



Memo

To: Mayor McCarthy, City Council
From: Jeff Arango, AICP – Director of Community Planning
Date: August 11, 2014, Updated September 9, 2014

Re: Development Code Amendments

UPDATE – 9/10/14

Staff has amended the proposal to include an overlay district for the three properties that front on Second Street within and surrounding the Langley Lumberyard building at the intersection of Second Street and Debruyne Avenue. The overlay district would allow retail as a permitted use for those three properties, but restrict retail elsewhere in the Neighborhood Business District. The Planning Advisory Board intends to revisit the issue of retail in the NB Zone during the comprehensive plan update process. The land use table and zoning map have been revised to incorporate the overlay district proposal.

Public facilities have also been added as a permitted use in the CB Zone as discussed during the first reading of the ordinance.

Summary

The PAB has been working on a series of amendments to the Langley Municipal Code (LMC) for the past year. The amendments address code administration and permit procedures, a new land use table with improved clarity and consistency between districts, and new landscaping and tree retention standards. The PAB held a public hearing on May 14, 2014 and recommends the council adopt the amendments as presented (see attached findings of fact and recommendation). The amendments have also been reviewed by the city attorney and revised accordingly. The specific amendments are summarized below.

1. Design Review Board (DRB) Scope + Review (Title 2 and Title 18)

- a. Restructure the DRB to be an advisory body to the underlying land use permit whether it is reviewed administratively or via the hearing examiner. This allows for a more comprehensive approach to project review that integrates design review and land use permitting.

- b. Grant the DRB authority to serve as the city's "design commission" in order to advise the city on all public improvement projects. All city projects would require review by the city's "design commission".
- 2. **SEPA Review and Appeals (Title 16)** – This was an issue that was brought up several years ago in terms of the need to clarify the SEPA appeals process and other procedural issues. These amendments should be considered at this time.
 - a. Clarify SEPA appeals for project and non-project actions
 - b. Specific reference to adoption of the optional DNS review process
 - c. Clarify categorical exemptions based on current state law
- 3. **Establish a Site Plan Review Process (Title 18)** – Most cities have a site plan review process for reviewing multi-family and commercial development projects. Site plan review allows for a comprehensive permit review that encompasses design review, zoning, and construction standards. Depending on the size and scope of the project there will be different levels of review including administrative review (Type I) and review by the hearing examiner (Type II) for larger projects. Site plan review would be required for any multi-family project involving 3 or more units and all non-residential projects.
 - a. **Comprehensive Plan Support:**
 - i. **5.2** Increase where possible the number of administrative approvals, thereby minimizing lengthier permit processes. (LU-28)
 - ii. **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. (ES-14)
 - iii. **Goal 5:** Timely and Fair Permit Review and Enforcement: Applications for City permits should be processed in a timely and fair manner to ensure predictability, and enforcement of land-use violations should be timely and consistently applied. (LU-28)
- 4. **Landscaping and Tree Retention Standards (Title 18)** – The existing standard is inadequate and does not provide enough specificity in terms of what is required. The following amendments are proposed:
 - a. Protection for significant trees unless a permit is granted by the city based on specific criteria
 - b. Improved requirements for land clearing
 - c. Landscaping standards for walkways and parking lots
 - d. Site Design Standards
 - e. Planting Requirements
 - f. Street Tree Standards

Comprehensive Plan Support:

- g. Designate open space corridors within the City's planning area to protect critical areas, protect wildlife habitat, and otherwise provide open space. Protect visually- significant tree lines through open space corridors and other means. (LU-26)
- h. 9.8 Preserve as much natural vegetation (larger trees and groundcover) as possible on building sites and along streams, roads, and in parking lots. Where natural vegetation will be disturbed, commensurate landscaping and tree planting should be provided. (LU-33)

- i. 3.2 Work with Island County and the Washington Department of Natural Resources to ensure that treelines in the Urban Growth Area and Joint Planning Area are protected. (OS-23)
 - j. 7.6 Maximize the potential of the street system for public use through the use of public rights-of-way, where appropriate, for open space, waterfront access, tree planting, landscaping, pedestrian amenities, recreation space, and view corridors.(OS-25)
5. **Land Use Table (Title 18)** – The current code lists the allowed land uses within each zoning district section. The terminology is inconsistent and it’s difficult to compare uses between districts. A new land use table is proposed that identifies all the land uses for every district in a single location. The allowed land uses have been revised for consistency and clarity. Retail has been added as a permitted use in the Neighborhood Business District as discussed recently with the city council.
6. **Zoning Map Revision** – The zoning map has been amended in order to eliminate the Central Business Overlay Zone and rezone the properties that are within the overlay from P-1 to Central Business including city hall, the post office, the firehouse and the visitor center and bathrooms. The proposed zoning map revision is consistent with the Future Land Use Map in the Comprehensive Plan, which was amended in 2013.

Recommendation

Staff recommends the city council adopt the amendments as presented including the Neighborhood Business Overlay District.

CITY OF LANGLEY
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON,
RELATING TO THE LANGLEY MUNICIPAL CODE AMENDING
THE CITY ADMINISTRATION AND PERSONNEL CODE IN
TITLE 2, THE BUILDINGS AND CONSTRUCTION CODE
CONTAINED IN TITLE 15, THE ENVIRONMENTAL POLICY
CODE CONTAINED IN TITLE 16 AND THE ZONING CODE
CONTAINED IN TITLE 18.**

WHEREAS, The Planning Advisory Board developed and considered the proposed changes during the previous 12 month period and finds that the proposed amendments are in the best interest of the public health, safety and welfare; and

WHEREAS, The Planning Agency, including the Planning Advisory Board and city staff, drafted the code amendments intended to:

- a. Improve and clarify the development review process by establishing a site plan review process that is integrated with design review
- b. Improve the standards for landscaping and tree retention while allowing for reasonable exceptions due to local circumstances
- c. Simplify the list of allowed land uses in a new table format
- d. Clarify categorical exemptions, appeals and public notice processes with respect to the State Environmental Policy Act (SEPA)
- e. Expand the role of the design review board to advise the city on a broad range of design related planning issues; and

WHEREAS, The Planning Advisory Board has met monthly over the past year in open public meetings to develop and review the proposed amendments

- a. The city received four written comments during that period in support of the tree retention standards; and

WHEREAS, The Planning Advisory Board, following appropriate public notice, held a public hearing on May 14, 2014 to accept public comment and make a recommendation to the city council regarding adoption of the amendments. Only one member of the public attended the public hearing and offered comment; and

WHEREAS, On May 3, 2014 the city's SEPA responsible official issued a Determination of Non-Significance (DNS) in compliance with the State Environmental Policy Act (SEPA) with a 10-day public comment period and 10-day appeal period.

- a. A notice of public action regarding the DNS was posted at appropriate places in the City of Langley and in the South Whidbey Record on May 3, 2014.
- b. No public comments were received.

WHEREAS, The amendments to the Langley Municipal Code herein are consistent with the Langley Comprehensive Plan last amended in 2013; and

WHEREAS, The city applied for and was granted expedited review from the Washington Department of Commerce on May 6, 2014 for the enclosed amendments and in conformance with the requirements of the Washington State Growth Management Act; and

WHEREAS, the City's SEPA Responsible Official has reviewed this Ordinance and related environmental checklist and has issued a Determination of Non-significance (DNS) threshold determination under the State Environmental Policy Act (SEPA); and

WHEREAS, on May 20, 2014, the PAB issued written Findings of Fact, Conclusions of Law and Recommendations ("Recommendation") attached hereto as Exhibit A, in which the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on _____, 2014, the City Council in open public meeting reviewed the Recommendation of the PAB and supports the Recommendation;

NOW THEREFORE, THECITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 2 of the Langley Municipal Code is hereby amended as shown in Exhibit B attached hereto and incorporated herin.

Section 2. Title 15 of the Langley Municipal Code is hereby amended as shown in Exhibit C attached hereto and incorporated herin.

Section 3. Title 16 of the Langley Municipal Code is hereby amended as shown in Exhibit D attached hereto and incorporated herin.

Section 4. Title 18 of the Langley Municipal Code is hereby amended as shown in Exhibit E attached hereto and incorporated herin.

Section 5. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ____ day of _____, 2014.

Fred McCarthy, Mayor

ATTEST:

Debbie L. Mahler, Director of Finance/City Clerk

APPROVED AS TO FORM:

Jeff Taraday, City Attorney

EXHIBIT A



City of Langley
Department of Community Planning

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PLANNING ADVISORY BOARD PUBLIC HEARING - MAY 14, 2014 FINDINGS OF FACT

Summary

The proposed amendments to the development regulations in the Langley Municipal Code address code administration and permit procedures, a new land use table with improved clarity and consistency between districts, and new landscaping and tree retention standards. The specific amendments are summarized below.

