

Following are the draft suggested 2010 amendments to the City of Long Beach's land use regulations as proposed then revised by the Council, and with recommendations from the Planning Commission. These changes are now submitted to the State of Washington and citizens of Long Beach for a 60-day review and comment period.

Comments must be submitted in writing no later than Wednesday, January 26, 2011 to:

Gayle Borchard, Community Development Director
City of Long Beach
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Long Beach, Washington 98631
planner@longbeachwa.gov

TITLE 10: BUILDING REGULATIONS

I. Incorporate by reference the 2009 International Property Maintenance Code into City code.

10-2-1: BUILDING CODES ADOPTED: The model codes listed below, as approved and adopted by the State Building Code Council, together with any amendments or additions, are hereby adopted by this reference. These codes must apply to all new construction, remodeling, or repairs. Copies of the codes are on file for inspection in the office of the building department of the city.

- A. International building code 2006;
- B. International mechanical code 2006;
- C. International residential code 2006;
- D. International plumbing code 2006;
- E. Uniform swimming pool, spa, and hot tub code 2006;
- F. Uniform code for the abatement of dangerous buildings 1997;

G. International Property Maintenance Code 2009;

HG. Washington state barrier fee regulations;

IH. Washington state electrical code;

J. Washington state energy code;

KJ. Washington state historic building code; and

LK. Washington state ventilation and indoor air quality code.

II. Clarify conditions for building permit fee refunds.

10-2-4 (B)

1. The city hereby adopts by reference building permit fees, which are set forth in table 1-A of the 1997 uniform building code as amended and the building valuation data schedule as published in the most current "Building Safety Journal" of the International Code Council and are on file for inspection in the building department at the Long Beach city hall. Values of structures not listed in the schedule herein will be determined by a bid from a licensed contractor. Permit fees for work other than new construction and additions or not otherwise listed, including but not limited to alterations, remodeling, mechanical permits and demolition, shall be established by resolution of the city council.

2. Additionally, the fees for manufactured house placement are as follows:

Single wide	\$250.00
Double wide	\$350.00
Triple wide	\$450.00

3. Once an application is made and fee paid, an applicant may withdraw the application. If at the time of withdrawal plan review is not yet initiated, the City may refund up to fifty percent (50%) of the building permit fee. Once plan review is initiated, the City will retain the entire fee and refund shall not occur.

TITLE 11: UINIFIED DEVELOPMENT REGULATIONS

I. Clarify conditions for land use permit fee refunds.

11-1-9: WITHDRAWAL OF APPLICATIONS AND REFUND OF FEES: Once an application is made and fee paid, Aan application may be withdrawn~~at any time~~. If at the time of withdrawal public notice of the application has not yet occurred, the City may refund up to fifty percent (50%) of the application fee. Once public notice of the application or public hearing is published as set forth in Section 11-2C-8 of this title, the City will retain the entire fee and refund shall not occur. Some or all of the application fee paid for review of the application may be refunded. Any costs incurred by the city in its review of the application shall be deducted from the application fee before refund. However, no refund shall be issued once notice of the application or public hearing is published, mailed or distributed as set forth in Section 11-2C-8 of this title.

II. Clarify that lot consolidations are subject to boundary line adjustment process.

11-4E-1: DESCRIPTION:

A. A boundary line adjustment is a legal method of moving a property line. For purposes of this title, consolidating two or more lots into one legal lot, termed a lot consolidation, is a form of boundary line adjustment.

B. The purpose of a boundary line adjustment is to accommodate a ~~minor~~ transfer of land between adjacent legally created lots in order to correct property line or setback encroachments, create better lot design, or improve access, without creating substandard lots or substandard yard or setback areas.

C. It is not the purpose of a boundary line adjustment to create additional building lots.

D. A boundary line adjustment is exempt from most procedures in chapter 2, article C of this title, as explained in subsection 11-2C-3C of this title.

E. A boundary line adjustment does not allow for any physical development, cannot result in an impact to the environment, and is exempt from SEPA requirements.

III. Clarify that for short plats, the City requires streets (1/2 streets) to be built by properties abutting a right-of-way.

11-4A-7: SUBDIVISION DEVELOPMENT STANDARDS: The following requirements apply to all plats, including final and short plats, and shall be recorded on each property deed:

A. Lot Standards:

1. No lot shall be established that is in violation of this code.
2. Lot shapes shall be designed to avoid awkward configuration.
3. Each lot shall have sufficient width, area/size and frontage to comply with the minimum requirements established in each zoning district.
4. The building envelope shall be shown on all lots.
5. All lots shall have direct access to a public or private street, private driveway or access easement, constructed to city standards.

