monument sign is allowed per parcel. Maximum area is 24 square feet. Three feet of landscaping is required in every direction from the exterior portions of any part of the monument sign. Maximum height of the sign is six feet. Spacing of freestanding signs shall be a minimum of 50 feet from adjacent freestanding signs on adjacent parcels. Parcels that have no public street frontage shall be allowed to advertise on a freestanding sign located on a contiguous parcel which fronts on a public street. Sign area may be increased by a maximum of 12 square feet in area and shall be in addition to the sign area allowed for the parcel having public street frontage. Wall mounted tenant identification signage to guide customers to a particular office is allowed, up to a maximum of 24 inches by 36 inches. The front yard setback for signage is 10 feet.

8. Equipment. No equipment shall be used that creates electrical or electronic interference, noise, vibration, fumes, odor, glare, smoke, dust, visual blight, conditions that constitute a nuisance, or hazardous conditions not normally associated with residential uses. Each application for a conditional use shall be reviewed by the City to ensure compatibility with adjoining uses.

9. Employees, clients, patrons. The number of employees, clients, and/or patrons may be limited by the availability of on-site parking and/or by traffic considerations. New high-traffic generating uses shall not be allowed.

10. Architecture/design modification. New structures or modification of existing structures for new uses must be architecturally compatible with adjoining residential uses, and shall require the submittal of a Design Review application in conjunction with the Use Permit application, for review and approval by the Commission.

11. Parking. Parking shall be provided as required by Chapter 106.36 (Parking and Loading). The location of parking within the subject site shall be determined through Use Permit or Design Review, and shall be

limited to those areas of the site which minimize parking related impacts on adjoining residences. Under no circumstances shall parking be located closer than 10 feet from any property boundary.

12. Exterior lighting. Exterior lighting shall be minimal and shall not exceed typical lighting for a residence. Allowed lighting shall not spill-over onto nor cause glare for adjoining properties. Any lighting associated with a use requiring a Use Permit and Design Review, shall be reduced in output or turned off during non-business hours. Under no circumstances shall any lighting exceed a one foot-candle level in any location along the perimeter of the subject property, nor shall any luminaire be closer than 10 feet to any property line. Exterior lighting shall also comply with Chapter 106.35 (Outdoor Lighting).

13. Walls and fencing. Masonry walls may be required along the side and rear property lines to protect adjoining residential uses, refer to section 106.30.090 (Screening). Sound walls along the street are generally not allowed except where determined by the City to be necessary to protect sensitive uses. Landscaping shall be installed adjacent to any required masonry wall. Each wall or fence shall also comply with the requirements of Section 106.30.050 (Fences and Walls).

14. Unique environmental features. Unique environmental features of the site including creeks, trees, and original landscaping (where desirable) shall be protected and incorporated into the site plan.

15. Other applicable regulations. Each use shall comply with provisions of health code regulations, the Americans with Disabilities Act, relevant uniform building codes, applicable provisions of the Alcohol, Tobacco, and Firearms Division of the federal Department of Treasury, and all other applicable federal, state, or local regulations.

D. Approval process. Except as otherwise provided in this Section, the requirements of Section 106.62.050 (Use Permit and Minor Use Permit) shall apply.

1. Each conditional use within the COR overlay zone shall require the submittal and approval of individual Use Permit and Design Review applications. Each application shall be prepared, submitted to the Department, and scheduled for public review and hearing before the Commission in compliance with Chapters 106.60 (Permit Application Filing and Processing), and 106.62 (Permit Review and Decisions).

2. The notice of the public hearing before the Commission for the Use Permit and Design Review required by Chapter 106.76 (Public Hearings) shall be mailed to property owners within a 500 foot radius of the project site, or greater distance at the discretion of the Department.

3. Public comment shall be included as part of the record for consideration by the Commission at the public hearing.

4. Upon acceptance of a properly filed application, the Commission shall determine whether to approve, approve with conditions, or deny the application. Applicants shall receive written notice of the decision, circulate it for public review, and schedule the application for public hearing before the Commission.

5. Decisions of the Commission may be appealed to the Council in compliance with Chapter 106.72 (Appeals).

E. Required findings for approval. The approval of a conditional use allowed by Subsection B. shall require that the review authority first make all of the following findings:

1. The use is compatible with adjacent land uses;

2. The proposed site layout and building designs are compatible with adjoining residential land uses;

3. The site is of an appropriate size and configuration for the new use, and is efficiently and aesthetically designed for the proposed operations;

4. The use complies with the development standards in Subsection C., and all applicable design guidelines; and

5. The parking design emphasizes safety, minimizes traffic congestion, avoids aesthetic impacts, and does not negatively impact pedestrian circulation.

INTEGRATING SMART GROWTH INTO TRANSPORTATION CORRIDOR PLANNING TO PROMOTE ECONOMIC DEVELOPMENT AND ACTIVE LIVING

Authors:
J. B. Walker, Assistant Professor, Department of Landscape Architecture, Mississippi State University
G.W. Wilkerson, Associate Professor, Department of Landscape Architecture, Mississippi State University
F.S. Barbour, Graduate Research Assistant, Department of Landscape Architecture, Mississippi State University
J.P. Dumas, Assistant Research Professor, GeoResources Institute

Introduction

Transportation corridor design and planning are garnering much interest from government agencies and planners largely due to growing concerns over their economic and environmental implications. Historically, the objectives of a transportation corridor focused on issues such as improving traffic flow, reducing travel time, safety, promoting economic development, and more recently environmental concerns (Bhatta 2003; Ben-Elia 2003; Forman 2003). Currently, the U.S. Department of Transportation and the Federal Highway Administration are actively pursuing innovative approaches to strengthen the relationship between environmental stewardship while streamlining the planning process in order to foster Context Sensitive Solutions (CSS) (U.S. DOT, n.d.). As part of a larger study, for the Mississippi Department of Transportation (MDOT), concerned with the application of remote sensing and spatial information technologies in promoting economic development, this paper describes an investigation of an alternative to traditional bypass corridor development along the United States Highway 49 transportation corridor from Florence to Wiggins, Mississippi (see Figure 1). The highway 49 transportation corridor is instrumental in linking the Jackson metropolitan area with the Mississippi Gulf Coast, connecting two of the

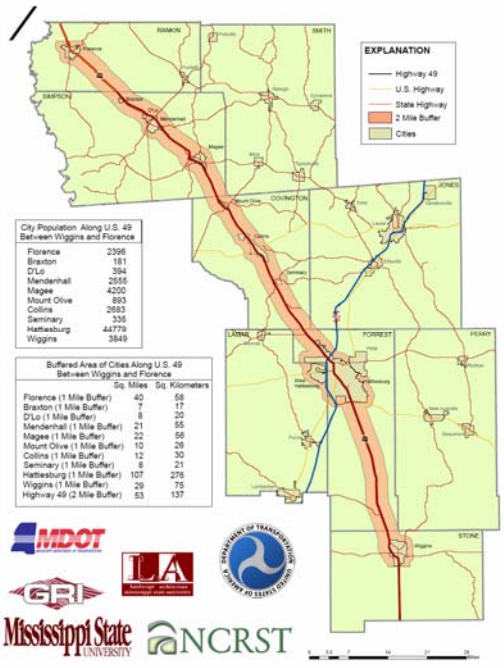


Figure 1 – U.S. Highway 49 from Florence to Wiggins, MS

state's economic engines and serving as a primary hurricane evacuation route. While the transportation corridor links two metropolitan areas, it also transects the largely rural landscape and bypasses the small communities along its route. Unfortunately, in many cases the economic development that results from the bypasses occurs as sprawl, which is typically detrimental to the economic vitality of the small, rural community centers it avoids (Boarnet 1996). Likewise, while an Environmental Impact Statement addresses basic environmental concerns, the implications to the socio-cultural and socio-economic considerations seem much less important. In particular, communities along the highway 49 corridor in Mississippi are experiencing unprecedented population growth and population shifts, a phenomena jumpstarted by Hurricane Katrina. Hurricane Katrina, and the resultant funding pouring into the state, offers the opportunity to wisely plan for this population surge while maintaining the integrity of the Mississippi landscape. While planning for this population surge must consider thoroughly and sensitively the impacts on the land, perhaps of equal or greater importance is thoughtfully addressing the physical environment's role in encouraging a more active citizenry. Mississippi consistently ranks within the top two states in the nation exhibiting the highest rates of obesity (DeNoon 2005). Research has shown that the minority and low income demographic within the state account for the majority of the overweight and obese segments of the population (Hughes and others 2005; Murray and others 2005). There may be numerous explanations for such conditions, yet surely physical activity, or inactivity, plays a significant role in the physical health of this portion of the population. There is much ongoing research examining links between the built environment, physical health, and active living. Therefore, corridor planning that promotes active living is a high priority due to Mississippi's obesity epidemic. This paper investigates innovative planning techniques that offer viable alternatives to traditional corridor by-pass development and design. Specifically, the goal was to identify data types and analysis methods that would best suit development alternatives to transportation corridor planning projects. Furthermore, planning and design principles comprising the "Smart Growth" theories of community development, including active living, present enormous potential for integration into MDOT's transportation corridor planning process.