1. **Design Review Board (DRB) Scope + Review (Title 2 and Title 18)**
 - a. Restructure the DRB to be an advisory body to the underlying land use permit whether it is reviewed administratively or via the hearing examiner. This allows for a more comprehensive approach to project review that integrates design review and land use permitting.
 - b. Grant the DRB authority to serve as the city's "design commission" in order to advise the city on all public improvement projects. All city projects would require review by the city's "design commission".
2. **SEPA Review and Appeals (Title 16)** – This was an issue that was brought up several years ago in terms of the need to clarify the SEPA appeals process and other procedural issues. These amendments should be considered at this time.
 - a. Clarify SEPA appeals for project and non-project actions
 - b. Specific reference to adoption of the optional DNS review process
 - c. Clarify categorical exemptions based on current state law
3. **Establish a Site Plan Review Process (Title 18)** – Most cities have a site plan review process for reviewing multi-family and commercial development projects. Site plan review allows for a comprehensive permit review that encompasses design review, zoning, and construction standards. Depending on the size and scope of the project there will be different levels of review including administrative review (Type I) and review by the hearing examiner (Type II) for larger projects. Site plan review would be required for any multi-family project involving 3 or more units and all non-residential projects.
 - a. **Comprehensive Plan Support:**
 - i. **5.2** Increase where possible the number of administrative approvals, thereby minimizing lengthier permit processes. [LU-28]
 - ii. **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability. [ES-14]
 - iii. **Goal 5: Timely and Fair Permit Review and Enforcement:** Applications for City permits should be processed in a timely and fair manner to ensure predictability, and enforcement of land-use violations should be timely and consistently applied. [LU-28]

4. **Landscaping and Tree Retention Standards (Title 18)** – The existing standard is inadequate and does not provide enough specificity in terms of what is required. The following amendments are proposed:

- a. Protection for significant trees unless a permit is granted by the city based on specific criteria
- b. Improved requirements for land clearing
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Comprehensive Plan Support:

- g. Designate open space corridors within the City's planning area to protect critical areas, protect wildlife habitat, and otherwise provide open space. Protect visually- significant tree lines through open space corridors and other means. (LU-26)
 - h. 9.8 Preserve as much natural vegetation (larger trees and groundcover) as possible on building sites and along streams, roads, and in parking lots. Where natural vegetation will be disturbed, commensurate landscaping and tree planting should be provided. (LU-33)
 - i. 3.2 Work with Island County and the Washington Department of Natural Resources to ensure that treelines in the Urban Growth Area and Joint Planning Area are protected. (OS-23)
 - j. 7.6 Maximize the potential of the street system for public use through the use of public rights-of-way, where appropriate, for open space, waterfront access, tree planting, landscaping, pedestrian amenities, recreation space, and view corridors.(OS-25)
5. **Land Use Table (Title 18)** – The current code lists the allowed land uses within each zoning district section. The terminology is inconsistent and it's difficult to compare uses between districts. A new land use table is proposed that identifies all the land uses for every district in a single location. The allowed land uses have been revised for consistency and clarity.
6. **Zoning Map Revision** – The zoning map is proposed to be amended in order to eliminate the Central Business Overlay Zone and rezone the properties that are within the overlay from P-1 to Central Business including city hall, the post office, the firehouse and the visitor center and bathrooms. The proposed zoning map revision is consistent with the Future Land Use Map in the Comprehensive Plan, which was amended in 2013.

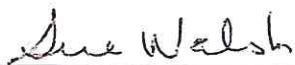
Findings of Fact

1. The Planning Agency, including the Planning Advisory Board and city staff, have been working for the past year on code amendments intended to:
 - a. Improve and clarify the development review process by establishing a site plan review process that is integrated with design review

- b. Improve the standards for landscaping and tree retention while allowing for reasonable exceptions due to local circumstances
 - c. Simplify the list of allowed land uses in a new table format
 - d. Clarify categorical exemptions, appeals and public notice processes with respect to the State Environmental Policy Act (SEPA)
 - e. Expand the role of the design review board to advise the city on a broad range of design related planning issues
2. The Planning Advisory Board has met monthly over the past year in open public meetings to develop and review the proposed amendments
 - a. The city received four written comments during that period in support of the tree retention standards.
3. The Planning Advisory Board, following appropriate public notice, held a public hearing on May 14, 2014 to accept public comment and make a recommendation to the city council regarding adoption of the amendments. Only one member of the public attended the public hearing and offered comment.
4. The proposed code amendments will improve the city's development review processes by providing a more integrated and comprehensive review of development proposals
5. The tree retention standards will provide improved protection of significant trees while allowing for the reasonable use of property and appropriate exceptions.
6. On May 3, 2014 the city's SEPA responsible official issued a Determination of Non-Significance (DNS) in compliance with the State Environmental Policy Act (SEPA) with a 10-day public comment period and 10-day appeal period.
 - a. A notice of public action regarding the DNS was posted at appropriate places in the City of Langley and in the South Whidbey Record on May 3, 2014.
 - b. No public comments were received.
7. The amendments to the Langley Municipal Code herein are consistent with the Langley Comprehensive Plan last amended in 2013.
8. The city applied for and was granted expedited review from the Washington Department of Commerce on May 6, 2014 for the enclosed amendments and in conformance with the requirements of the Washington State Growth Management Act.
9. The amendments are consistent with the Revised Code of Washington (RCW), the Washington State Growth Management Act and the Washington Administrative Code (WAC).

Recommendation

Motion by Aaron Simpson to recommend adoption by the Langley City Council of the enclosed amendments with the minor changes noted in the minutes. Seconded by Roger Gage. Motion passed 5-0.



Sue Walsh, Chair



Date

EXHIBIT B

Chapter 2.40

DESIGN ~~REVIEW~~ ADVISORY BOARD

Sections:

- 2.40.010 Created.
- 2.40.020 Purpose.
- 2.40.030 Members.
- 2.40.040 Meetings.

2.40.010

Created.

The city of Langley hereby creates a design ~~advisoryreview~~ board. (Ord. 903, 2008; Ord. 798, 2001; Ord. 788, 2000; Ord. 578, 1990; Ord. 527, 1989)

2.40.020

Purpose.

The design ~~review~~ advisory board shall advise the city on the physical design of the city through the city's planning and permitting processes to promote high quality design and a vibrant urban environment preserves Langley's community identity and assets while promoting positive change. The design advisory board is specifically granted the following responsibilities:

1. To review and provide recommendations to the planning official, hearing examiner or other decision makers on development actions subject to design review in accordance with ~~review and take action on development applications submitted to the city for design approval as required in Chapter 18.3.4, Design Review, and shall have final authority for design approval unless a decision is appealed pursuant to Section 18.34.130.~~ (Ord. 903, 2008)
2. To provide recommendations to the city regarding design related planning issues including design standards and guidelines, the comprehensive plan, capital projects and other plans that have a design component.
3. To conduct workshops with interested stakeholders and city officials regarding design related projects or plans
4. To review and provide recommendations on all capital projects prior to the final design approval by the city council. At the request of the city the design advisory board shall hold workshops on capital projects at the concept design phase.

2.40.030

Members.

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

B. Residency. Two voting members must reside within the city of Langley. Four members may reside outside of the city limits. This exception to a majority residency requirement is allowed due to the specialized expertise required on this board.

C. Qualifications. The voting membership of the board shall consist of a minimum of: one architect or building designer, one landscape architect or landscaper, one builder or developer, and one Langley business owner or commercial property owner. The other two members must be educated in, or have practical experience or an interest in, planning or related design concepts. (Ord. 903, 2008)

2.40.040

Meetings.

Meeting Schedule. The board shall meet once a month, or as often as feasible, in order to carry out the design review function and to minimize the delay in processing development applications. The board shall adopt and publish policies regarding the time, place, and frequency of meetings. If there is no business to conduct a meeting cancellation notice shall be posted in the same manner as all meeting notices. Special meetings may be held as often as the board deems necessary. Notice of special meetings must be provided in accord with the Washington State Open Public Meetings Act. (Ord. 903, 2008; Ord. 527, 1989)

EXHIBIT C

Existing: 15.01.725 Land clearing – Intent.

B. Requirements. No person shall ~~clear remove more than 20 percent of a~~ any significant tree from a parcel of land ~~that is more than 15,000 square feet in area~~ without first obtaining approval of a land clearing permit for an approved timber harvest or other specified use requiring the land clearing. Clearing and removal of significant trees may ~~, unless the clearing is~~ be approved as part of a development action or permit as set forth in Section [15.01.020](#), or consistent with an approved plat.

EXHIBIT D

Chapter 16.04

ENVIRONMENTAL POLICY

16.04.010

SEPA rules adopted.

The city adopts the model ordinance, Chapter 173-806 WAC, to implement SEPA rules, Chapter 197-11 WAC. (Ord. 440, 1984)

B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications. (Ord. 957 § 5, 2011; Ord. 440, 1984)

C. This chapter 16.04 LMC is intended to implement the SEPA rules, chapter 197-11 WAC, at the local level and should be construed harmoniously with chapter 197-11 WAC whenever possible. To the extent that an irreconcilable conflict exists between the provisions of this chapter 16.04 LMC and the provisions of chapter 197-11 WAC, the provisions of chapter 197-11 WAC shall control to the extent necessary to resolve the conflict.

16.04.080

Flexible thresholds for categorical exemptions.

The city establishes the following exempt levels for minor new construction based on local conditions. The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

A. The construction or location of any residential structures of four dwelling units;

B. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

C. The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for 20 automobiles;

D. The construction of a parking lot designated for 20 automobiles;

E. Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II or III forest practice under RCW 76.09.050 or regulations thereunder.

Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, Headquarters Office, Olympia, Washington, 98504. (Ord. 440, 1984)

16.04.150

Appeals.

The city establishes the following administrative appeal procedure for appeals of determinations relating to SEPA:

A. Administrative appeals of determinations relating to SEPA shall be taken within the following time limits:

1. Final determination of non-significance (DNS): Appeal of the DNS and the substantive determination of the action must be made within 10 days of the date the permit or other approval is issued;

2. Determination of significance (DS): The appeal of a DS must be made within 10 days of the date the DS is issued;

3. Final environment impact statement (FEIS): Appeal of the FEIS and the substantive determination on the action must be made within 10 days of the date the permit or other approval is issued; and

4. Condition or denial on the basis of SEPA: When any proposal or action not requiring a decision of the city council is conditioned or denied on the basis of SEPA by a nonelected official, an appeal of such condition or denial must be made within 10 days of the date such decision is made.

B. All appeals made pursuant to this section shall be perfected in the following manner:

1. All appeals shall be in writing;

2. The written notice of appeal must specify the basis for the appeal and the argument made in support of the appeal;

3. The written notice of appeal must be made to the city planning official, and filed at City Hall;

4. The written notice of appeal, together with the required appeal fee as established by city ordinance, must be filed prior to 4:30 p.m. on the last day of the applicable time period for appealing; provided, however, that if City Hall is not open on the last day of the applicable appeal time period, then the appeal period shall be extended until 4:30 p.m. on the next day in which City Hall is open; and

5. Filing requires actual delivery to City Hall prior to 4:30 p.m. on the date due, and prior mailing is not sufficient if actual receipt by the city does not occur within the applicable time period.

C. For any appeal made pursuant to this section, a record shall be prepared, which shall consist of findings and conclusions, testimony under oath, and a taped or written transcript.

D. Procedural determinations made by the responsible official shall be entitled to substantial weight in any appeal proceeding.