B. Easements:

1. Public and/or private easements for access and for the construction and maintenance of utilities and public facilities shall be granted to provide and maintain access and adequate utility service to each lot and adjacent lands.
2. An easement, tract or area shall be granted as deemed appropriate by the city where preservation of an environmentally sensitive area benefits the public health, safety and welfare. Such benefits may include and are not limited to surface water and erosion, visual buffering and protection of plant and animal habitat. Such easement shall impose upon all present and future owners and occupiers of land subject to the easement, the obligation to leave undisturbed all trees and other vegetation within the easement, except that area required for future construction of multi-purpose low-impact trails and city-approved utilities. The vegetation within the easement may not be cut, pruned, covered by fill, removed, damaged or enhanced without express written permission from the city.
3. Placement of any building on or over an easement for utility mains or lines shall be prohibited.

- C. Water Supply: All lots shall be served by the city water system unless this requirement is waived pursuant to section 11-5-3C of this title. The water supply system serving those lots shall be designed and constructed according to all applicable provisions of this code and the public works development design standards. For short plats, the applicant must at a minimum provide a connection to the City's water main, constructed to City standards and dedicated to the City.

D. Sewage Disposal: All lots shall be served by the city sanitary sewer system unless this requirement is waived pursuant to section 11-5-3C of this title. Except for private side sewers, any common sanitary sewer system serving more than one lot shall be provided by the applicant and dedicated to the city. Such sewer systems shall be designed and constructed according to all applicable provisions of the public works development design standards. For short plats, the applicant must at a minimum provide a connection to the City's sewer main, constructed to City standards and dedicated to the City.

E. Storm Drainage:

1. All lots shall be provided with adequate storm drainage connected to the city storm drainage system, where so served, or another system approved by the city engineer.
2. Where a public street is to be dedicated or improved by the applicant as a condition of preliminary approval, the applicant shall provide and dedicate any required storm drainage system in the right-of-way.
3. Where appropriate, storm drainage facilities shall include suitable on-site detention and/or retention facilities. Low impact development techniques are encouraged.
4. Storm drainage shall be provided in accordance with the city's Development Guidelines and Public Works Standards or other standards and specifications approved by the city Engineer.

F. Streets:

1. Subdivisions shall provide direct access to at least one existing improved and publicly dedicated street. In the case of short plats, there must be recorded against each parcel's deed the language that the owner of the parcel must pay his/her fair share of the street when either the street is built or application is made for a building permit.
2. Dead-end streets shall be local streets only and shall terminate in a cul-de-sac or hammerhead sufficient in size to allow emergency vehicles to turn around. Streets that dead-end, and that would normally be continued if the adjacent property were developed, shall be shown as temporary turnarounds.
3. The street system for subdivisions shall connect to the existing city street system and be designed to provide safe and efficient traffic movement, to reduce conflicts between various types of land uses and transportation modes, and to coordinate the location of proposed buildings with parking, loading and other transportation-related facilities.
4. Streets shall be designed in accordance with the public works development design standards or other standards and specifications approved by the city engineer.
5. Dedication of rights-of-way, consistent with the functional classification of the road serving the property, shall be required where necessary.

6. Streetlights shall be required, one light per three hundred (300) linear feet of street frontage, and provided in accordance with the public works development design standards or other standards and specifications approved by the city engineer.

7. For lots fronting an unimproved right-of-way, the applicant must provide one-half street improvements, constructed to City standards.

G. Sidewalks:

1. Subdivisions shall provide sidewalks or other city-approved pedestrian facilities separate from the traveled way and safe for pedestrians.

2. Pedestrian accommodations may be incorporated into other trails or paths designed for non-motorized transportation, such as and not limited to bike paths.

TITLE 12: ZONING REGULATIONS

I. For Old Town West, change the requirement that all on-site parking be located west of buildings.

12-6B-4(D)

D. Parking: All parking ~~west of buildings; otherwise as~~ shall be provided pursuant to ~~for in~~ chapter 12 of this title.