In order to develop an understanding of transportation corridor issues and dynamics, background research focused on three primary issues pertaining to transportation corridor planning: 1) *application of remote sensing and spatial information technologies to corridor planning,* 2)

sustainable development and environmental impact issues, and 3) *transportation corridor concepts and definitions.* In addition to focusing efforts on the Highway 49 corridor itself, other "corridor types" within the Hwy 49 corridor matrix were defined and considered. Such corridor types include, but are not limited to, wildlife and other environmental corridors, existing and/or potential greenway corridors, historic and cultural corridors for which no visible infrastructure may exist, social corridors at urban nodes, transportation corridors intersecting the Hwy 49 corridor, and small-scale infrastructure such as bike and pedestrian routes. Currently, these important factors influence the economic, social, and environmental success of a corridor's design and development and are not well addressed within MDOT's planning process and therefore warrant the analysis of Hwy 49 as a multi-modal corridor (Albrechts 2003; Conine and others 2004). Principles of "Smart Growth" provide the theoretical underpinning for this research. Specifically, principles defined by the smart growth advocacy coalition Smart Growth America, which offers nine overall elements comprising the smart growth philosophy: 1) *Housing* 2) *Economy* 3) *Children and Schools* 4) *Environment* 5)*Preservation and Revitalization* 6) *Social Equity 7) Transportation 8) Open Space and Farmland 9) Health and Aging* (Smart Growth America, n.d.). From these general elements, specific principles concerning community development, growth patterns, and land use were developed. This project focused on eight smart growth principles that served as the basis for the development of a selection matrix. The matrix served as the tool to select the model towns along the Highway 49 transportation corridor by which to examine the applicability of smart growth techniques to rural communities. The principles forming the theoretical basis for the matrix selection criteria are as follows:

1) Provide a variety of transportation choices
2) Direct development towards existing communities
3) Mix land uses
4) Take advantage of compact building design
5) Preserve open space, farmland, natural beauty, and critical environmental areas
6) Create a range of housing opportunities
7) Create walkable neighborhoods
8) Create distinctive, attractive communities with a strong sense of place

In order to recommend where to integrate Smart Growth approaches into MDOTs planning process required a thorough understanding of the current planning process employed by MDOT. On their website MDOT provides a flowchart (see Fig. 2), with links to explanations of its components, detailing their process of project development for local public agencies

(http://www.gomdot.com/localgov/planning/pdm/manual.htm).

One goal of the project was to situate smart growth planning, as it pertains to transportation planning, within one of the elements outlined in the flowchart, thereby integrating it into MDOT's planning process. MDOT's explanation of the chapters in their flowchart indicate that design decisions and issues pertaining to the projects' location, occur in *Chapter 3- Environmental Documentation*. Based on information gathered, it seems that the *Environmental Documentation* stage of MDOT's project development process was an appropriate inroad for the analysis of smart growth planning in Mississippi communities. Such an analysis contained a twofold target. First, it is possible to assess the quality of the remotely sensed data in aiding the identification of transportation-related issues within rural communities, in the context of Smart Growth planning. Second, the feasibility of adding an innovative planning approach to MDOT's current transportation corridor planning process can be tested.

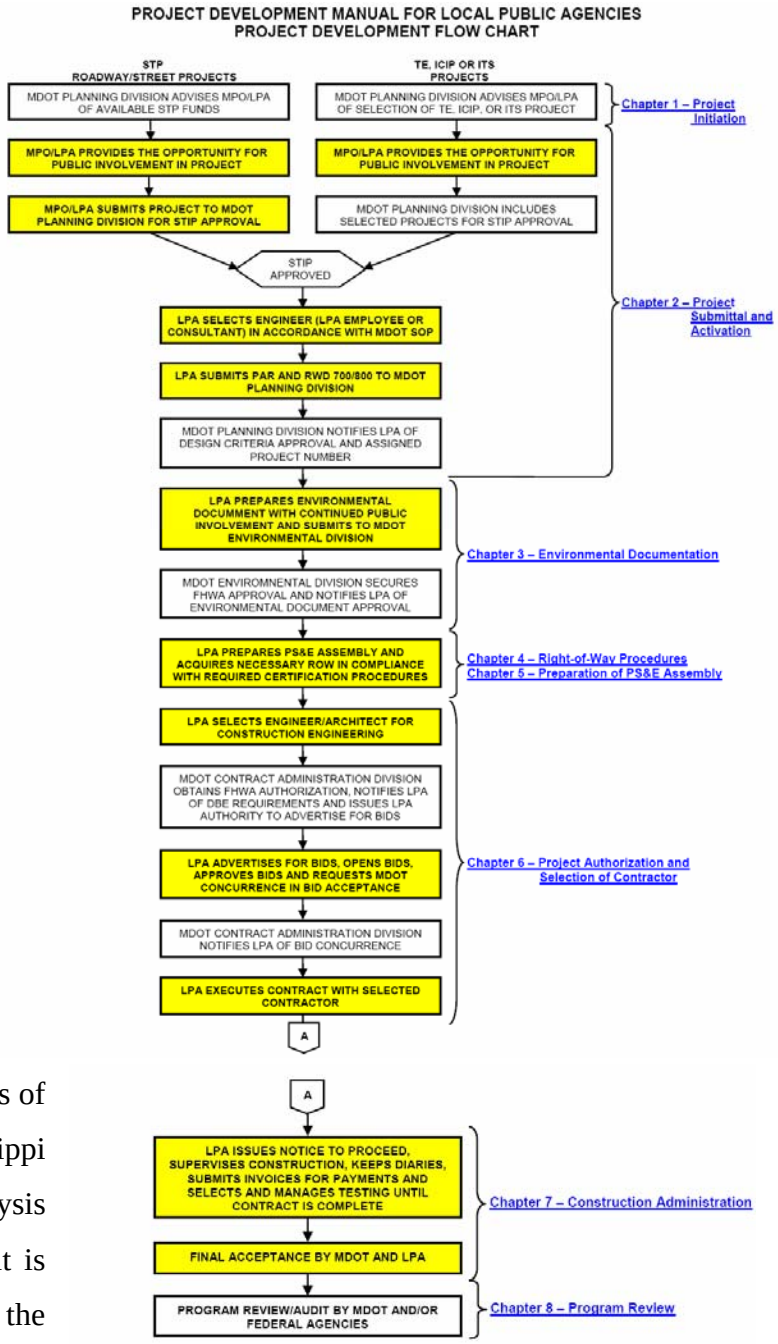


Figure 2 - MDOT Project Planning Process Flowchart

Method

Methods used in this study consisted of a combination of background research and on-site reconnaissance paired with remotely sensed data. After data collection and assimilation, a selection matrix based on Smart Growth principles was developed in order to identify candidate communities along the Hwy 49 corridor by which to test the application of Smart Growth techniques related to transportation planning. No formal hypothesis was developed but rather the analysis goal was to identify the data types and analysis methods that would best suit a study of the application of Smart Growth development alternatives to transportation corridor planning projects. These alternatives were supported by their hypothetical application to "model communities" chosen through the selection matrix. The basis of selecting these communities was on characteristics relating to scale and existing infrastructure with the intention that development alternatives proposed therein may be extrapolated to other rural communities along the Hwy 49 corridor (or similar transportation corridors) which exhibit characteristics similar to the model communities.

Data Collection

On-Site Reconnaissance: On-site reconnaissance consisted primarily of a field trip in June 2005 along the Hwy 49 corridor. The objectives of the reconnaissance trip were to observe and document land use types and other contextual character of the corridor. These observations provided a first-hand understanding of the land-use along the corridor, spatial relationships between the communities and the highway itself, aesthetic and cultural characteristics of the communities, and the extent of economic development along the bypasses of the towns. Field observations were recorded with photographs and notes taken in the field.

Remotely Sensed Data: Aerial imagery of the Hwy 49 corridor, acquired from the GeoResources Institute, served as the base layer for this project. The imagery encompasses the corridor from Florence to Wiggins, MS with a one-mile buffer extending from the highway centerline. Data acquired in 2005 made it possible to make accurate observations of existing infrastructure along the Hwy 49 corridor to supplement previous data collection, as well as facilitate analysis of Smart Growth applicability for the chosen communities. Aerial imagery from the GeoResources Institute along with Vector data sets from the Mississippi Automated Resource Information System (MARIS) provided additional infrastructure and land-use data not otherwise apparent.