E. Only one administrative appeal of a threshold determination or of the adequacy of an EIS shall be permitted.

F. Only parties of record shall be permitted to participate at the appeal hearing. The parties of record shall include, and be limited to, the city, the applicant for the proposal that is the subject of the appeal, and those persons, organizations or agencies which have filed written appeal statements within the specified appeal period. No other persons may testify at the hearing. The hearing shall be limited to consideration of the matters raised in the appeal statements filed within the specified time.

G. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action. Consequently, appeals under this chapter shall be of the governmental action, together with its accompanying environmental determination; provided, that the appeal proceeding on a determination of significance may occur before the final decision on a proposed action. There shall not be more than one administrative appeal proceeding per underlying land use action. Further appeals must be to Island County superior court per the procedures in Section 16.04.155.

H. Following the public hearing upon such appeal, the hearing examiner may affirm, remand, modify or reverse the determination of the responsible official, recognizing the weight that is to be accorded the determination of the responsible official per subsection (D) of this section. The hearing examiner's decision shall be in the form of a report setting forth its findings, conclusions and decision.

I. Environmental Review. For some projects, an environmental checklist must be completed by the applicant and submitted along with plans, specifications, and other information when

approval or permits are being requested for a project. The planning official conducts the environmental review and issues a SEPA threshold determination for the city. An applicant should consult with the planning official to determine if an environmental checklist is required. (Ord. 957 § 7, 2011; Ord. 714, 1996; Ord. 570, 1990; Ord. 440, 1984)

16.04.155

Judicial appeals.

Appeals from the decision of the city hearing body shall be made to Island County superior court within 21 days of the date of the hearing body's written decision. (Ord. 714, 1996)

16.04.160

Notice – Statute of limitations.

The city applicant for, or proponent of, an action may publish a notice of action pursuant to RCW 43.21C.080. (Ord. 440, 1984)

16.04.170

Environmentally sensitive areas.

A. The map filed under the city's adopted comprehensive plan designates the location of environmentally sensitive areas within the city and are adopted by reference. For each environmentally sensitive area, the exemptions within WAC 197-11-800 that are inapplicable for that area are: none. Unidentified exemptions shall continue to apply within environmentally sensitive areas of the city.

B. ~~The city shall treat proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals.~~ The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

C. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. (Ord. 440, 1984)

16.04.180

Fees.

The city shall require the following fees for its activities in accordance with the provisions of this chapter:

A. Threshold Determination. For every environmental checklist the city will review when it is lead agency, the city may collect a fee from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee.

B. Environmental Impact Statement.

1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

2. The responsible official may determine that the city will contract directly with a consultant for preparation of the EIS for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. The city may require the applicant to post bond or otherwise ensure payment of such costs. Such consultants shall be selected by mutual agreement of the city and applicant after a call for proposals.

3. If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (B)(1) or (B)(2) of this section which remain after incurred costs are paid.

C. The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

D. The city shall not collect a fee for performing its duties as a consulted agency.

E. The city may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.19 RCW. (Ord. 440, 1984)

EXHIBIT E

Chapter 18.06

RS5000 ZONE – RESIDENTIAL ~~SINGLE FAMILY~~

Sections:

18.06.010 ~~Principal uses.~~ Land Uses

~~18.06.020 Secondary uses.~~

~~18.06.030 Conditional uses.~~

18.06.040 Minimum lot size.

18.06.050 Setbacks.

18.06.060 Maximum height.

18.06.080 Maximum lot coverage – RS5000.

18.06.085 Floor area limits.

18.06.010

Principal Land uses.

~~Principal uses in the RS5000 zone are:~~

~~A. Single family dwellings;~~

~~B. Duplexes on lots of 7,200 square feet or larger (subject to design review per Chapter 18.34); provided, that the use must be served by the city's water and sewer systems;~~

~~C. Townhouse dwellings (subject to design guidelines per Section 18.22.230 and design review per Chapter 18.34). See Title 13 for connection requirements. (Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)~~

~~The Table in LMC 18.09.010 identifies the allowed land uses in the R5000 District.~~

18.06.020

Secondary uses.

~~Secondary uses in the RS5000 zone are:~~

~~A. Accessory buildings;~~

~~B. Home day care;~~

~~C. Type I and II home occupations;~~

~~D. Foster homes;~~

~~E. Bed and breakfast rooms (as long as the rooms are located within the building containing the principal use);~~

~~F. Guest houses;~~

~~G. In-home family day care;~~

~~H. Accessory dwelling units;~~

~~I. Adult family homes;~~

~~J. Wireless communication antenna arrays. (Ord. 875, 2006; Ord. 754, 1997; Ord. 703, 1995; Ord. 696, 1995; Ord. 687, 1994; Ord. 597, 1991; Ord. 591, 1991; Ord. 583, 1990; Ord. 527, 1989)~~

18.06.030

Conditional uses.

~~Conditional uses (subject to design review) in the RS5000 zone are:~~

~~A. Day care centers;~~

~~B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;~~

~~C. Boardinghouses;~~

~~D. Public facilities;~~

~~E. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.39 feet (one meter) in diameter or more than 15 feet in height;~~

~~F. Social service facilities;~~

~~G. Libraries and museums;~~

~~H. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;~~

~~I. Nursing and convalescent centers;~~

~~J. Senior retirement centers;~~

~~K. Cottage housing;~~

~~L. Clustered residential development;~~

~~M. Type III home occupations;~~

~~N. Residential zone offices. (Ord. 875, 2006; Ord. 798, 2001; Ord. 771, 1999; Ord. 754, 1997; Ord. 699, 1995; Ord. 696, 1995; Ord. 583, 1990; Ord. 527, 1989)~~

18.06.040

Minimum lot size.

Minimum lot size in the RS5000 zone is 5,000 square feet; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. (Ord. 733, 1997; Ord. 623B, 1992; Ord. 527, 1989)

18.06.050

Setbacks.

Setbacks in the RS5000 zone are:

A. Street or front: 20 feet;

B. Side yard: five feet on each side;

C. Rear yard: 25 feet;

D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;

E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues, shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 788, 2000; Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.06.060

Maximum height.

A. Maximum height in the RS5000 zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.

B. Except as otherwise provided herein, the maximum height for accessory structures is 15 feet. On lots one-half acre or larger in size, the height may be increased up to the height of the

principal building; provided, that there shall be one foot of additional yard setback for each added foot of additional height above 15 feet.

C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.

D. The following setback requirements shall apply to detached accessory dwelling units:

1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.

2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.

3. The setback requirements in subsections (D)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in Section 18.06.050 for accessory structures shall apply on lots over one-half acre in size.

4. For all detached accessory dwelling units, only the standard setbacks provided in Section 18.06.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback. (Ord. 965 § 2, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.06.080

Maximum lot coverage – RS5000.

The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:

A. Lots 10,000 square feet or less: 40 percent;

B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;

C. Lots over one acre: 25 percent. (Ord. 771, 1999; Ord. 699, 1995; Ord. 617, 1992)

18.06.085

Floor area limits.

The maximum floor area limit is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. The maximum floor area limits are calculated as follows:

Lot/parcel area to be used in the calculations shall be performed in conjunction with Section 18.06.040.

A. Single-family residences: 40 percent of the first 5,000 square feet of lot/parcel area; 25 percent of additional lot/parcel area over 5,000 and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet.

B. Duplex residences: 50 percent of the first 5,000 square feet of lot/parcel area; 35 percent of additional lot/parcel area over 5,000 square feet and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet. (Ord. 799, 2001)

Chapter 18.07

RS7200 ZONE – RESIDENTIAL ~~SINGLE-FAMILY~~

Sections:

- 18.07.010 ~~Principal Land~~ uses.
- ~~18.07.020 Secondary uses.~~
- ~~18.07.030 Conditional uses.~~
- 18.07.040 Minimum lot size.
- 18.07.050 Setbacks.
- 18.07.060 Maximum height.
- 18.07.080 Maximum lot coverage.
- 18.07.085 Floor area limits.
- 18.07.100 Lot clustering.

18.07.010

~~Principal Land~~ uses.

~~Principal uses in the RS7200 zone are:~~

- ~~A. Single family dwellings;~~
 - ~~B. Duplexes on lots of 7,200 square feet or larger (subject to design review per Chapter 18.34); provided, that the use must be served by the city's water and sewer systems. See Title 13 for connection requirements;~~
 - ~~C. Townhouse dwellings (subject to design guidelines per Section 18.22.230 and design review per Chapter 18.34). See Title 13 for water and sewer connection requirements. (Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)~~
- The Table in LMC 18.09.010 identifies the allowed land uses in the RS7200 District.

~~18.07.020~~

~~Secondary uses:~~

~~Secondary uses in the RS7200 zone are:~~

- ~~A. Accessory buildings;~~
- ~~B. Home day care;~~
- ~~C. Type I and II home occupations;~~
- ~~D. Foster homes;~~
- ~~E. Bed and breakfast rooms (as long as the rooms are located within the building containing the principal use);~~
- ~~F. Guest houses;~~
- ~~G. In-home family day care;~~
- ~~H. Accessory dwelling units;~~
- ~~I. Adult family homes;~~
- ~~J. Wireless communication antenna arrays. (Ord. 875, 2006; Ord. 754, 1997; Ord. 703, 1995; Ord. 696, 1995; Ord. 687, 1994; Ord. 591, 1991; Ord. 583, 1990; Ord. 527, 1989)~~

~~18.07.030~~

~~Conditional uses:~~

~~Conditional uses (subject to design review) in the RS7200 zone are:~~

- ~~A. Day care centers;~~

~~B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;~~

~~C. Boardinghouses;~~

~~D. Public facilities;~~

~~E. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.39 feet (one meter) in diameter or more than 15 feet in height;~~

~~F. Social service facilities;~~

~~G. Libraries and museums;~~

~~H. Nursing homes;~~

~~I. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;~~

~~J. Senior retirement facilities;~~

~~K. Cottage housing;~~

~~L. Clustered residential development;~~

~~M. Type III home occupations;~~

~~N. Residential zone offices. (Ord. 875, 2006; Ord. 798, 2001; Ord. 771, 1999; Ord. 754, 1997; Ord. 699, 1995; Ord. 696, 1995; Ord. 583, 1990; Ord. 527, 1989)~~

Chapter 18.08

RS15000 ZONE – RESIDENTIAL SINGLE-FAMILY

Sections:

18.08.010 ~~Principal Land~~ uses.