II. Remove need to screen or camouflage venting hoods on pitched roofs.

12-10A-1 (B)(9)

9. Screening: Trash receptacles and ground-placed HVAC units shall be screened from public view by landscaping, fencing, or other appropriate method. ~~Roof placement of HVAC and exhaust units placed on flat roofs may be~~; screened by a false front, ~~is permitted.~~ HVAC and exhaust units placed on a roof of a 5:12 or steeper pitch are not required to be screened.

12-10A-4 (B)(6)

6. Screening: Trash receptacles and ground-placed HVAC units shall be screened from public view by landscaping, fencing, or other appropriate method.
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III. Distinguish between “ground cover” and “mulch” clearly and without conflict.

12-2-1: Terms defined:

GROUND COVER: Grasses and other plants used to provide a low-growing carpet between larger plants. Contrast with “mulch.”

LANDSCAPING: An area of ground that consists of living plant material including, but not limited to, trees, shrubs, ground covers, grass, flowers, gardens and vines. These natural materials may also be described as softscape. Landscaping may also include limited amounts of hardscape such as mulch (beauty bark, oyster shell, river rock, etc.), patios, and walkways, and may include furnishings, sculpture, fountains, pools, lighting, fences and retaining walls, as may be permitted by the provisions of this title. Landscaping does not include off street parking spaces, driveways or similar areas.

MULCH: Wood chips, oyster shells, river rock, plastic, or other non-growing material placed on the surface of the ground to retain moisture, prevent weeds, hold soil in place, and add to the appearance of landscaping. Contrast with “ground cover”.

12-10-7 (C)(12)

12. Landscaping: The type, placement, and arrangement of landscape and landscape features is an essential element in the integration of a project with its surrounding area. Landscaping with plant materials suited to the coastal setting is required where indicated, and shall be provided in all projects. The use of rock, ~~gravel,~~ bark, and other non-plant materials as ~~ground cover~~ mulch shall ~~ould~~ be limited.

12-13-1 (C)

C. Landscape Materials: Required landscaping shall be predominantly native or plant materials suited to the coastal setting. Consideration should be given to the appearance of the landscaping in all seasons. Landscaping plans shall be designed to conserve and make efficient use of water. Plant sizes shall be used that will best ensure their survival, and to provide coverage within two (2) years. Deciduous trees shall ~~ould~~ have a minimum trunk diameter of two inches (2”) at time of planting. Evergreen trees shall ~~ould~~ be a minimum of six feet (6’) tall at time of planting. Ground cover shall be used to fill in between larger plants; mulch materials such as ~~gravel~~ river rock or bark may be used only if approved as part of the overall landscaping plan and shall be limited. Land disturbed by development activities shall be revegetated at least to its pre-development condition.

12-13-9: RESIDENTIAL DISTRICTS: Landscaping in residential zones shall ~~provide ground cover on~~ all open areas of the site, excluding driveways, walkways and patios. Trees, shrubs and planting beds, with both perennials and annuals, are encouraged. ~~The E~~extensive use of mulch such as gravel, rock or bark ~~as a ground cover~~ is not allowed. Uses other than single-family or two-family residences shall include landscaping that will screen parking, trash and HVAC equipment from view of the street and from other properties.

IV. Add Critical Areas Review fees to fee schedule

3-9-1: PLANNING AND DEVELOPMENT FEES:

A. Fee Structure: The following fees shall apply to the respective permits; additionally the applicant shall be financially responsible for any and all engineering services and other professional consulting services deemed necessary by the city for complete permit and planning review:

Variance	\$400.00
Conditional use	400.00
Rezone	600.00
Zoning text amendment	300.00
Comprehensive plan amendment	300.00
Comprehensive plan amendment with rezone	800.00
Boundary line adjustment	60.00
Short plat	300.00+\$25.00 per lot
Long plat, preliminary	700.00+5.00 per lot
Long plat, final	500.00+5.00 per lot
Resubmittal/extensions - subdivisions	200.00
Environmental checklist	100.00
Environmental impact statement	Variable hourly rate
Shoreline substantial development permit	400.00
Shoreline conditional use	400.00
Shoreline variance	400.00
Shoreline text amendment	500.00
<u>Critical Areas Checklist Review</u>	<u>100.00</u>
<u>Critical Areas Report/Assessment/Delineation</u>	<u>400.00</u>
<u>Mitigation Plan Review</u>	
<u>Critical Areas Exception/Variance</u>	<u>400.00</u>

B. Refund of fees: Once an application is made and fee(s) paid, an applicant may withdraw the application. If at the time of withdrawal public notice is not yet published, the City may refund up to fifty percent (50%) of the fee. Once public notice is published, the City will retain the entire fee, and refund shall not occur.