Data Analysis

Development of Selection Matrix: Using Smart Growth as the theoretical basis for this project served as a framework upon which the selection matrix developed. While not all of the general principles and their associated issues are directly applicable to this transportation corridor study, there initial inclusion provided a breadth of theoretical information that led to a tailored, specific set of circumstances for the Hwy 49 study area. These issues, or "criteria", provided the basis for the development of a selection matrix that allowed for the selection of a sample of communities along the Hwy 49 corridor that served as models for testing the applicability of Smart Growth techniques in transportation planning and development. In doing so, it was possible to evaluate the usefulness of the 2005 aerial imagery to inform the analysis of the chosen communities and their relationship to Hwy 49. The criteria developed for the eight smart growth principles are as follows: (these criteria are site-scale issues relating to each principle).

Smart Growth Principles and Related Sub-criteria
I. Provide a Variety of Transportation Choices
a) community bisected by Hwy 49 corridor
b) community by-passed by Hwy 49 corridor
c) public transportation available within Hwy 49 town/corridor interface*
d) bicycle paths present within Hwy 49 corridor town/corridor interface
e) pedestrian paths present within Hwy 49 town/corridor interface
f) separated circulation infrastructure present within Hwy 49 town/corridor interface
g) railroad present within Hwy 49 town/corridor interface
h) at-grade railroad crossings present within Hwy 49 town/corridor interface
*For the purposes of this study the Hwy 49 town/corridor interface consists of Hwy 49 itself and the one-mile buffers extending from each side of its centerline in accordance with the 2005 aerial imagery
II. Direct Development Towards Existing Communities
a) low density development (<7 units/acre)
b) high density development (>7units/acre)
c) sprawl development*
d) no development
*Within the context of this study "sprawl" is defined as single-use zoned, low density, automobile oriented development
III. Mix Land Uses
a) mixed use zoning exists within Hwy 49 town/corridor interface
b) single use zoning exists within Hwy 49 town/corridor interface
IV. Preserve Open Space, Farmland, and Environmentally Critical Areas
a) presence of public open space*
b) presence of private open space**
c) waterbodies >25 acres
d) waterbodies <25 acres

e) major rivers/perennial streams
f) intermittent streams
g) wetlands
h) open space bisected by transportation infrastructure
*Refers to publicly accessible open space such as parks, plazas, courtyards, greenspace, cemeteries, Etc...owned by public or private entities **Refers to privately owned land not open to the public
V. Take Advantage of Compact Building Design
Existing High Density Development
a) commercial
b) residential
c) industrial
d) mixed
Existing Low Density Development
a) commercial
b) residential
c) industrial
d) mixed
VI. Create Walkable Neighborhoods
a) presence of sidewalks
b) presence of bicycle paths
c) pedestrian access between commercial and residential areas
VII. Create a Range of Housing Opportunities
Existing Residential Areas
a) high density (>7 units/acre)
b) low density (<7 units/acre)
Housing Variety
a) apartments
b) condominiums
c) townhomes
d) single-family homes
e) multi-family homes
VIII. Create Distinctive, Attractive Communities with a Strong Sense of Place
a) architectural variety
b) historical features/attractions
c) street trees
d) green space/parks
e) water bodies
f) unique neighborhoods/districts
g) distinctive town center

Table 1 - Smart Growth Principles with their related sub-criteria from which selection matrix was derived

With the spectrum of smart growth principles and their related issues established, paring down the criteria to those most directly influenced by transportation corridor planning and development along Highway 49 reduced both the amount of upfront data inventory that was necessary, as well as the number of analysis variables present in the final selection matrix. Likewise, narrowing down the smart growth principles to the five most relevant reduced the number of communities to be examined. The strongest emphasis was on principles **I-III,** as these issues most immediately relate to transportation corridor planning. Removing smart growth principles **IV-VIII** reduced the variables and resulted in a matrix that consisted of the most relevant smart growth principles with their sub-criteria. In turn, this focus led to selecting sample communities along the Highway 49 corridor between Florence and Wiggins, which served as models for the study. The model communities represented a different scale function associated with transportation corridor planning.

Findings/Discussion

Results from this study present the development of an objective system to assess the potential for rural communities located along a major transportation corridor to integrate Smart Growth development alternatives into the economic development patterns occurring along their town-corridor interfaces. In the case of the Hwy 49 corridor, these town-corridor interfaces primarily take the form of highway bypasses. Noteworthy, is that the analysis techniques presented in this study are directed toward the application of Smart Growth techniques within the context of existing transportation infrastructure and do not address policy-based planning interventions. Overall, this study is concerned with Smart Growth development opportunities that exist for the communities along the Hwy 49 corridor, and the type of data and analysis tools necessary to carry out a comprehensive evaluation and offer implementation suggestions for the Smart Growth principles deemed applicable. The findings consist of two primary components intended to serve as planning tools to identify, categorize, and analyze the development opportunities and constraints of rural communities located along a major transportation corridor. First, a selection matrix based on transportation related criteria derived from Smart Growth principles. Second, a proposed GIS model for acquisition and analysis of transportation and land-use related data.

Selection Matrix

In order to determine the opportunities and constraints facing the integration of transportation-related Smart Growth techniques into economic development patterns along the Hwy 49 corridor

required an objective system of site-selection criteria. In response to this need, a matrix composed of Smart Growth principles was developed, each with a subset of issues related to transportation infrastructure and land-use (see **Table 1**). The matrix presents a set of issues that require consideration when planning for Smart Growth in the context of transportation corridor development, with a specific focus on rural communities. If development is to occur along the corridor in accordance with the theories of Smart Growth, each of the principles listed in the final matrix must have some degree of influence over the planning process. The function of the sub-criteria, listed under each Smart Growth principle, identifies the types of data required in order to analyze that principal's potential for integration into the planning process. Likewise, the matrix serves as a checklist to analyze existing infrastructure within the communities along the Hwy 49 corridor. In this way "model communities," which share many of the same infrastructure characteristics but may differ in regards to factors such as scale, can be selected to reduce the analysis to fewer communities and increase efficiency. Selected communities exhibit general, transportation-related characteristics common to the rest of the towns along the corridor. Thus, allowing for extrapolation of the analyses results from the model communities to the entire corridor, with minimal change. Figures **3-5** illustrate an example of an inventory and analysis

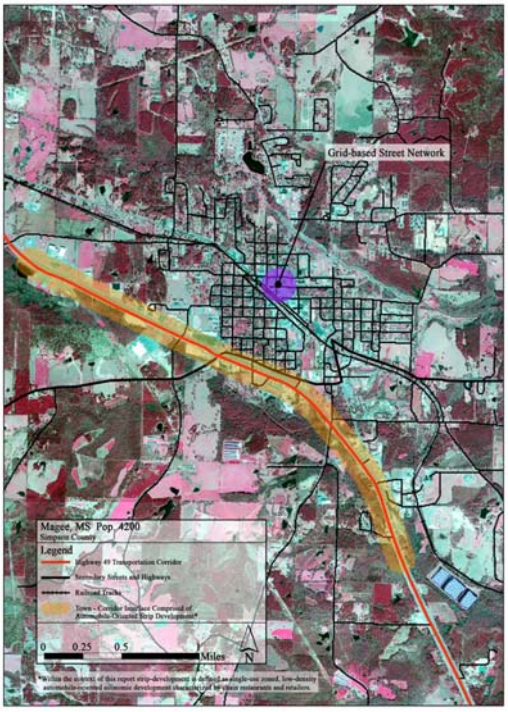


Figure 3 - Map of Magee, MS

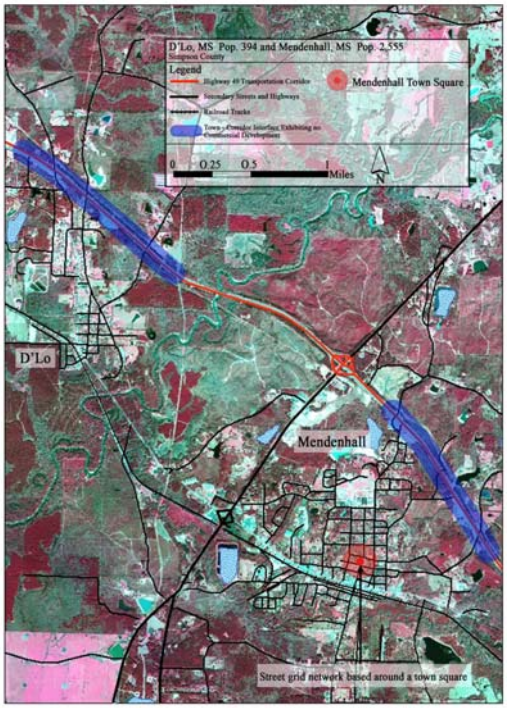


Figure 4 - Map of D'Lo and Mendenhall, MS

process using the matrix.