18.08.020 Secondary uses.

18.08.030 Conditional uses.

18.08.040 Minimum lot size.

18.08.050 Setbacks.

18.08.060 Maximum height.

18.08.070 Lot clustering.

18.08.085 Floor area limits.

18.08.090 Maximum lot coverage.

18.08.010

~~Principal Land~~ uses.

~~Principal uses in the RS15000 zone are:~~

~~A. Single family dwellings.~~

~~B. Duplexes (subject to design review per Chapter 18.34); provided, that the use must be served by the city's water and sewer systems. See Title 13 for connection requirements.~~

~~C. Townhouse dwellings (subject to design guidelines per Section 18.22.230 and design review per Chapter 18.34). (Ord. 820, 2002; Ord. 699, 1995; Ord. 527, 1989)~~

~~The Table in 18.09.010 identifies the allowed land uses in the RS15000 District.~~

18.08.020

~~Secondary uses.~~

~~Secondary uses in the RS15000 zone are:~~

~~A. Accessory buildings;~~

~~B. Home day care;
C. Type I and II home occupations;
D. Foster homes;
E. Bed and breakfast rooms (as long as the rooms are located within the building containing the principal use);
F. Guest houses;
G. In-home family day care;
H. Accessory dwelling units;
I. Adult family homes;
J. Wireless communication antenna arrays. (Ord. 875, 2006; Ord. 754, 1997; Ord. 703, 1995; Ord. 696, 1995; Ord. 687, 1994; Ord. 597, 1991; Ord. 591, 1991; Ord. 583, 1990; Ord. 527, 1989)~~

18.08.030

Conditional uses:

Conditional uses (subject to design review) in the RS15000 zone are:

~~A. Day care centers;
B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;
C. Nursing homes;
D. Public facilities;
E. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.39 feet (one meter) in diameter or more than 15 feet in height;
F. Boardinghouses;
G. Radio transmitting/receiving and satellite signal receiving antennas over 3.39 feet in diameter;
H. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;
I. Senior retirement facilities;
J. Cottage housing;
K. Clustered residential development;
L. Type III home occupations;
M. Residential zone offices;
N. Retreat/conference center;
O. Computer/Internet/software and related technology uses:
1. For these uses and the use under subsection (N) of this section, impacts such as traffic, noise, dust, odor, radiation and glare shall be subject to mitigation so as to be compatible with the surrounding residential area.
2. The minimum lot size for this use and subsection (N) of this section is five acres. (Ord. 875, 2006; Ord. 798, 2001; Ord. 771, 1999; Ord. 754, 1997; Ord. 699, 1995; Ord. 696, 1995; Ord. 583, 1990; Ord. 527, 1989)~~

LMC 18.09.010: Land Uses

CITY OF LANGLEY		ZONING DISTRICTS						
Land Uses	CB	NB	P-1	Mixed-Residential			RS15000	NB Retail Overlay*
				Residential	RS5000	RS7200		
Adult family homes	S	S	X	S	S	S	S	X
Bed and Breakfast Inns	P	P	X	CU	CU	CU	CU	X
Bed and Breakfast Rooms	P	P	X	P	P	P	P	X
Boardinghouses	X	CU	X	CU	CU	CU	CU	X
Campgrounds	X	X	CU	X	CU	CU	CU	X
School	X	CU	P	CU	CU	CU	CU	X
Cultural Facilities	P	P	P	X	X	X	X	X
Church	X	CU	CU	CU	CU	CU	CU	X
Day Care Centers	P	P	X	CU	CU	CU	CU	X
Duplexes on lots of 7,200 square feet or larger	X	X	X	X	P	P	P	X
Duplexes	X	X	X	P	P	P	P	X
Foster Homes	X	S	X	S	S	S	S	X
Health Clubs	P	P	X	X	X	X	X	X
Home day care	S	S	X	S	S	S	S	X
Hotels, motels	P	P	X	X	X	X	X	X
Libraries and Museums	P	P	P	CU	X	X	X	X
Lounge	S	S	X	X	X	X	X	X
Medical-Dental Clinics	P	P	X	X	X	X	X	X
Multifamily Dwellings	S	P	X	P	X	X	X	X
Nurseries	X	P	X	X	X	X	X	X
Nursing Homes	X	CU		CU	CU	CU	CU	X
Offices	P	P	X	X	X	X	X	X
Parking facilities	P	P	P	X	X	X	X	X
Public Market	P	X	P	X	X	X	X	X
Services	P	P	X	X	X	X	X	X
Public Facilities	P	P	P	CU	CU	CU	CU	X
Public parks and open space areas	P	P	P	P	P	P	P	X
Schools and grounds, administrative offices and related facilities	X	X	P	X	CU	CU	CU	X
Residential Zone Offices	X	X	X	X	CU	CU	CU	X
Restaurant (exclusive of fast food and drive-in)	P	P	X	X	X	X	X	X
Retail	P	X	X	X	X	X	X	P
Retreat/Conference Center	P	P	P	X	X	X	CU	X
Senior Retirement Facilities	P	P	X	CU	CU	CU	CU	X
Service Stations	CU	CU	X	X	X	X	X	X
Single Family Dwellings	X	X	X	X	P	P	P	X
Social and Recreational Facilities	P	P	P	X	X	X	X	X
Social Service Facilities	X	CU	P	CU	CU	CU	X	X
Taverns	P	X	X	X	X	X	X	X
Theaters	P	X	X	X	X	X	X	X
Type I and II home occupations	S	S	S	S	S	S	S	X
Type III Home Occupations	CU	CU	CU	CU	CU	CU	CU	X
Veterinary clinics for small animals	P	P	X	X	X	X	X	X
Winery Bar	P	P	X	X	X	X	X	X
Wireless communication antenna arrays	S	S	S	S	S	S	S	X

P - Permitted

S - Secondary

CU - Conditional Use

X - Not Permitted

*All uses permitted in the NB Zone are also permitted in the NB Retail Overlay Zone

Chapter 18.12

RM ZONE – MIXED RESIDENTIAL

Sections:

- 18.12.010 ~~Principal Land~~ uses.
- ~~18.12.020 Secondary uses.~~
- ~~18.12.030 Conditional uses.~~
- 18.12.040 Minimum lot size.
- 18.12.050 Maximum density.
- 18.12.060 Maximum lot coverage – Multifamily.
- 18.12.070 Maximum height.
- 18.12.080 Setbacks.
- 18.12.100 Maximum lot coverage – Single-family.

18.12.010

~~Principal uses.~~ Land Uses.

~~Principal uses in the RM zone are:~~

~~A. Multifamily development (subject to design review);~~

~~B. Duplexes (subject to design review per Chapter 18.34), provided, that the use must be served by the city's water and sewer system. See Title 13 for connection requirements. (Ord. 820, 2002; Ord. 788, 2000; Ord. 699, 1995; Ord. 696, 1995; Ord. 527, 1989)~~

~~The Table in LMC 18.09.010 identifies the allowed land uses in the R5000 District.~~

~~In addition to the land uses identified in LMC 18.09 the following standards apply:~~

~~A. Single-Family Dwellings existing as of January 1, 2014 shall be considered a permitted use and may be modified in accordance with all applicable development standards.~~

18.12.020

~~Secondary uses.~~

~~Secondary uses in the RM zone are:~~

~~A. Accessory buildings;~~

~~B. Home day care;~~

~~C. Home occupations;~~

~~D. Foster homes;~~

~~E. In-home family day care;~~

~~F. Adult family homes;~~

~~G. Wireless communication antenna arrays. (Ord. 788, 2000; Ord. 754, 1997; Ord. 703, 1995; Ord. 687, 1994; Ord. 583, 1990; Ord. 527, 1989)~~

18.12.030

~~Conditional uses.~~

~~Conditional uses (subject to design review, Chapter 18.34, and performance standards, Chapter 18.25) in the RM zone are:~~

~~A. Day care centers;~~

~~B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;~~

~~C. Boardinghouses;~~

~~D. Public facilities;~~

~~E. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.39 feet (one meter) in diameter or more than 15 feet in height;~~

~~F. Radio transmitting/receiving and satellite signal receiving antennas over 3.39 feet in diameter;~~

~~G. Nursing homes;~~

~~H. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;~~

~~I. Senior retirement facilities;~~

~~J. Cottage housing;~~

~~K. Home occupations exceeding 600 square feet in accessory buildings. (Ord. 798, 2001; Ord. 771, 1999; Ord. 754, 1997; Ord. 699, 1995; Ord. 696, 1995; Ord. 583, 1990; Ord. 527, 1989)~~

Chapter 18.13

CENTRAL BUSINESS PUBLIC OVERLAY DISTRICT

Sections:

~~18.13.010 — Purpose and intent.~~

~~18.13.020 — Relationship to P-1 zoning district.~~

~~18.13.030 — Geographic applicability.~~

~~18.13.040 — Principal uses.~~

~~18.13.050 — Secondary uses.~~

~~18.13.060 — Setbacks.~~

~~18.13.070 — Maximum density.~~

~~18.13.080 — Maximum lot coverage.~~

~~18.13.090 — Maximum height.~~

~~18.13.010~~

~~Purpose and intent.~~

~~The purpose of this chapter is to recognize the unique qualities of properties within the P-1 zoning district in the area otherwise known as the central business district in order to allow for a wider range of uses than is otherwise allowed under the P-1 district while also ensuring that public uses remain as permitted uses within the P-1 zoning district. (Ord. 972, 2012)~~

~~18.13.020~~

~~Relationship to P-1 zoning district.~~

~~The central business public overlay district shall be an overlay to the underlying P-1 zoning district. Development within the central business public overlay district shall meet the requirements both of this chapter and Chapter 18.19, P-1 Zone — Public Use, except in instances described below where the central business public overlay district supersedes the P-1 zone standards. (Ord. 972, 2012)~~

~~18.13.030~~

~~Geographic applicability.~~

~~The provisions of this chapter shall apply solely to the area identified on the official zoning map, as being within the central business public overlay zone. (Ord. 972, 2012)~~