V. Clarify difference between “exemption” and “exception”. Change design review “exemption” as it appears in 12-10-9 to “exception”.

12-2-1 TERMS DEFINED:

EXCEPTION: Permission to depart from or to be released from normally-required City regulation(s). An exception is dictated by specific circumstances unique to a given situation that would make strict application of regulation(s) as normally applied unnecessary or unreasonable. An exception may or may not require a variance.

EXEMPTION: Waiver from regulations for a type or class of activity.

12-10-9: EXEMPTIONS: 12-10-3(D): Exceptions. The city council may, at its sole discretion, grant an exception exemption to the city's design requirements for additions or modifications to existing **nonresidential** buildings that do not conform to the design requirements. Such an exception exemption will be approved upon an affirmative finding that a strict enforcement of said requirements would result in a building appearance or site condition substantially incompatible with the existing building. In considering any request for exceptionexemption, the city council shall apply the following standards:

1A. No exceptionexemption shall be granted to any nonconforming use.

2B. No exceptionexemption shall be granted to any structure that is in violation of any bulk, density, or setback standard.

3C. No exemption- exception shall be granted if:

a1. For buildings with an existing floor of one thousand (1,000) square feet or less, the addition exceeds five hundred (500) square feet; or

b2. For buildings with an existing floor area greater than one thousand (1,000) square feet, the proposed addition is greater than fifty percent (50%) of the existing building.

4D. No property shall receive more than one exception in a five-year period,emption.

VI. Move exemptions found at 12-10-5(G) forward to 12-10-2 (B)

12-10-2: SCOPE:

A. Activities subject to Design Review: The city shall review all development subject to design review. For purposes of this chapter, "Development" means any improvement to real property open to exterior view, including, but not limited to, buildings, structures, fixtures, landscaping, site screening, fencing, murals, signs, parking lots, lighting, pedestrian facilities, street furniture, use of open areas (including parks and recreational facilities), and mobile home and recreational vehicle parks, whether all or any are publicly or privately sponsored. "Development" also includes new construction, additions, and any or all exterior remodeling to existing structures. "Development" does not include underground utilities, improvements within rights-of-way, or alterations to buildings that are exclusively interior.

G.B. ~~Exempt~~ Activities exempt from Design Review: The following activities shall be exempt from the requirements of design review:

1. Normal maintenance and repair shall be exempt from the requirements of design review, where there is no change to the exterior appearance of the structure.
 2. The replacement of fifty percent (50%) or less of a non-conforming siding material on any single facade shall be considered maintenance. The replacement of more than fifty percent (50%) of the exterior siding material on a single facade shall be considered an alteration and shall comply with the requirements of this chapter including article A.
 3. Minor adjustments to dimensions such as railing height or stairs, where necessary to comply with the building code, shall be considered maintenance, provided the design of the replacement feature is otherwise identical to the feature being repaired, and the change is no more than necessary to correct the deficiency.
 4. One accessory building with a gross floor area of one hundred twenty (120) square feet or less may be placed on a lot without meeting the requirements of this chapter, including Article A, provided the structure is placed in the rear of the lot behind the principal building. Additional accessory buildings, regardless of size and location, shall be subject to all requirements of this chapter.
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VII. Add clustering to code at 12-10-7(D).

12-10-7: CRITERIA FOR APPROVAL; REQUIRED FINDINGS:

D. Clustering:

1. Mandatory Clustering. The reviewing entity may require that housing units be clustered on a portion of a site in order to protect natural resources, to accommodate trails identified in the Comprehensive Plan, to preserve scenic vistas, or to create buffers between uses.

The reviewing entity may allow up to a twenty percent (20%) reduction in lot size and setback requirements for the zoning district, in order to facilitate clustering of the permitted number of dwelling units on the site. The required clustering shall not result in fewer lots than would otherwise be permitted on the site, without written agreement by the applicant.

2. Optional Clustering. Applicants for housing projects may request up to twenty percent (20%) reduction in lot sizes, dimensions, and building setback requirements in order to cluster housing and retain land serving the purposes listed above, or to preserve natural site features, or otherwise make land available for public or private open space. The reviewing entity may grant such requests if it determines the development would not have a significant adverse impact on surrounding land uses.
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VIII. Clarify language regarding fence heights.