Figures **3-5** shows images of four communities along the Hwy 49 transportation corridor exhibiting both similarities and differences in regards to transportation related infrastructure. **Table 2** shows a checklist of these characteristics. The most obvious characteristic common to all four communities is their location along the Hwy 49 transportation corridor, and the fact that all are by-passed by the highway itself. Other common features include the presence of a railroad as well as socio-demographic concerns such as population size. It is in the examination of the town-corridor interface where differences begin to arise in terms of transportation related infrastructure and existing development. In order to propose viable Smart Growth alternatives to common economic development patterns, a thorough understanding of the existing infrastructure and its relationship between these towns and their interface with highway 49 is important. The analysis observed certain features in a town such as Magee (**Figure 3**) that were also found in Mendenhall (**Figure 4**), yet have a different relationship to the Hwy 49 corridor in terms of development presence or

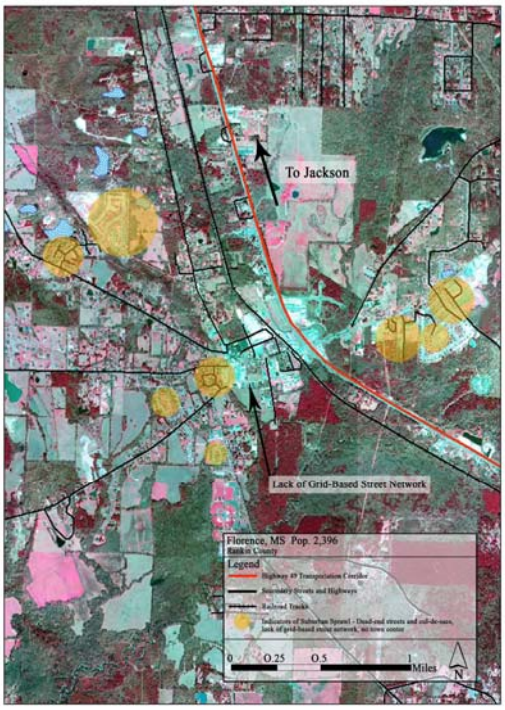


Figure 5 - Map of Florence, MS

Comparison of Communities Portrayed in Images 3-5					
	Florence	D'Lo	Mendenhall	Magee	
Population Less Than 5000	**X**	**X**	**X**	**X**	
By-passed by Hwy 49 Corridor	**X**	**X**	**X**	**X**	
Grid-Based Street Network		**X**	**X**	**X**	
Intersected by Railroad	**X**	**X**	**X**	**X**	
Strip Development Along Town-Corridor Interface*	**X**			**X**	
No Development Along Town Corridor Interface		**X**	**X**		
Part of Sprawl from Larger Metropolitan Area	**X**				

*Within the context of this report "strip development" is defined as single-use zoned, low-density, automobile oriented economic development characterized by chain restaurants and retailers

Table 2 – Characteristics of Model Communities

pattern. Magee exhibits a strong grid-based street network that is also present in Mendenhall, but whereas Magee's character is consistent with automobile-oriented strip development along its interface with Hwy 49, Mendenhall shows none of this type of development. The town of D'Lo, much smaller than the other two, was considered alongside Mendenhall because of their proximity and the similar lack of strip development along its interface with Hwy 49. Even though D'Lo has a less extensive street network than Mendenhall or Magee, it does show the presence of a grid pattern therein. Conversely, the town of Florence (**Figure 5**) is in stark contrast, primarily in terms of street pattern, with the other three communities. Typical characteristics of suburban sprawl include many dead-end streets and cul-de-sacs and the conspicuous absence of a strong grid-patterned street network. When placed next to the maps of Magee and Mendenhall, the contrast of transportation infrastructure patterns on the map of Florence clearly indicate the community's origins in the suburban sprawl type development migrating southward from the Jackson metropolitan area. The examples presented in Figures **3-5** merely scratch the surface on the level of analysis needed to assess the potential for integration of Smart Growth planning principles into economic development planning along the Hwy 49 transportation corridor. Instead, there purpose is to illustrate the basic structure of the process for arriving at proposals for development alternatives. It should be clear that the contrasts evident in these maps point toward a more detailed level of data collection in which infrastructure and land use for these communities could be parsed out into all of their individual components. This level of inventory would include information such as presence of bicycle and pedestrian paths, presence of at-grade railroad crossings and separated circulation infrastructure, density of different types of development, and current land use. These and other criteria are outlined in Tables 3-4.

GIS Model

This section outlines the need for a GIS model to be developed for the collection and analysis of data deemed necessary (through the selection matrix) for the assessment of Smart Growth development opportunities along the Hwy 49 transportation corridor. This "model" would essentially be a decision support system for planners and designers when considering Smart Growth alternatives within the context of transportation corridor planning. Ideally, this tool would serve as an interface between transportation corridor research and the planning/design decisions made by professional practitioners and government officials. It is our intention that

such a decision making tool would provide the breadth necessary to make informed planning decisions that give equal weight to economic, environmental, and socio-cultural concerns. For example, if MDOT's primary concern were with the economic factors influencing transportation corridor development, this type of a tool would consider those factors in conjunction with the social characteristics that Smart Growth principles seek to improve. Thus, an effective interface between research and project planning/implementation would expand the scope of transportation corridor planning processes in a streamlined manner.

In the context of this project, the proposed GIS tool would be the next step forward from the selection matrix. The matrix organizes the Smart Growth principles into those most relevant to transportation corridor planning through subsets of criteria that influence the relationships of those principles to the planning process. These criteria, in effect, determine the type of data to be collected and analyzed in order to propose viable Smart Growth development alternatives. Using the matrix to determine types of inventory data will keep the GIS decision-making tool focused within a Smart Growth context. Appropriate GIS-based analysis should have the capacity to inventory all data derived from the selection matrix and assemble it in a database from which to run queries. In this way, common characteristics between communities along the Hwy 49 transportation corridor are linked together and patterns of land use, transportation infrastructure, and economic development should begin to emerge. A tool such as this would enable planners to critically assess Smart Growth development opportunities and constraints, and prioritize implementation decisions.

Conclusion

The findings of this study document a preliminary stage in the analysis of economic development alternatives for the interfaces between rural Mississippi communities and the Highway 49 transportation corridor. This research establishes and documents a vision for the integration of Smart Growth principles into transportation corridor planning, as well as the dissemination of such research to planning officials, and awaits the next step of the process. As indicated, the next step is the development of the proposed GIS model to perform inventory and analysis functions on the appropriate data. This study provides a framework for incorporating Smart Growth alternatives within the context of MDOT's transportation corridor planning process. In order to implement and fully realize the impact of the Smart Growth principles in MDOT's planning process, the study proposes the need for a GIS model. The GIS model could ultimately

be an effective decision-making tool that would aid transportation planners and officials (specifically MDOT) in making "smart" and efficient development decisions that not only boost local economies, but enhance quality of life and maintain environmental integrity of the Mississippi landscape and its residents.

Table 3 - Finalized Selection Matrix with Model Communities

Smart Growth Principle **I. Variety of Transportation Choices**				
Site Related Issues	Magee	Mendenhall	Florence	D'Lo
Community bisected by Hwy 49 corridor				
Community by-passed by Hwy 49 corridor				
Public transit available within Hwy 49 town/corridor interface*				
Bicycle paths present within Hwy 49 town/corridor interface				
Pedestrian paths present within Hwy 49 town/corridor interface				
Separated circulation infrastructure present within Hwy 49 town/corridor interface				
Railroad present within Hwy 49 town/corridor interface				
At-grade railroad crossings present within Hwy 49 town/corridor interface				

*For the purposes of this study the Hwy 49 town/corridor interface consists of Hwy 49 itself and the half-mile buffers extending from each side of its centerline in accordance with the 2005 aerial imagery

Smart Growth Principle **II. Direct Development Toward Existing Communities**				
Site Related Issues	Magee	Mendenhall	Florence	D'Lo
Low density development (<7 units/acre)				
High density development (>7 units/acre)				
Sprawl development*				
No development				

Smart Growth Principle **III. Mix Land Uses**				
Site Related Issues	Magee	Mendenhall	Florence	D'Lo
Mixed use zoning within Hwy 49 town/corridor interface				
Single use zoning within Hwy 49 town/corridor interface				

Table 4 - Finalized Selection Matrix with Model Communities continued

Smart Growth Principle **IV. Preserve Open Space, Farmland, and Environmentally Critical Areas**				
Site Related Issues	Magee	Mendenhall	Florence	D'Lo
Existing open space within Hwy 49 corridor				
Public open space[1]				
Private open space[2]				
Waterbodies >25 acres				
Waterbodies <25 acres				
Major rivers/perennial streams				
Intermittent streams				
Wetlands				
Bisected by transportation infrastructure				

[2]Refers to privately-owned land not open to the public

Smart Growth Principle **VIII. Foster Attractive Communities with a Stong Sense of Place**				
Site Related Issues	Magee	Mendenhall	Florence	D'Lo
Existing aesthetic qualities				
Architectural variety				
Historical features / attractions				
Street trees				
Green space / parks				
Water bodies				
Unique neighborhoods / districts				
Distinctive town center				

References

Albrechts, Louis and Tom Coppens. 2003. "Megacorridors: striking a balance between the space of flows and the space of places." *Journal of Transport Geography* 11: 215-224.