~~18.13.040~~

~~Principal uses.~~

~~The following uses are permitted as principal uses within the central business public overlay district in addition to the uses specifically authorized as permitted uses in the P-1 district. All proposed new uses or changes of use require city review and approval prior to commencing such uses.~~

- A. Retail and wholesale sales;
- B. Personal services, including self-service;
- C. Offices;
- D. Medical-dental clinics;
- E. Restaurants and taverns;
- F. Social and recreational facilities;
- G. Hotels, motels, and bed and breakfast rooms and inns;
- H. Accessory structures and uses;
- I. Parking facilities;
- J. Theaters; and
- K. Tourist accommodations—commercial. (Ord. 972, 2012)

18.13.050

Secondary uses:

Secondary uses in the central business public overlay district are:

- A. Dwelling units in principal buildings; provided, that commercial uses shall occupy the first and/or street level of the building;
- B. Consumer goods repair;
- C. In-home family day care;
- D. Adult family homes;
- E. Wireless communication antenna arrays. (Ord. 972, 2012)

18.13.060

Setbacks:

The setback requirements below shall apply to all P-1 zoned property within the central business public overlay district. The standard setback requirements in the P-1 district shall not apply:

- A. Street: none;
- B. Side yard: none except when abutting a residential zone, which shall then be five feet;
- C. Rear yard: none except when abutting a residential zone, which shall then be 25 feet;
- D. Where a lot abuts an alley, the setback shall be 10 feet from the center of the alleyway, and in no case shall a structure be erected closer than two feet to the alley right-of-way;
- E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 972, 2012)

18.13.070

Maximum density:

There is no density limit in the central business district public overlay zone for residential development located above commercial development. (Ord. 972, 2012)

18.13.080

Maximum lot coverage:

There is no limit for maximum lot coverage in the central business public overlay zone, except as required by Section 18.16.080. (Ord. 972, 2012)

18.13.090

Maximum height:

The maximum height in the central business public overlay zone shall be the maximum height permitted in the underlying P-1 zoning district. (Ord. 972, 2012)

Chapter 18.16

CB ZONE – CENTRAL BUSINESS

Sections:

- 18.16.010 ~~Principal Land~~ uses.
- ~~18.16.020 Secondary uses.~~
- ~~18.16.030 Conditional uses.~~
- 18.16.040 Minimum lot size.
- 18.16.050 Maximum density.
- 18.16.060 Maximum lot coverage.
- 18.16.070 Maximum height.
- 18.16.075 Height modification.
- 18.16.080 Setbacks.
- 18.16.085 Commercial uses adjacent to residential zoning.
- ~~18.16.090 Binding site plan.~~
- 18.16.100 Requirement to connect to city water and sewer systems.

18.16.010

~~Principal uses.~~

~~Principal uses in the CB zone are:~~

- ~~A. Retail and wholesale sales;~~
- ~~B. Personal services, including self-service;~~
- ~~C. Offices;~~
- ~~D. Medical-dental clinics;~~
- ~~E. Restaurants and taverns;~~
- ~~F. Social and recreational facilities;~~
- ~~G. Hotels, motels, and bed and breakfast rooms and inns;~~
- ~~H. Accessory structures and uses;~~
- ~~I. Parking facilities;~~
- ~~J. Theaters; and~~
- ~~K. Tourist accommodations—commercial. (Ord. 733, 1997; Ord. 527, 1989)~~

~~The Table in LMC 18.09.010 identifies the allowed land uses in the CB District. Multi-Family dwelling units are permitted in principal buildings as a secondary use provided that commercial uses shall occupy the first and/or street level of the building.~~

~~18.16.020~~

~~Secondary uses.~~

~~Secondary uses in the CB zone are:~~

- ~~A. Dwelling units in principal buildings; provided, that commercial uses shall occupy the first and/or street level of the building;~~
- ~~B. Consumer goods repair;~~
- ~~C. Onsite hazardous waste treatment and storage facilities; provided, that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210, or its successor;~~
- ~~D. In-home family day care;~~
- ~~E. Adult family homes;~~

~~F. Wireless communication antenna arrays. (Ord. 754, 1997; Ord. 703, 1995; Ord. 687, 1994; Ord. 612, 1992; Ord. 527, 1989)~~

18.16.030

Conditional uses:

Conditional uses in the CB zone are:

~~A. Outside storage and display;~~

~~B. Public and utility buildings and structures except transmission lines and structures;~~

~~C. Service stations;~~

~~D. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.39 feet (one meter) in diameter or more than 15 feet in height. (Ord. 754, 1997; Ord. 527, 1989)~~

18.16.090

Binding site plan:

~~A binding site plan is required for commercial development in instances where only a portion of the contiguous property which is zoned commercial and in one ownership is proposed to be developed or where multiple developments are proposed on contiguous property in one ownership and shall include:~~

~~A. All information required on a preliminary plat;~~

~~B. The location of all proposed structures;~~

~~C. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common horticultural name, the installed and mature height of all vegetation;~~

~~D. Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;~~

~~E. Inscriptions or attachments setting forth the limitations and conditions of development; and~~

~~F. The provisions ensuring the development will be in conformance with the site plan as approved. (Ord. 565, 1990; Ord. 527, 1989)~~

Chapter 18.18

NB ZONE – NEIGHBORHOOD BUSINESS

Sections:

- 18.18.010 ~~Principal Land~~ uses.
- ~~18.18.020 Secondary uses.~~
- ~~18.18.030 Conditional uses.~~
- 18.18.040 Minimum lot size.
- 18.18.050 Maximum density.
- 18.18.060 Maximum height.
- 18.18.065 Maximum lot coverage.
- 18.18.070 Setbacks.
- ~~18.18.080 Binding site plan.~~
- 18.18.090 Requirement to connect to city water and sewage systems.

18.18.010

~~Principal Land~~ uses.

~~Principal uses in the NB zone are:~~

- ~~A. Two-family dwellings (duplexes);~~
- ~~B. Bed and breakfast rooms and inns;~~
- ~~C. Hotels and motels;~~
- ~~D. Offices;~~
- ~~E. Restaurants, exclusive of fast food and drive-in;~~
- ~~F. Personal services;~~
- ~~G. Nurseries;~~
- ~~H. Day care centers;~~
- ~~I. Health clubs;~~
- ~~J. Multifamily dwellings;~~
- ~~K. Home day care;~~

~~L. In buildings that were legally in existence prior to January 25, 1989, the following uses and conditions apply:~~

- ~~1. Production of goods;~~
- ~~2. Warehousing and storage of goods (not including self-storage);~~
- ~~3. Repair services;~~
- ~~4. The sale of goods is limited to:~~
 - ~~a. Those goods produced and/or assembled on site and where other goods for sale do not occupy more than 10 percent of the gross floor area of the business; or~~
 - ~~b. Where retail sales is a limited element (hours and/or scope of activity) of the operation;~~
- ~~5. In furtherance of implementing the city comprehensive plan policy to “preserve and enhance the distinctive entrances to the city that set an inviting tone for the city,” the following criteria shall apply:~~
 - ~~a. All activities shall be screened from the view of the adjacent residences and shall be screened to the maximum extent possible from adjacent public streets; and~~
 - ~~b. All activities shall be conducted within an enclosed building;~~
- ~~M. Tourist accommodations — commercial;~~
- ~~N. Medical-dental clinics. (Ord. 788, 2000; Ord. 771, 1999; Ord. 733, 1997; Ord. 696, 1995; Ord. 572, 1990; Ord. 527, 1989)~~

The Table in 18.09.010 identifies the allowed land uses in the NB District.

18.18.020

Secondary uses-

Secondary uses in the NB zone are:

A. Accessory uses and structures;

B. Home occupations;

C. Foster homes;

D. Home day care;

E. Guest Houses. Guest houses are added as a secondary use under this section but only if the principal use of the subject property under this chapter is a single family dwelling;

F. In-home family day care;

G. Adult family homes;

H. Wireless communication antenna arrays. (Ord. 771, 1999; Ord. 754, 1997; Ord. 703, 1995; Ord. 696, 1995; Ord. 687, 1994; Ord. 597, 1991; Ord. 591, 1991; Ord. 527, 1989)

18.18.030

Conditional uses-

Conditional uses in the NB zone are:

A. Churches and schools;

B. Boardinghouses;

C. Public facilities;

D. Radio transmitting/receiving and satellite receiving antennas over 3.28 feet in diameter;

E. Social service facilities;

F. Libraries and museums;

G. Nursing homes;

H. Veterinary clinics for small animals;

I. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.28 feet (one meter) in diameter or more than 15 feet in height;

J. Home occupations exceeding 600 square feet in accessory buildings;

K. Senior retirement facilities. (Ord. 846, 2004; Ord. 771, 1999; Ord. 754, 1997; Ord. 527, 1989)

18.18.080

Binding site plan-

A binding site plan is required for commercial development in instances where only a portion of the contiguous property which is zoned commercial and in one ownership is proposed to be developed or where multiple developments are proposed on contiguous property in one ownership and shall include:

A. All information required on a preliminary plat;

B. The location of all proposed structures;

C. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name and taxonomic designation, the installed and mature height of all vegetation;

D. Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

~~E. Inscriptions or attachments setting forth the limitations and conditions of development;~~
and

~~F. The provisions insuring the development will be in conformance with the site plan. (Ord. 527, 1989)~~

18.18.090

Requirement to connect to city water and sewage systems.

All development in this zone is required to be served by the city's public water system and sewage system, except as otherwise addressed in the city code. See Title 13 for connection requirements. (Ord. 820, 2002; Ord. 771, 1999; Ord. 527, 1989)

Chapter 18.19

P-1 ZONE – PUBLIC USE

Sections:

- 18.19.010 ~~Principal Land~~ uses.
- ~~18.19.020 Secondary uses.~~
- ~~18.19.030 Conditional uses.~~
- 18.19.040 Minimum lot size.
- 18.19.050 Maximum height.
- 18.19.060 Setbacks.
- 18.19.070 Design review.