12-11-8: FENCES: A fence shall be permitted as an accessory use in all zones.

A. Fence location. A fence shall be permitted as an accessory use in all zones. Fences shall be placed oninside the property of the owner of ereeting the fence.

B. Fence height. In order to achieve an open appearance, avoid visually "fencing in" properties, and achieve vehicle safety by keeping the vision triangle obstacle-free, the following shall apply:

1. Any fence shall not exceed forty two inches (42") in height, excluding gates, in any yard that abuts when:

1a. the fence is located in front of the street-facing side of the house, and on-and is parallel to that a street; or;

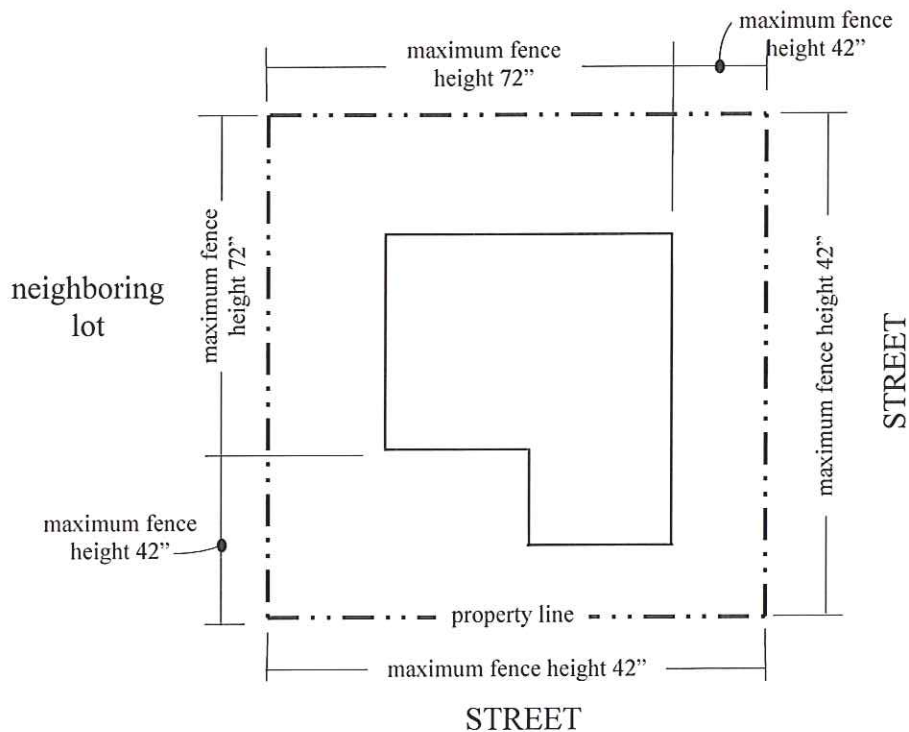
1b. the fence is located along a driveway, and is perpendicular to and within the first ten feet (10') from its intersection with a street; or

1c. the fence is located within the first twenty feet (20') from a street-to-street intersection.

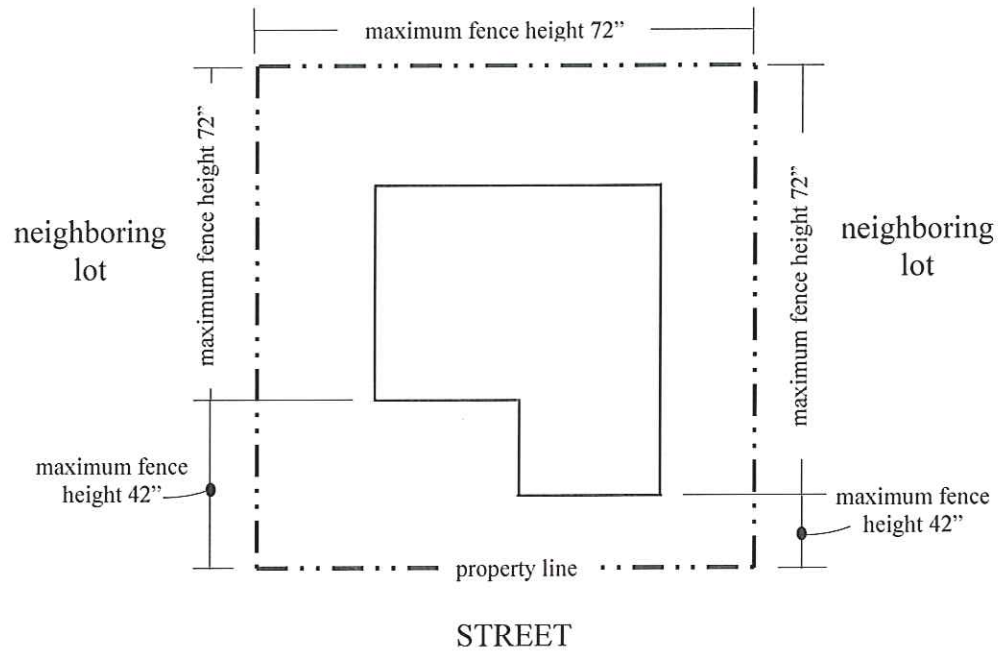
2. -exclusive of gates, and All other fences may be seventy two inches (72") in height, in any other yard.