Bhatta, Saurav D. and Matthew P. Drennan. 2003. "The Economic Benefits of Public Investment in Transportation: A Review of Recent Literature." *Journal of Planning Education and Research* 22: 288-296.

Ben-Elia, Eran, Shefer, Daniel, and Yoram Shiftan. 2003. "Transportation impact statement (TIS) - a new tool for transportation and land-use planning." *Environment and Planning* 35: 2177-2190.

Boarnet, Marlon G. 1996. "The direct and indirect effects of transportation infrastructure." Department of Urban and Regional Planning and Institute for Transportation Studies, University of California, Irvine**:** 1-26.

Conine, Ashley and others. 2004. "Planning for multi-purpose greenways in Concord, North Carolina." *Landscape and Urban Planning* 68: 271-287.

Denoon, Daniel. 2006. "Mississippi Tops State Obesity Ranking." WebMD, August 29, http://www.webmd.com/content/Article/126/116510.htm (accessed January 19, 2007).

Forman, R. T. T. and others. 2003. *Road Ecology: Science and Solutions*. Washington, DC: Island Press.

Hughes, Gail D., Areghan, Gloria A. and Bern'Nadette Knight. 2005. "Obesity and the African-American Adolescent in Mississippi: An Overview." *Southern Medical Journal* 98: 72-78.

Murray, Christopher J.L., Kulkarni, Sandeep and Majid Ezzati. 2005. "Eight Americas: New Perspectives on U.S. Health Disparities." *American Journal of Preventive Medicine* 29: 4-10.

Smart Growth America. N.d. "Elements of Smart Growth". http://www.smartgrowthamerica.org/ (accessed July 20, 2006).

U.S. Department of Transportation Federal Highway Administration. N.d. "FHWA and Context Sensitive Solutions". http://www.fhwa.dot.gov/csd/index.cfm (accessed February 12, 2007).

LEGEND

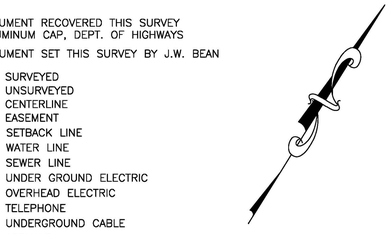
- SECONDARY MONUMENT RECOVERED THIS SURVEY REBAR & 2" ALUMINUM CAP, DEPT. OF HIGHWAYS
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN

SURVEYED
UNSURVEYED
CENTERLINE
EASEMENT
SETBACK LINE
WATER LINE
SEWER LINE
UNDER GROUND ELECTRIC
OVERHEAD ELECTRIC
TELEPHONE
UNDERGROUND CABLE
ASPHALT
STORM DRAIN
SANITARY MANHOLE
WATER VALVE
CLEANOUT
CATCH BASIN
STORMDRAIN MANHOLE
POWER POLE
POWER POLE WITH LIGHT
TELEPHONE PEDESTAL
ELECTICAL PEDESTAL

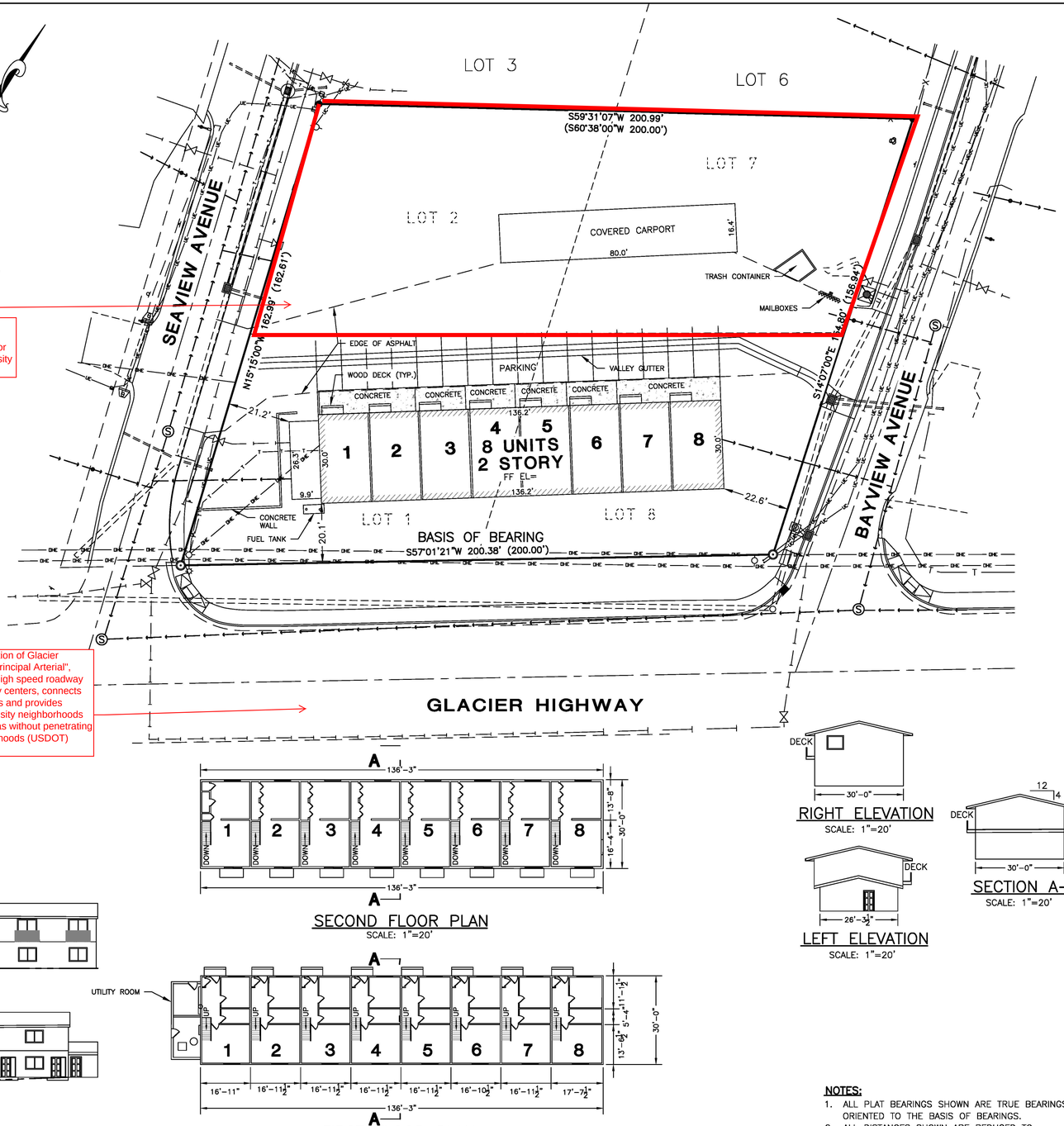
( ) = AS PER PLAT NO. 459

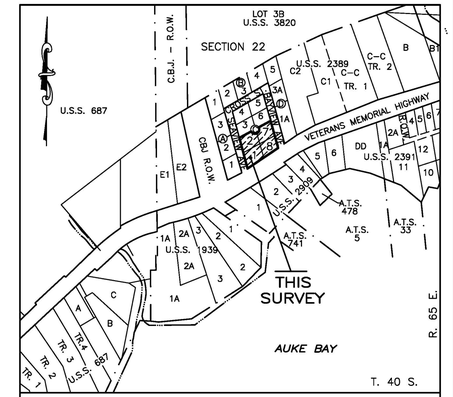
BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE COMPUTED BEARING OF S57°01'21"W FROM A FOUND ALUMINUM MONUMENT BEING THE EASTERLY CORNER OF LOT 8, BLOCK C, AS PER PLAT NO. 459 TO A FOUND ALUMINUM MONUMENT BEING THE SOUTHERLY CORNER OF LOT 1, BLOCK C, AS SHOWN ON RECORD PLAT NO. 459. REFERENCE TO GLACIER HIGHWAY RECONSTRUCTION NO. Z684710000.



TYPICAL SECONDARY MON.
2" ALUMINUM
5/8" REBAR, 36" LONG





VICINITY MAP

SOURCE: C.B.J. BASEMAP SERIES – SCALE: 1" = 400'

DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT _____
OWNER IN FEE SIMPLE OF THE PROPERTY HEREBY PLATTED, HEREBY DECLARES THIS PLAT AND DEDICATES THE SAME FOR CONDOMINIUM PURPOSES. NOTHING IS DEDICATED TO THE PUBLIC GENERALLY BUT ARE SPECIFICALLY DEDICATED FOR THE EXCLUSIVE USE AND BENEFIT OF THE BUSINESS UNIT OWNERS AS COMMON AREAS ACCORDING TO THE DECLARATION. THIS PLAT OR ANY PORTION THEREON SHALL BE RESTRICTED BY TERMS OF THE DECLARATION FILED UNDER BOOK _____, PAGES_____, OFFICE OF THE RECORDER, JUNEAU, ALASKA.