18.19.010

~~Principal uses.~~

~~Principal uses in the P-1 zone are:~~

- ~~A. Municipal facilities, such as watersheds, reservoirs, sewage treatment plants, police and fire stations, and City Hall/offices;~~
- ~~B. Public schools and grounds, administrative offices and related facilities;~~
- ~~C. Public parks and open space areas;~~
- ~~D. Other governmental facilities, such as fairgrounds;~~
- ~~E. Private utilities that are regulated by the state, and therefore, quasi-public entities. (Ord. 733, 1996)~~

~~The Table in LMC 18.09.010 identifies the allowed land uses in the P-1 District.~~

18.19.020

~~Secondary uses.~~

~~Secondary uses in the P-1 zone are:~~

- ~~A. Facilities for caretakers or on-duty employees;~~
- ~~B. Parking;~~
- ~~C. Wireless communication antenna arrays. (Ord. 754, 1997; Ord. 562, 1990)~~

18.19.030

~~Conditional uses.~~

~~Conditional uses in the P-1 zone are:~~

- ~~A. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.39 feet (one meter) in diameter or more than 15 feet in height.~~
- ~~B. Campgrounds, subject to providing a visual screen from adjacent properties and roadways; service by the city water and sewer systems, including dumping facilities for recreational vehicles; minimum 10-foot separation between recreational vehicles or tents; and limits on stays to no more than 30 consecutive days within a 60-day period. (Ord. 820, 2002; Ord. 754, 1997)~~

18.22.070

Bed and breakfast rooms.

The following provisions apply to bed and breakfast rooms:

- A. Not more than two rooms on the premises are utilized for bed and breakfast rooms;
 - B. Parking spaces for all guest vehicles shall be provided on the premises except in the central business zone pursuant to Section 18.22.130(E)(12);
 - C. Only one business sign, having an area not more than four square feet, shall be located on the premises (except in the commercial zones);
 - D. No bed and breakfast room shall be rented to more than two persons;
 - E. The construction of the building in which the bed and breakfast room is situated and the operation of the bed and breakfast room shall comply with all applicable rules, regulations, ordinances, statutes and orders of the federal, state and municipal governments, or other duly constituted public authority, including, without limitation, local and state health and fire regulations, local business license, and building code requirements;
 - F. No other business, service or commercial activity is conducted or provided on the premises, except in one of the business-commercial zones;
 - G. Bed and breakfast room(s) ~~in the building of principal use~~ are subject to administrative review by the city planning official. Notice shall be given to the owners of the property adjacent to the property that is the subject of the application. The notification shall be given in a manner designed to give the property owners notice of the application and sufficient time to comment on the application. The city planning official's review shall include but not be limited to:
 - 1. A determination that city regulations applicable to bed and breakfast rooms have been satisfied;
 - 2. A determination that the bed and breakfast proposal contained in the application is compatible with the permitted uses in the residential zone.
- The city planning official may attach such conditions to his/her recommendation that are reasonably required to ensure that the use of the rooms as bed and breakfast rooms will not be significantly detrimental to the public health, safety and welfare, will not diminish the value of nearby property, or will not disturb persons in the use of their property. (Ord. 583, 1990; Ord. 527, 1989)

18.22.180

Cottage housing.

The following regulations apply to cottage housing developments (CHDs):

- A. Density and Minimum Lot Area.
 - 1. In CHDs the permitted density shall be one dwelling unit per two 2,904 square feet of lot area (15 units per acre).
 - 2. The minimum lot area for a CHD shall be 11,616 square feet.
 - 3. On a lot to be used for a CHD, an existing detached single-family residential or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.
- B. Height Limit and Roof Pitch.
 - 1. The height limit permitted for structures in CHDs shall be 18 feet.
 - 2. The ridge of pitched roofs with a minimum slope of six to 12 may extend up to 25 feet. All parts of the roof above 18 feet shall be pitched.
- C. Lot Coverage and Floor Area.
 - 1. The maximum lot coverage permitted for principal and accessory structures in CHD shall not exceed 40 percent.

2. The maximum first floor or main floor area for an individual principal structure in a CHD shall be as follows:

- a. For at least 50 percent of the units, floor area shall not exceed 650 square feet;
- b. For no more than 50 percent of the units, the floor area may be up to 800 square feet.

3. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 975 square feet, whichever is less.

D. Yards.

1. Front Yards. The front yard shall be an average of 10 feet and at no point shall be less than five feet.

2. Rear Yards. The minimum rear yard shall be 10 feet.

3. Side Yards. The minimum required side yard shall be five feet.

E. Required Open Space.

1. A minimum of 400 square feet per unit of common open space is required.

2. At least 50 percent of the cottage unit shall abut the common open space, all of the cottage units shall be within 60 feet walking distance of the common open space, and the common open space shall have cottages abutting at least two sides.

F. Parking.

1. One and one-quarter spaces per dwelling unit shall be required.

2. Location.

a. Parking shall be on the CHD property.

b. Parking may be in or under a structure or outside a structure; provided, that:

(1) The parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping.

(2) Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.

(3) Parking may not be located in the front yard.

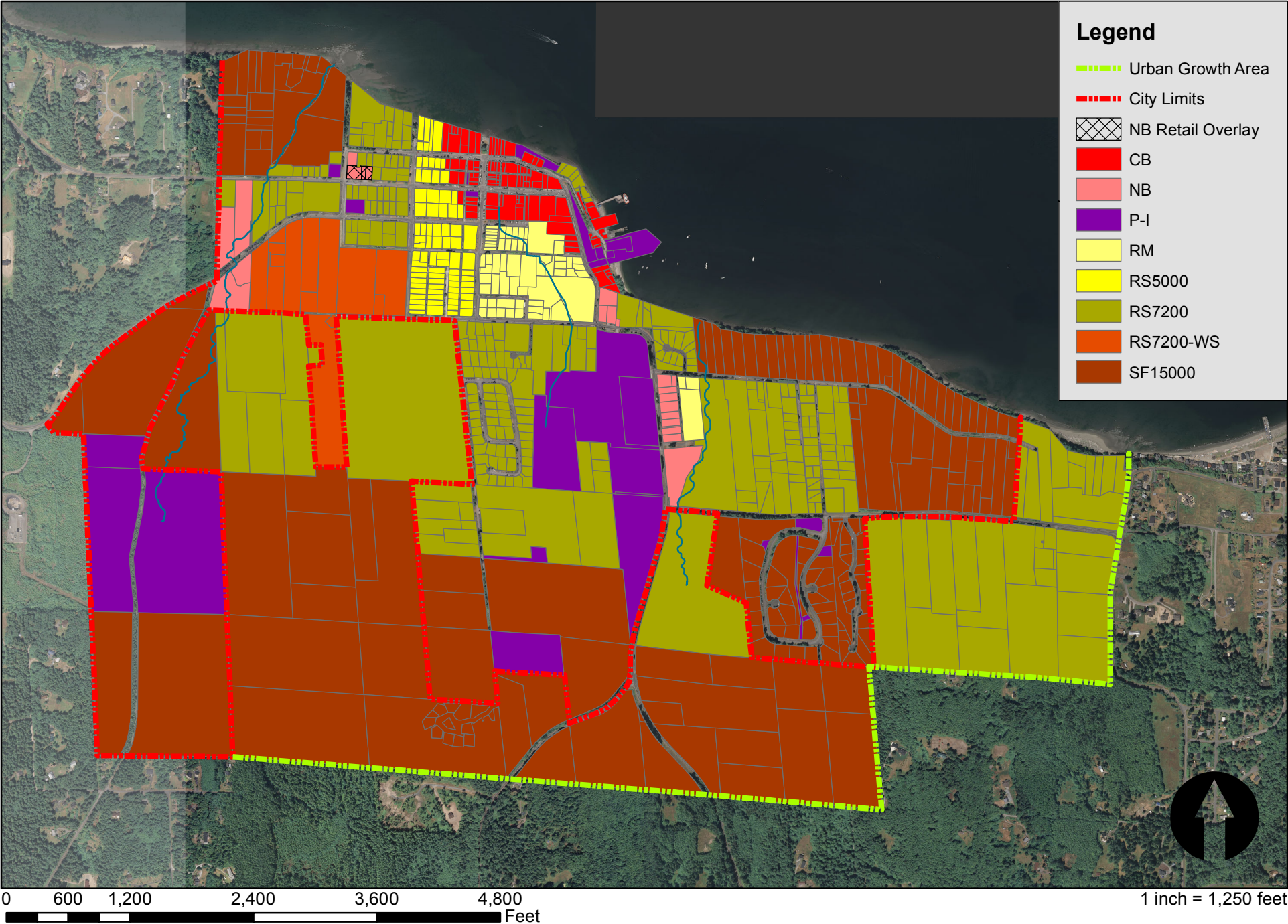
(4) Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line, which is not a street side lot line.

G. Design Review. Cottage housing developments are subject to design review per the requirements set forth in Chapter 18.34. (Ord. 788, 2000; Ord. 771, 1999; Ord. 733, 1997; Ord. 699, 1995)

H. Zoning Districts. Cottage housing developments are only permitted in the residential zoning districts.

City of Langley Zoning Map

DRAFT September 2014



Amendments to Title 18: Landscaping and Tree Retention Standards

Existing: 18.22.020 Landscaping.

~~All lots shall be generously landscaped, and consistent with the natural environment of Langley and appropriate to the planned use. Retention of natural landscaping is encouraged. (Ord. 527, 1989)~~

C. Tree Protection Encouraged. ~~For projects on land that falls below the size threshold of this section,~~ Developers are strongly encouraged to retain as many native trees and as much undergrowth as feasible in support of the city's policy of promoting native landscape retention. (Amended during 2013 reformat; Ord. 966 § 1, 2012; Ord. 743, 1997)

AMENDED – 18.01.040 Definitions

“City Forester” means a volunteer position appointed by the Mayor and confirmed by the City Council to perform the duties required to implement and administer the provisions of this chapter. The City Forester shall have demonstrated education and/or professional experience necessary to fulfill the duties as assigned. A certified arborist is preferred, but not required to fill the City Forester position.

“Hazard tree” means any tree, or part thereof, that the City Forester determines is subject to a high probability of failure, due to structural defect or disease, and which poses a potential threat to people or property in the event of failure. The determination of “hazard” does not require the judgment that a tree is in danger of imminent failure.