3. Fences that do not meet the above requirements may be higher than allowed under this section forty two inches (42") in a yard abutting a street, and higher than seventy two inches (72") in any other yard, when may be permitted by the planning commissionDirector through design review, if the applicant demonstrates that the design accomplishes the goals of the City's design guidelines and the vision clearance triangle is not encumbered by the fence.

Maximum fence height, corner lot



Maximum fence height, non-corner lot



IX. Clarify issue of garage position relative to principal structure.

12-11-4: LOCATION OF ACCESSORY STRUCTURES:

No accessory buildings shall be located between the principal building and the principal bordering abutting street. All personal pet containment areas such as private kennels, dog runs, etc., shall only be located in a rear yard. Sheds may be located in a rear yard or side yard.

12-10A-2(B)(5)

5. Accessory Buildings: Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material. Garages, whether attached or detached, shall be ~~designed and positioned to be complementary to the overall aesthetic design and proportional to the house, be auxiliary to the principal structure, and shall not extend beyond the front face of the structure~~ by more than ten feet (10'). Where available, direct access from a garage to a side street or an alley is required. Sheds and other detached accessory buildings shall be located in the rear or side yard, and shall not extend beyond any side of the house facing a street. ~~Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material.~~

12-10A-3(B)(6)

6. Accessory Buildings: Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material. Garages, whether attached or detached, shall be proportional to the house, be auxiliary to the principal structure, and shall not extend beyond the front face of the structure by more than ten feet (10'). ~~Garages, whether attached or detached, shall be designed and positioned to be complementary to the overall aesthetic design and proportional to the house.~~ Where available, direct access from a garage to a side street or an alley is required. Sheds and other detached accessory buildings shall be located in the rear or side yard, and shall not extend beyond any side of the house facing a street. ~~Accessory buildings shall be designed to complement the principal building(s) in form, detail, color, and material.~~
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X. In Residential Commercial zone, require residential structures to put on a covered front porch.

12-10A-1(B)(8)(c)

- c. For buildings in the RC zone with frontage on Pacific Avenue, covered or wrap porches are required on residential buildings, and porches, bays and other residential-style features are encouraged on all structures. Porches shall not be screened.
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XI. Clearly define “sheet siding”.

12-2-1- Terms Defined

SHEET SIDING: Siding made to be installed in panels (“sheets”), such as plywood, T1-11, or metal. Sheet siding is prohibited in most design review areas, except where used as the base for board-and-batten.

12-10A-1(B)(2)

2. Wood Siding: A minimum of eighty percent (80%) of the building’s total exterior siding exposure shall be cedar shingle, lap or clapboard siding with an exposure not to exceed eight inches (8"). Board and batten siding may also be used. The use of glass for window displays is encouraged, and shall be counted toward the wood siding requirement. Cement board siding that is similar in appearance to permitted siding materials shall be allowed. Other construction methods, including sheet siding, are prohibited.
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XII. Include raked shingle in siding options w/ 14" reveal max.