_____

NOTARY'S ACKNOWLEDGMENTS:

STATE OF ALASKA

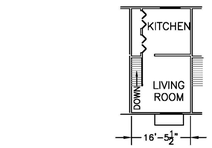
ON THIS_____DAY_____,2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, PERSONALLY APPEARED

_____

KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE FOREGOING CERTIFICATE, TO ME THAT THEY EXECUTED SAID CERTIFICATE FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.
IN WITNESS WHEREOF, I HAVE HEREUNTO AFFIXED MY SIGNATURE AND OFFICIAL SEAL THE DAY, MONTH AND YEAR IN THIS CERTIFICATE FIRST ABOVE AND THEREIN MENTIONED.

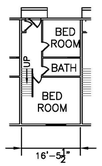
Notary Public for Alaska _____

My Commission Expires _____



TYPICAL SECOND FLOOR UNIT

472.3 S.F.



TYPICAL FIRST FLOOR UNIT

472.3 S.F.

Packet Page

Functional classification of Glacier Highway, North is "Principal Arterial", designation is for a high speed roadway serving major activity centers, connects major urban corridors and provides access to higher density neighborhoods and commercial areas without penetrating identifiable neighborhoods (USDOT)

SECOND FLOOR PLAN

SCALE: 1"=20'

FRONT ELEVATION

SCALE: 1"=20'

REAR ELEVATION

SCALE: 1"=20'

FIRST FLOOR PLAN

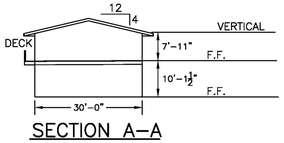
SCALE: 1"=20'

RIGHT ELEVATION

SCALE: 1"=20'

LEFT ELEVATION

SCALE: 1"=20'



SECTION A–A

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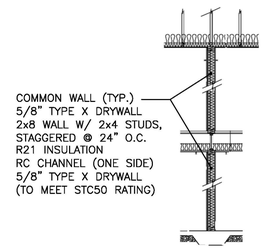


COMMON WALL DETAIL

N.T.S.

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

Date _____

20' 0 40'

Scale in feet

SCALE: 1"=20'

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD. THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.

STATE OF ALASKA 49TH
J.W. BEAN No. 3650-S
REGISTERED PROFESSIONAL LAND SURVEYOR

J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU – ALASKA
(907) 789-0590
SURVEYOR – PLANNER
PROJ: 13300-R&S-LOTS1&2-CONDOS

A PLAT OF BAYVIEW CONDOMINIUMS WITHIN LOTS 1, 2, 7 AND 8, TANNER TERRACE SUBDIVISION (PLAT NO. 459) U.S. SURVEY NO. 2391

WITHIN CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS:
DOUGLAS ISLAND DEVELOPMENT, INC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801

DATE: 2-10-2017 SCALE: 1"=20' SHEET 1 OF 1

E:\GDM\BEAN\11600-BAYVIEW\11600-BAYVIEW-CONDOS.DWG 2/10/2017 11:13:08 AM AST

Upland Zoning for Auke Bay – Draft Regulations

Auke Bay Ad Hoc Committee
August 14, 2018

Recap June 28th Meeting

The following decisions were made:

- Implement the ABAP by creating a new zoning district and an overlay district.
- The new zoning district will only apply to the uplands portion of the AB Center.
- Overlay District standards will apply to the entire Center.

Recap June 7th Meeting

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

Recap June 28th Meeting

The sub-committee would like to see the following regulations in a **draft zoning district**:

- Permissible uses
- Density Standards
- Dimensional Standards
- Vegetative Cover
- Parking Standards

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

Recap June 28th Meeting

The sub-committee would like to see the following regulations in a **draft overlay district**:

- Height and setbacks standards to protect viewsheds
- Screening and landscaping standards for commercial development
- Building design standards
- Special site features

Draft Zoning Regulations: Purpose Statement

The purpose the *Uplands Zoning for Auke Bay (UZAB)* zoning district is to encourage the development of **lively**, **mixed use neighborhoods** that are **compact and walkable**. It is intended that this area will be a **primary focus of community activity** for the surrounding neighborhoods.

Draft Zoning Regulations: Purpose Statement

More specifically, the purpose of the new district is as follows:

- Promote the development of **small scale commercial** uses within walking distance of medium to high density residential neighborhoods.
- Provide **flexible regulations** regarding setback and parking requirements.
- **Encourage** the creation of a semi-compact village like setting comprised mostly of **mixed-use buildings**.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

Draft Zoning Regulations: UZAB Definition

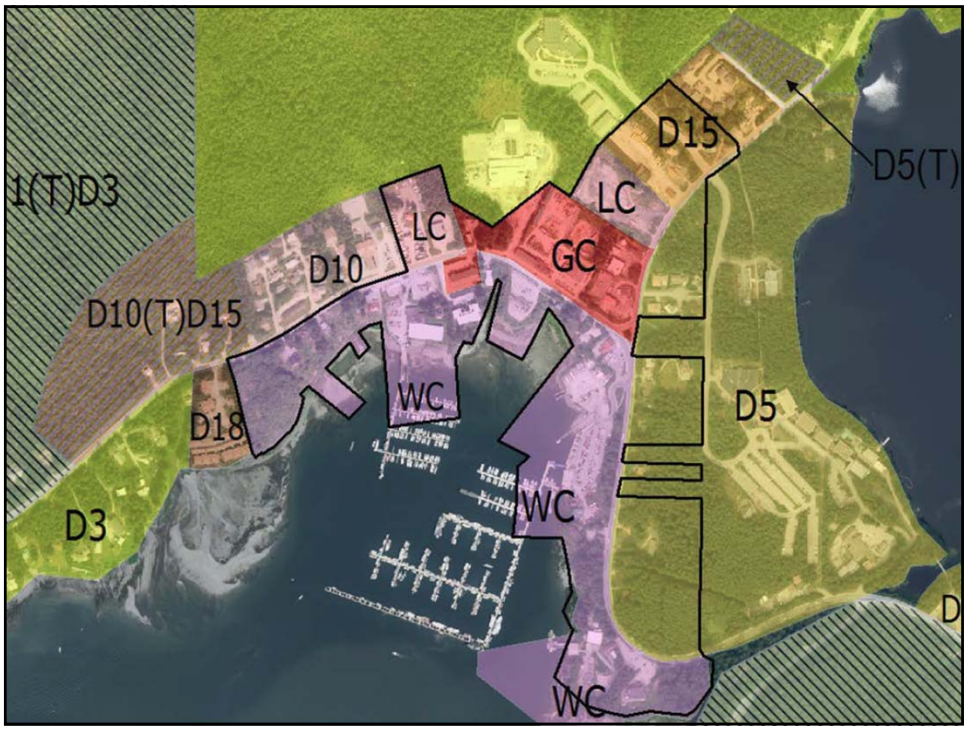
The UZAB is intended to accommodate medium to high density residential and non-residential land uses around civic uses, employment centers, and public transit routes, as well as other areas suitable for a mixture of retail/ commercial, office, and residential. Residential and non-residential uses should be combined within a single structure.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

UZAB Density

Zoning District	Maximum Dwelling Units/Acre
D15	15 units per acre
LC	30 units per acre
GC	50 units per acre
WC	18 units per acre
UZAB	**40 units per acre (Mixed use building – 50 units per acre)**

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT



UZAB Dimensional Standards

Zoning Regulations	D15	LC	GC	WC	UZAB
Minimum lot size	5,000	2,000	2,000	2,000	4/6,000
Minimum lot width	50’	20’	20’	20’	50’
Minimum lot depth	80’	80’	60’	60’	No minimum
Maximum lot coverage	50%	None	None	None	None
Permissible Use Max. Height	35’	45’	55’	35’	45’
Accessory Use Max. Height	25’	35’	45’	35’	35‘
Max. square footage of one story building					5,000

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

UZAB Setbacks

Zoning Regulations	D15	LC	GC	WC	UZAB	2016 Draft Ordinance
Front	20’	25’	10’	10’	0-10’ max.	0-20’ max.
Street Side	13’	17’	10’	10’	0-10’ max.	0-20’ max.
Side	5’	10’	10’	10’	0’	0-10’ max.
Rear	15’	10’	10’	10’	0’	5’*

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

* Where a rear yard abuts an alley the setback shall be 10’