“DBH” means the diameter of the tree at breast height.

“Significant Tree” – means any living woody perennial plant characterized by a main stem or trunk having many branches and having a diameter of 12 inches or more measured at breast height. For bifurcated or multi-trunked trees, the diameters of the individual stems are added together to determine if a tree meets the 12” minimum diameter to qualify as a significant tree.

“Native Plant” means plants and trees that occur naturally in a particular region, ecosystem, or habitat without direct or indirect human intervention.

NEW – 18.22.020 Landscape Design and Tree Retention

1. Purpose. The City of Langley's identity is defined by its beautiful natural setting and human scaled downtown characterized by extensive landscaped gardens both on private properties and within the public realm of streets, parks and open spaces. Langley is surrounded by mature coniferous forest that delineates the urban city from the rural county while strengthening the city's sense of place within the surrounding landscape. The preservation and enhancement of these features are important to the future of the city to achieve environmental, social and economic sustainability. Other objectives are to:

- a. Retain existing vegetation, tree stands and significant trees by incorporating them into the site design.
 - b. Incorporate native vegetation and drought resistant plant material into new landscape developments as appropriate.
 - c. Provide vegetated screening between different land uses and intensities
 - d. Minimize the visual and physical impact of parking areas with vegetative screening and shade
 - e. Provide vegetated screening between residential and nonresidential areas.
 - f. Beautify the commercial districts with extensive gardens and landscape installations
 - g. Create pedestrian oriented spaces in the downtown with a blend of hardscape and landscape features
 - h. Balance the desire to preserve trees and vegetation with the desire for openness of space and sun exposure.
 - i. Maintain and increase bluff stability by intercepting runoff and groundwater via landscaping.
 - j. Ameliorate weather and climate impacts by retaining and planting trees to block and filter wind, provide shade where desired and store carbon.
2. Applicability. The standards herein apply to any multi-family development, all subdivisions (plats), and all non-residential development including site plans, binding site plans and planned unit developments. Single and two-family lots are exempt from the requirements of this section with the exception of the standards addressing the preservation of significant trees (LMC 18.22.020.9) or if vegetation is to be preserved as part of a subdivision approval.
3. Professional Designer. All landscape plans shall be prepared by a ~~registered~~-licensed landscape architect or landscape designer qualified to provide landscape design services as exhibited by experience with past projects, education or a combination thereof.
4. Submittal Requirements. All landscape plans shall include the following:
 - a. A detailed site plan of all existing and proposed trees and vegetation at a minimum scale of 1"=30' identifying all existing and proposed landscaping
 - b. A detailed plant and tree list showing the type of species and size at installation and whether the plants are native or non-native. Non-native species may be allowed with evidence of their suitability for the proposed application.
 - c. A narrative identifying the overall design concept for the proposed landscaping plan and demonstrating compliance with the requirements of this section.
5. Standards for Parking Lots and Walkways
 - a. A minimum of one tree for every eight parking spaces is required for planting along the interior of parking lots and one tree for every four spaces along the exterior of parking lots and along the right-of-way.
 - b. A minimum of 10' between the edge of the right-of-way and the parking lot shall include extensive landscaping consisting of trees, shrubs and plants to soften the visual impact of the parking lot. The intent is not to create a completely opaque vegetative screen, but to soften the visual impact of the parking areas
 - c. All trees shall be a minimum two-inch caliper when planted.

- d. Dedicated walkways through parking areas shall include a minimum of 5' of landscaping along both sides of the walkway.
- e. Walkways along building frontages shall have a minimum 10' of landscaped area between the walkway and the building.

6. Street Trees

- a. A street tree shall be planted for every 40' of frontage along the street and shall be located either within the right-of-way or along the frontage of the property within 10' of the right-of-way.
- b. The street tree species must be demonstrated to be appropriate for the given location, that it will not damage infrastructure in the area (sidewalks, roadway, utility lines, etc.), unnecessarily block views from public or private property. The property owner shall demonstrate an ability to properly maintain the tree by submitting a management plan for review and approval.
- c. When selecting a street tree applicants shall consult with the Seattle Department of Transportation Street Tree list as a guide and reference support for the selected species within the street list unless an alternative is specifically approved.

7. Site Design Techniques. Sites shall be designed to include, but not limited to, the following features unless determined by the city to not be applicable or appropriate for the specific project:

- a. Landscape open areas created by building modulation.
- b. Retain natural vegetation and undisturbed open space.
- c. Use plants that require low amounts of water, including native drought-resistant species.
- d. Locate trees on storefront street frontages at appropriate spacing so that at maturity building signage and entrance are clearly visible from the street and sidewalk.
- e. Plant a mix of evergreen and deciduous plants to maintain year-round color and interest.
- f. Incorporate on-site natural objects such as rocks, boulders and tree stumps into landscape design where possible.
- g. Shrubs, grasses and other non-tree vegetation shall be included in the plan as appropriate to the site on a case-by-case basis.
- h. Consider incorporating seating areas and public art into the landscape design is encouraged
- i. Consider pPlanters, hanging baskets, window boxes or other landscape features along the street for sites that do not have landscape areas on-site

8. Planting Requirements

- a. Intent. The intent of this section is to encourage the use of native species and non-native species that have adapted to the climate of Whidbey Island.
- b. Requirements. Landscape designs shall conform to the following provisions:
 - i. Areas that do not include landscaping required by this chapter including parking, structures or other site improvements should be planted or preserved with native vegetation.
 - ii. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region. Species on any state noxious weed list are expressly prohibited.
 - iii. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
 - iv. New tree plantings shall be a minimum two inch caliper if deciduous or six feet in height if evergreen. Soil planting types and depth shall be sufficient for tree planting.
 - v. Existing vegetation may be used to augment new plantings to meet the standards of this chapter at a ratio of 1:1.

9. Tree Retention and Protection.

- a. A plan of all existing significant trees shall be provided with applications for development subject to these standards.
- b. Where feasible, Projects shall be designed to avoid the removal of significant trees where feasible without diminishing allowed uses, densities and intensities or the function of the proposed development through development clustering or other site design techniques. Safety, Solar access for active and passive solar design, local food production will also be considered as part of review of the tree retention plan.
- c. Projects may be required to preserve significant trees with a native growth protection area when the tree preservation is determined to be commensurate with the project's impact or voluntarily by the applicant.
- d. No significant tree may be removed from any property without first obtaining authorization from the city planning official following consultation with the city forester. Any significant tree removed shall be replaced with an appropriate species. Consultation with neighbors is encouraged to avoid conflicts with views and infrastructure. A significant tree may be authorized for removal based on the following criteria:
 - i. The tree has been deemed hazardous by a certified arborist
 - ii. The tree is dead or dying. Confirmation from a certified arborist may be required.
 - iii. The property owner desires solar access for passive or active solar energy or for agricultural purposes upon a showing that removal of the tree will significantly increase solar access.
 - iv. View Preservation or retention – The city may authorize the removal of significant trees(s) for view preservation and retention upon determining that it is not feasible to retain the tree and preserve or retain the view through pruning. Any significant tree removed must be replaced with two

additional trees in suitable locations that will not block views from the subject property in the future unless determined by the planning official to not be reasonable or feasible.

- v. Approved site development including structures, driveways, parking areas and walkways.
 - e. Trees within critical areas or buffers may not be authorized for removal unless the tree(s) are deemed to be dead, dying and hazardous as approved by the planning official. Trees removed from critical areas must be replaced with an appropriate native species.
- 10. Enforcement. In addition to the enforcement provisions of LMC 1.14 the City may require the replacement of any significant tree at a ratio of up to 4:1 if removed in violation of this section.
- 11. Modifications. The planning official may approve modifications to the standards contained in this section to achieve the overall purpose and intent of this section.

Site Plan Review Process

Chapter 18.27 (NEW)

18.27.010 Purpose.

The site plan review process is intended to provide an opportunity for a comprehensive review of development applications for multi-family and non-residential development applications. In addition, the site plan review process integrates design review with review of the proposal in accordance with the general development standards.

18.27.020 Applicability

Site plan review shall be required for all non-residential development and multi-family development consisting of three or more dwelling units. The site plan process shall be integrated with design review for those projects subject to design review.

18.27.030 Types of Applications

A. Type I Administrative

1. Type I applications require administrative review and approval by the planning official. Type I applications require a notice of development application in accordance with LMC 18.36.020.
2. The following projects require Type I site plan review:
 - a) Development of at least 3, but not more than 10 Residential Units
 - b) 5,000 square feet or less of new non-residential square footage
 - c) Other developments including a change of use where the impacts from parking, traffic, noise or other factors are significant enough to warrant Type I site plan review as determined by the planning official.
 - d) Projects below the above thresholds and other projects determined by the planning official to be minor in nature will be reviewed as a certificate of zoning compliance.

B. Type II Hearing Examiner

1. Type II applications require review and approval from the hearing examiner following a public hearing. Type II applications require a notice of development application in accordance with LMC 18.36.020.
2. The following projects require Type II site plan review:
 - a) 11 or more Residential Units
 - b) Over 5,000 square feet of new non-residential or mixed-use square footage (within a 3 year period)
 - c) Change of use involving over 5,000 square feet of non-residential use(s) where the impacts from parking, traffic, noise or other factors are significant enough to warrant Type II site plan review as determined by the planning official.
 - d) Other developments where the impacts from parking, traffic, noise or other factors are significant enough to warrant Type II site plan review as determined by the planning official.

18.27.040 Site Plan Review Standards

A. All site plan review applications shall be reviewed in accordance with the required findings listed in LMC 18.36.040.B in addition to all applicable development regulations.

B. The planning official (Type I) and hearing examiner (Type II) may approve, approve with conditions, or disapprove the application for site plan and design review. Conditions may be imposed to enable the proposal to meet the standards of the decision criteria.

18.27.050 Adjustments to Approved Site Plan.

1. Minor adjustments to an approved site plan and design review may be made after review and approval by the planning official. Minor adjustments are those that include minor changes in dimensions or siting of structures or the location of public amenities, but do not include changes to the intensity or character of the use for Type II applications. Minor adjustments are processed through a written request from the applicant and a written response from department staff. The city response is placed in the project file and is effective to modify the approval as described in the response.