12-10A-1(B)(2), 12-10A-2(B)(3), and 12-10A-3(B)(3)

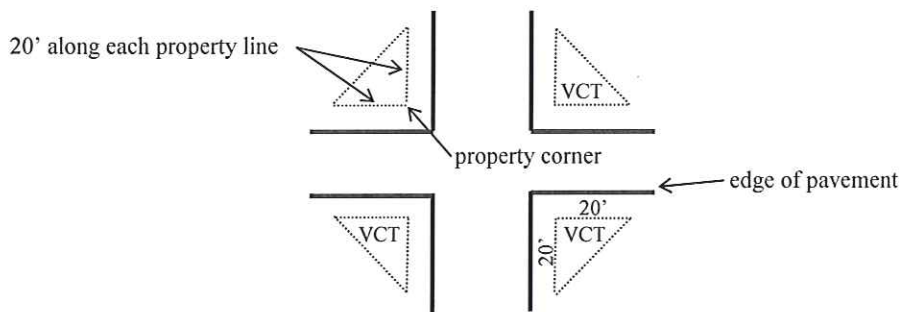
2. Wood Siding: A minimum of eighty percent (80%) of the building's total exterior siding exposure shall be cedar shingle, lap or clapboard siding with an exposure not to exceed eight inches (8"), or cedar shake with a maximum reveal of fourteen inches (14"). Board and batten siding may also be used. The use of glass for window displays is encouraged, and shall be counted toward the wood siding requirement. Cement board siding that is similar in appearance to permitted siding materials shall be allowed.

XIII. Add clarifying language and graphics to definition of vision clearance triangle.

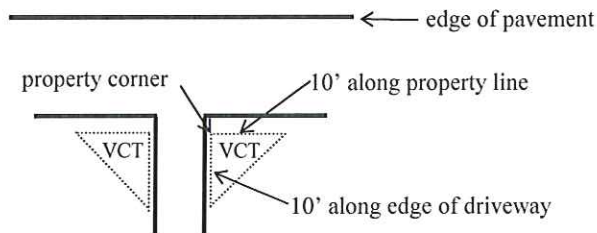
12-2-1: TERMS DEFINED:

VISION CLEARANCE TRIANGLE (VCT): Area at the corner of an intersection of a right-of-way with another right-of-way, alley or driveway, formed by measuring a specific distance along each right-of-way, alley or driveway from the property corner and connecting the two end points to form a triangle. The vision clearance triangle is maintained clear of landscaping, fences and other obstructions of a certain height, generally the area between forty two inches (42") to ten feet (10') above the adjacent street level, which would block the visibility of vehicle, bicycle, or pedestrian traffic.

VCT at Street Corner:



VCT at Driveway:



XIV. Change design review authority of major exterior changes to commercial project from administrative to Planning Commission.

12-10-5: REVIEW PROCEDURE:

A. Administrative Review: The city administrator shall review and act upon the following applications:

1. Signs.
2. Additions equal to no more than twenty percent (20%) of the existing floor area or four hundred (400) square feet, whichever is less.
3. Residential ~~and commercial~~ alterations with no increase in floor area, and commercial alterations with no increase in floor area and with less than fifty percent (50%) change in exterior cladding and roofing combined.
4. Decks.
5. Fences.
6. Accessory structures.
7. Minor revisions that are consistent with the original approval, comply with all design guidelines, and do not exceed ten percent (10%) of the square footage of the project, as allowed by subsection 12-10-3B of this chapter.

B. Planning Commission Review: The planning commission shall review and act upon the following applications, following receipt of a recommendation from the city administrator:

1. Single-family dwellings:
 - a. New construction.
 - b. Additions greater than twenty percent (20%) of the existing floor area or four hundred (400) square feet, whichever is less.
2. Multi-family developments containing up to four (4) dwelling units:
 - a. New construction.
 - b. Additions greater than twenty percent (20%) of the existing floor area or four hundred (400) square feet, whichever is less.
3. Commercial development:

- a. New construction of up to six thousand (6,000) square feet of floor area.
- b. Additions greater than twenty percent (20%) of the existing floor area or four hundred (400) square feet, whichever is less, resulting in a building with a gross floor area of not more than six thousand (6,000) square feet.
- c. Alterations with fifty percent (50%) or greater change in exterior cladding and roofing combined.