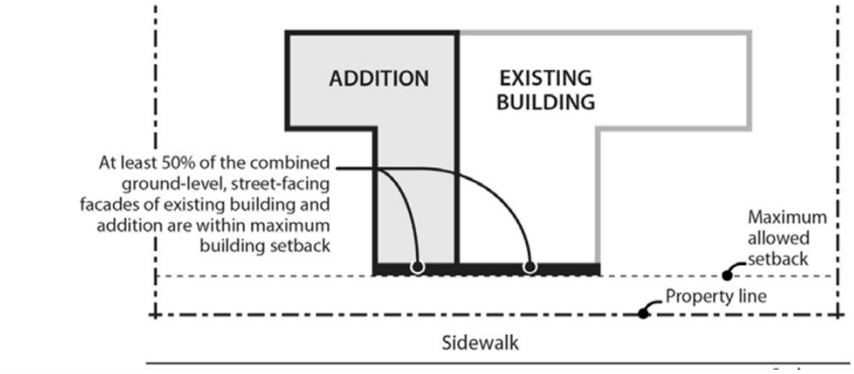
UZAB Maximum Setbacks

Maximum Building Setback for Front and Street Side Lot Lines: The maximum building setback for commercial buildings is 10 feet from the front and street side lot line. At least 50% of the length of the ground level street-facing façade of buildings must be within 10 feet of the front lot line. If the site has three or more right of way frontages, this standard only applies to two frontages.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

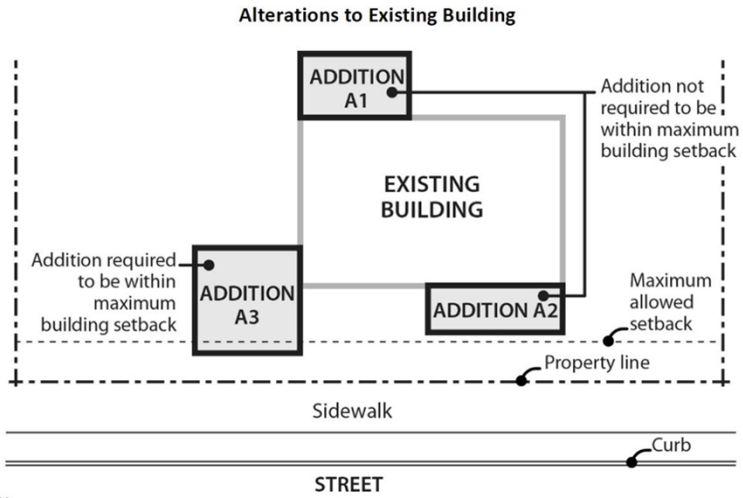
UZAB Maximum Setbacks

Alteration to Existing Building in Conformance with Maximum Setback Standard



CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

UZAB Maximum Setbacks



UZAB Setbacks Exceptions

With proposed setbacks of 0' there is no need for special setback exceptions.

UZAB Setback and Landscape Buffers

Height of building wall	Lots abutting a residential zone side lot line	Lots abutting a residential zone rear lot line
15 ft. or less	5 ft. setback and landscaping	No setback, no landscaping
16 – 30 ft.	8 ft. setback / 5 ft. setback and landscaping	8 ft. setback / 5 ft. setback and landscaping
31-45 ft.	10 ft. setback / 5 ft. setback and landscaping	10 ft. setback/ 5 ft. setback and landscaping

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UZAB Vegetative Cover

Zoning District	Percentage of lot in vegetation
D10, D15 & D18	30%
LC	15%
GC	10%
WC	10%
UZAB	**20%**

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UZAB Parking

All uses within the UZAB zoning district will receive a 10% reduction in the number of required parking spaces in CBJ 49.40.210.

Site Feature	Parking Reduction on top of 10% reduction
New or expanded parking lots located in the rear or street side	40%
Installation of a new pedestrian path or sidewalk or connection to an existing path or sidewalk	10%
Installation of a bike rack	10%
Installation of covered bus stop	20%
Screening the parking area with live vegetation or site obscuring fence	10%

The maximum reduction is 60%. Any reduction beyond 60% will require a parking waiver approved by the Planning Commission for major developments and the Director for minor developments.

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UZAB Parking Reduction Example

A new 3 story building

- 1st Floor – 2 retail spaces @ 1,200 sf. each; 1 restaurant space @ 2,800 sf.
- 2nd Floor – 5 one bedroom apartments
- 3rd Floor – 3 two bedroom apartments

Without any parking reduction - 35 spaces (2 ADA)

With a 60% reduction – 17 spaces (1ADA)

- With the 10% automatic reduction – 31.5 spaces (10% of 35 is 3.5; 35-3.5=31.5)
- With the 40% location reduction – 18.9 spaces (40% of 31.5 is 12.6; 31.5-12.6=18.9)
- With the 10% screening reduction – 17 spaces (10% of 18.9 is 1.89; 18.9-1.89=17.01)

If the initial cost to construct each space is $5,000, the construction cost for the entire lot:

- 35 spaces = $175,0000
- 17 spaces = $85,000

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For the next meeting

- Using Sketch-Up or a map, staff and the sub-committee can work through the dimensional standards.
- Keep in mind, CBJ Lands Dept. is working with an Auke Bay property owner to acquire land for a future right of way.

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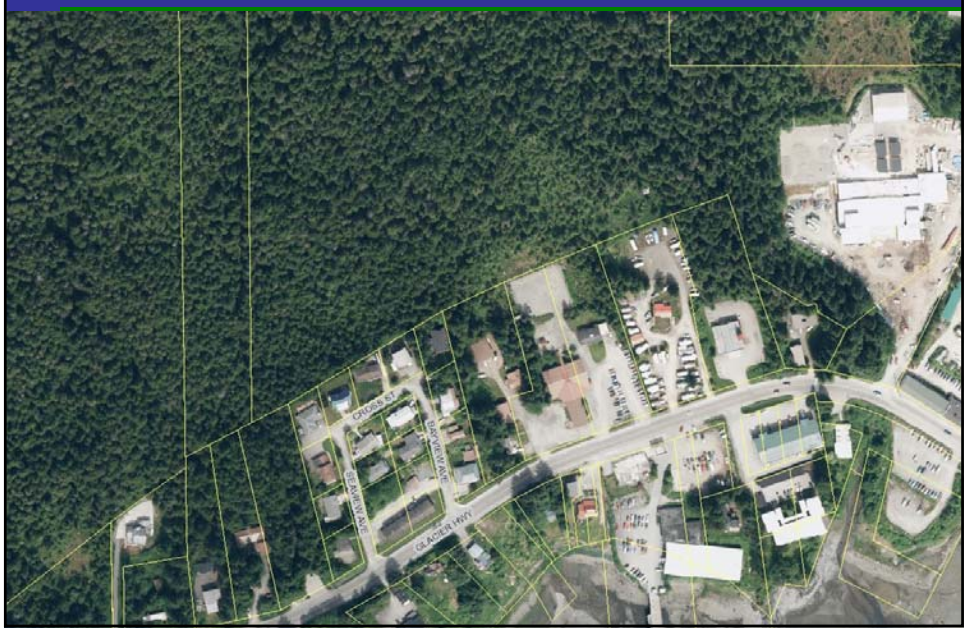
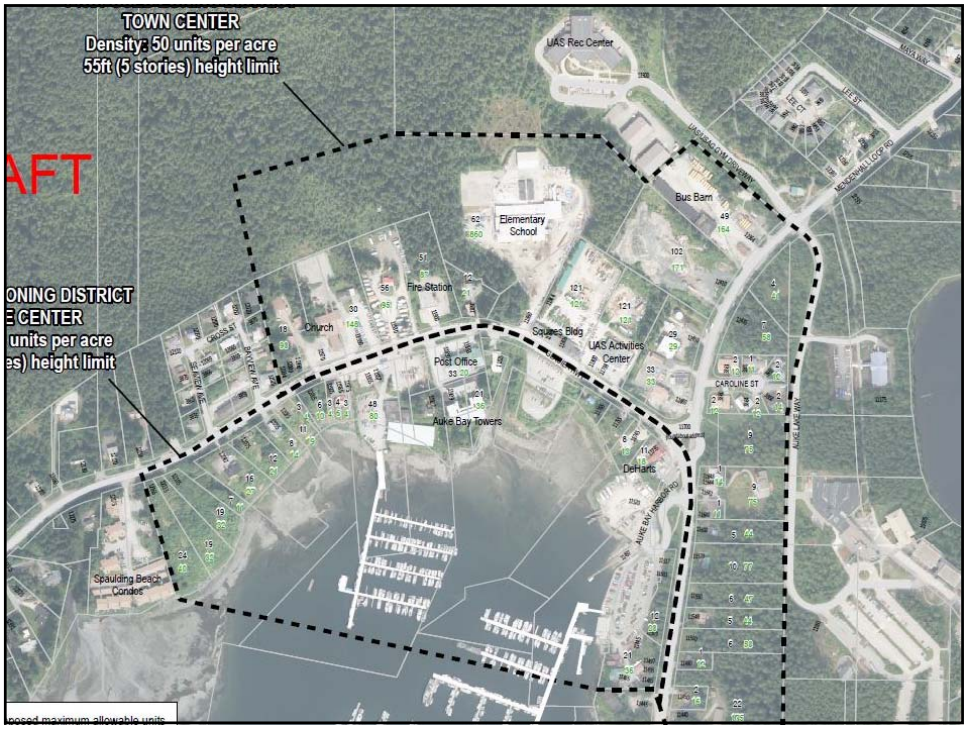
For the next meeting





Any Questions?

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Small Scale Retail /Commercial

What does 5,000square foot footprint look like?

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Small Scale Retail /Commercial

What does 10,000square foot footprint look like?

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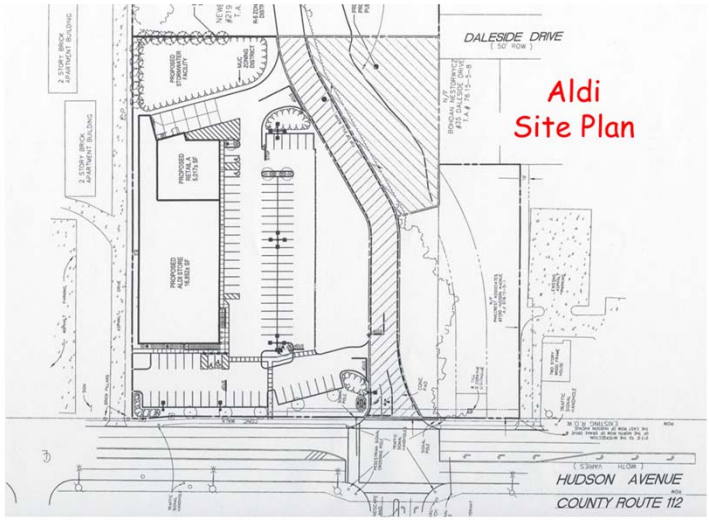
Building Orientation, Setbacks and Vegetation Matter



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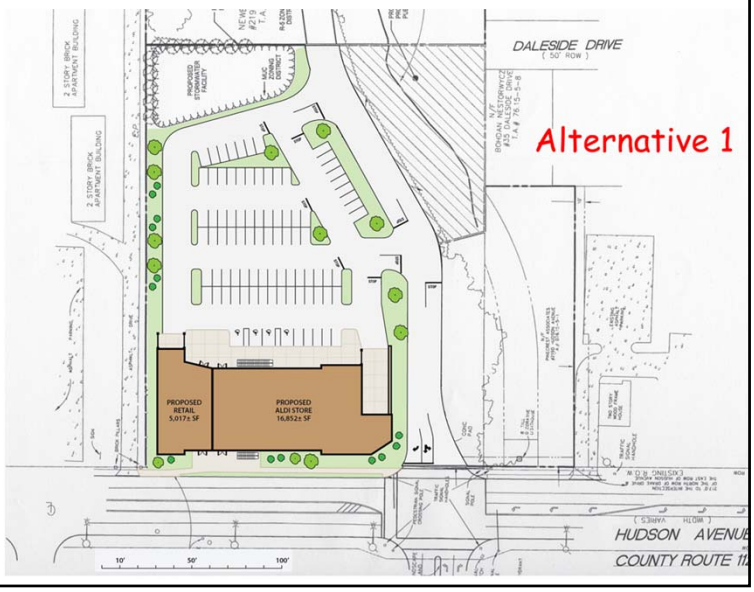
Building Orientation, Setbacks and Vegetation Matter



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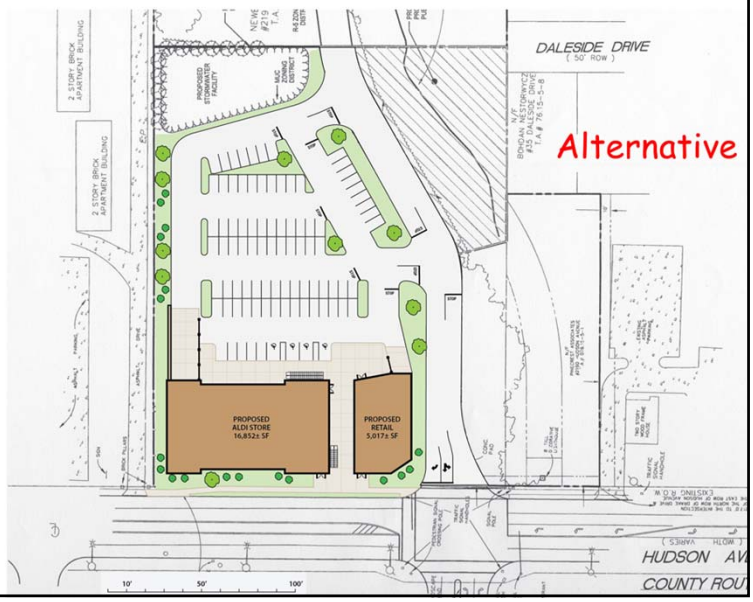
Building Orientation, Setbacks and Vegetation Matter



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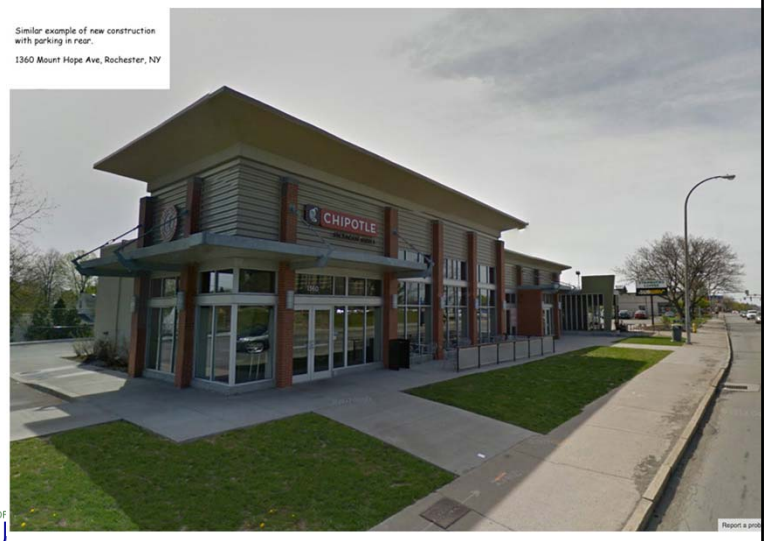
Building Orientation, Setbacks and Vegetation Matter



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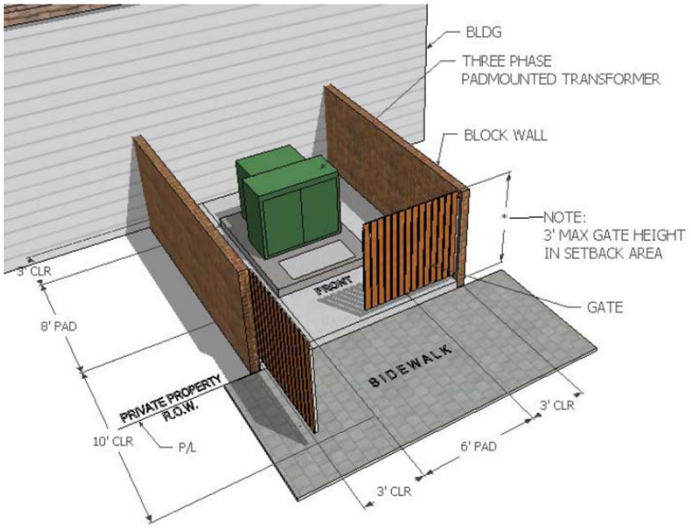
Screening and Landscaping



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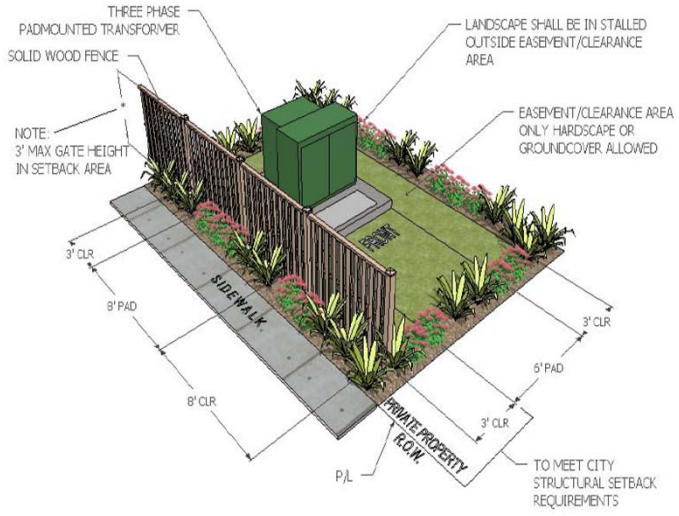
Screening and Landscaping



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Any Questions?

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