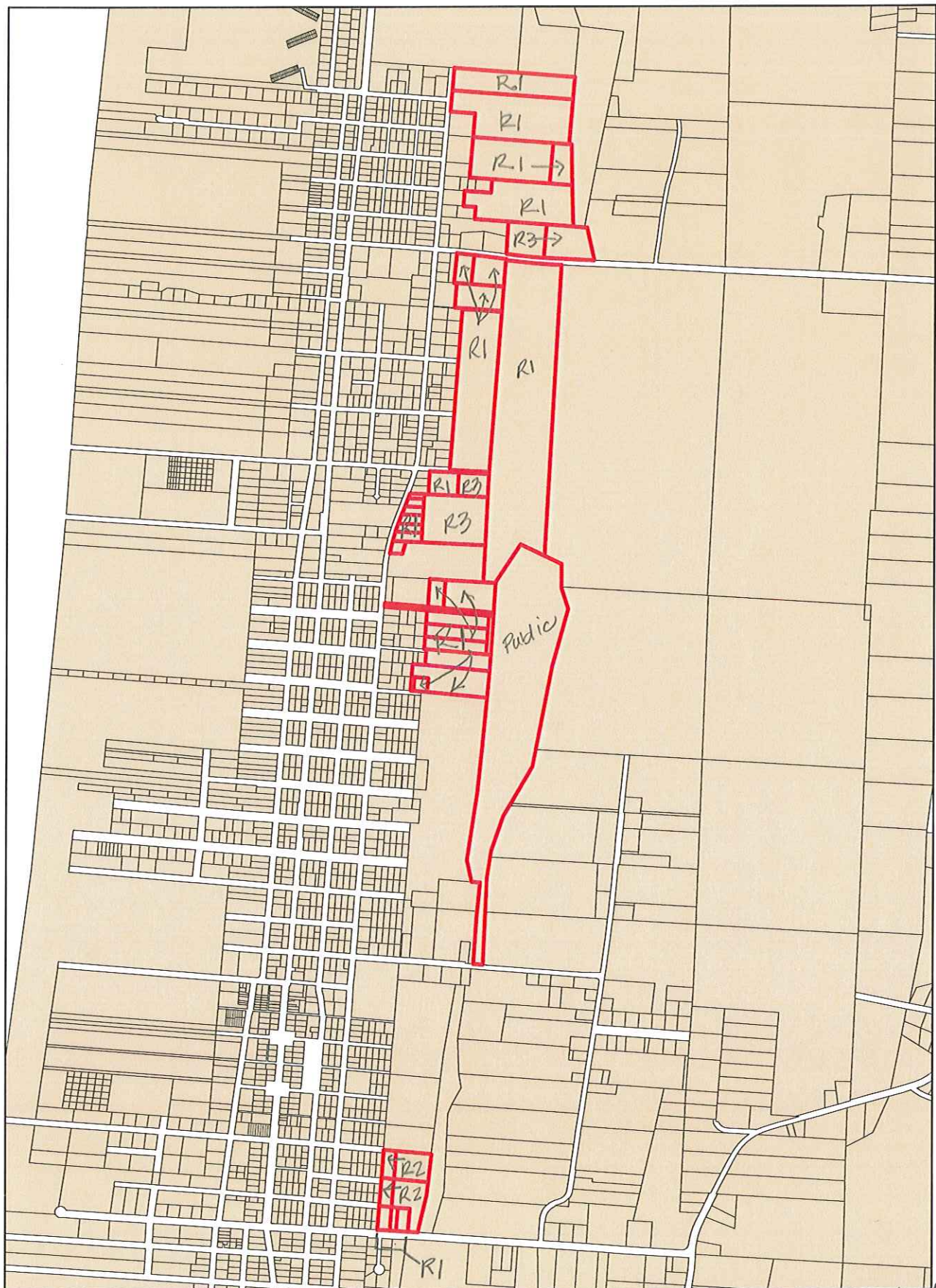
C. City Council Review: The city council shall review and act upon any design review application not included in subsections A and B of this section. Prior to its review, the city council shall receive a recommendation from the city administrator and the planning commission.

XV. Change fence height exception authority Planning Commission to Community Development Director.

12-11-8: FENCES:

A fence shall be permitted as an accessory use in all zones. Fences shall be placed inside the property of the owner erecting the fence. Fence height shall not exceed forty two inches (42") in height in any yard that abuts on a street and including the area within ten feet (10') of a street, exclusive of gates, and seventy two inches (72") in height in any other yard. Fences higher than forty two inches (42") in a yard abutting a street, and higher than seventy two inches (72") in any other yard, may be permitted by the ~~planning commission~~Community Development Director through design review, if the applicant demonstrates that the vision clearance triangle is not encumbered by the fence.

Proposed zoning for the Eastern Urban Growth Area



PROPOSED Zoning of Eastern UGA
CITY OF LONG BEACH

R1 = Single Family Residential
R2 = 2-Family Residential
R3 = Multi-Family Residential

P.25