2. Adjustments other than minor adjustments to an approved site plan and design review require a new or amended application as determined by the planning official. Major adjustments are those that change the basic design, intensity, density, or character of the use.

18.37.070 (Amended)

Authority and duties.

A. The examiner is vested with the duty and authority to hold public meetings and hearings and render final decisions on the following matters:

1. Preliminary plats and planned unit developments when subject to public review;

2. Preliminary binding site plan approvals when subject to public review;

3. Conditional use permits, when subject to public review;

4. Zoning code variances, when subject to public review;

5. Shoreline substantial development permits when subject to public review, shoreline conditional development permits, shoreline variances, and appeals of administrative determinations and design review board decisions;

6. Variances from the city's sign code;

7. Variances from the city's floodplain management code;

8. Such other regulatory, enforcement or quasi-judicial matters as may be assigned to the examiner by the city council;

9. Complaints by citizens or city staff seeking administrative enforcement of provisions of city land use codes or conditions in development permits and approvals, or seeking rescission or modification of such permits or approvals

10. Type II Site Plan Review

B. The hearing examiner shall make decisions on the following appeals:

1. Administrative appeals from decisions and interpretations by city staff relating to land use codes, SEPA and permits;

2. Appeals from administrative decisions on short plats;

3. Appeals from administrative decisions on critical area alteration decisions;

4. Appeals from administrative decisions on shoreline exemptions, shoreline substantial development permits, shoreline conditional use and shoreline variance decisions, and appeals of rescissions of such permits;

5. Appeals of administrative decisions/interpretations of the flood damage prevention ordinance;

6. Appeals regarding administrative zoning code enforcement, zoning variances, interpretations of the zoning code, and zoning setback reduction;

7. Appeals of all State Environmental Policy Act (SEPA) threshold determinations. SEPA exemption decisions are not appealable;

8. Appeals of enforcement orders issued by the planning official, including shoreline enforcement orders and those enforcement orders where the civil penalties for violation are set forth in RCW 90.50.210.0;

9. Appeals of administrative revocation of approvals or permits;

~~10. Appeals of design review board decisions;~~

11. Appeals of decisions of the public works director; and

12. Appeals of decisions of the city building official.

C. The hearing examiner may:

1. Administer oaths and affirmations.

2. Issue subpoenas.

3. Rule upon offers of proof and receive evidence.

4. Conduct view trips.

5. Regulate the course of the hearing and the conduct of the parties.

6. Question any party presenting testimony at the hearing.

7. Require briefs on legal issues.
8. Consider and rule upon procedural and other motions.
9. Make decisions.

D. The hearing examiner may hold pre-hearing conferences to clarify issues or structure the proceeding, provided all affected parties receive reasonable notice and either attend or waive their right to attend. At the hearing, or by pre-hearing order, the hearing examiner shall communicate for the record the time, purpose, and result of the conference.

E. Where it would assist the examiner in clarifying or understanding the evidence adduced at hearing, the examiner may inspect property subject to an appeal, application or recommendation. The site inspection shall be taken out of the presence of any interested party whenever feasible. If accompaniment by an interested party is necessary to fully view the property no substantive discussion shall occur during the inspection. An accompanied site inspection should be, but is not required to be, disclosed at the outset of the hearing.

F. No elected official, officer, employee, or agent of the city shall supervise or direct the hearing examiner's adjudicative functions. (Ord. 957 § 1 (Exh. A), 2011)

18.36.025 Permit applications requiring administrative action by the planning official. (Amended)

A. The city planning official may administratively approve, approve with conditions, or deny applications for certain land use proposals. Such administrative permit applications are listed below. If an application is found to be consistent with the city's zoning ordinance, this title, and with other applicable code provisions and city requirements, a certificate of zoning compliance or other appropriate approval shall be issued subject to compliance with public notice requirements.

B. Administrative permit applications requiring notification of application:

1. Bed and breakfast rooms.
2. Short subdivisions.
3. Accessory dwelling units.

4. Shoreline exemptions and shoreline substantial development permits, except those permits where a corollary permit is subject to the quasi-judicial process.
5. Accessory buildings having a gross floor area greater than 1,200 square feet.
6. Tourist accommodations – commercial.
7. Reduction of yard setbacks as provided for in Section [18.22.030](#)(C).

8 Type I Site Plan Review

C. Administrative permit applications not requiring notification of application, including but not limited to:

1. Boundary line adjustments;
2. Home occupations not requiring a conditional use permit;
3. Reductions of critical areas buffers as provided for in Section [16.20.070](#);
4. Critical/sensitive areas review pursuant to Chapter [16.20](#) requirements;
5. Written code interpretations; and
6. Other minor actions (e.g., remodeling existing commercial buildings to accommodate new businesses).

7. New or modified one and two family dwellings

8. Signs

Chapter 18.34

DESIGN REVIEW

Sections:

- 18.34.010 Purpose.
- 18.34.030 Scope.
- 18.34.040 Approval required.
- 18.34.050 Application.
- 18.34.060 Review of application.
- 18.34.070 Notice required when.
- 18.34.080 Bond.
- 18.34.100 Design standards.
- 18.34.120 Actions of board.
- 18.34.130 Appeals.
- 18.34.140 Enforcement.

18.34.010

Purpose.

The purpose of this chapter is to establish a process for integrating design review with the city's development permitting process design approval requirements and procedures in order to promote, preserve and enhance the city's architectural heritage and visual character, while recognizing the existing variety of architectural styles within the city, allowing maximum flexibility for building design, and encouraging individual initiative in the development process. Rather than requiring replication of a particular architectural style, the purpose of design standards should be to emphasize desirable functional characteristics to be incorporated in new development/redevelopment. (Ord. 527, 1989)

18.34.030

Scope.

A. Design review shall apply to all private-non-residential development development in the central business, public and neighborhood business zones and all-certain development in the residential zones including subdivisions (long plats), multi-family development, planned unit developments, cottage housing, clustered residential development attached single-family dwelling units (townhouses), duplexes, detached accessory dwelling units, wireless communication antenna arrays, and additions to single family residences to accommodate an accessory dwelling unit or bed and breakfast room(s) with the exception of one family dwellings; provided, that and accessory buildings larger than 1,200 square feet are subject to the provisions of this chapter as set forth in Section 18.22.050(B)(2)(b). Specifically exempt from design review are developments involving one and two family dwellings unless part of a larger project that is subject to design review.

B. "Development" means any improvement to real property open to exterior view including, but not limited to, buildings, structures, fixtures, landscaping, site screening, parking lots, lighting, pedestrian facilities, street furniture and improvements (not to include street maintenance), use of open areas, whether all or any are publicly or privately sponsored, and signs (per Chapter 18.35). Included in this definition are modifications of a substantial nature to existing buildings, including changes to structural

components and changes in the exterior size of buildings, but does not include color changes. "Development" does not include underground utilities. All development by the city and other public agencies shall be subject to design review with the exception of development within a public street-right-of-way. Development by the city within street right-of-ways shall be subject to advisory review and recommendation by the Design Advisory Board for consideration by the Mayor and City Council in approving the project. (Ord. 820, 2002; Ord. 788, 2000; Ord. 733, 1997; Ord. 696, 1995)

C. Concept Review. Concept review with the design advisory board is recommended for all projects. The purpose of the concept review is to allow for review and input from the design advisory board prior to final design and before detailed plans are developed. Concept review will be required by the planning official for all projects that are determined to have the potential for substantial impacts on the design and character of the community. At a minimum projects subject to Type I or Type II site plan review, binding site plans, cottage housing and planned unit developments shall be required to have both a concept review and a final review by the design advisory board prior to the issuance of a project recommendation. At the request of applicants the Design Advisory Board will conduct and facilitate design workshops as part of the conceptual review.

18.34.040

Approval required Design Advisory Board Recommendation.

A recommendation from the design advisory board ~~Design approval~~ shall be required prior to the issuance of any permit, ~~or approval or initiating physical development required for grading or clearing development that is subject to design review as outlined in 18.34.030(A).~~ ~~, construction or demolition or modification of structures, or prior to initiating the physical development, whichever shall come first.~~ ~~Such permits include, but are not limited to, building permits and conditional use permits.~~ Unless the project is subject to review by the Hearing Examiner the Planning Official shall make all final determinations regarding compliance with the design review standards and issue a detailed design review decision addressing legal compliance. All construction or other activities undertaken pursuant to such permits and approvals shall be in conformance with the design approval granted pursuant to this chapter. (Ord. 527, 1989)

18.34.050

Application.

Applications for design ~~review~~ approval shall be submitted to the ~~city services director~~ planning official on such forms and with such content as required by the ~~design review board~~ city at least 10 business days prior to the scheduled meeting date. The design review submittal shall be a component of a complete development application submittal including other required permits. The applicant may submit the plans required in this section in preliminary or sketch form, so that the comments and advice of the design ~~review~~ advisory board may be incorporated into the final plans submitted for application. ~~There shall be a \$10.00 fee per design review session on each application.~~ (Ord. 594, 1991; Ord. 527, 1989)

18.34.060

Review of application.

The city planning official shall ~~immediately~~ review the application as provided in Section 18.34.050 and schedule the item for the next ~~scheduled~~ available meeting of the

design ~~review~~-advisory board. The design ~~review~~-advisory board shall review the proposed development at a public meeting and recommend ~~approval~~, conditionally approval, or to deny the proposal. Because the design advisory board makes only a recommendation there are no appeals. The decision of the design review board is final unless appealed pursuant to Section 18.34.130. The board may continue the meeting on the proposal to allow changes in the proposal or to obtain information needed to allow changes in the proposal, or to obtain information needed to properly review the proposal. After approval by the design review board or by the hearing examiner, after review on appeal, ~~The~~ the planning official shall have the authority to approve design modifications that maintain the intent of the original permit approval without seeking an additional recommendation from the design advisory board. (Ord. 957 § 24, 2011; Ord. 820, 2002; Ord. 527, 1989)

18.34.070

Notice required when.

Public notice by mail, posting or newspaper publication shall not be required, except for applications that otherwise require a notice of application or require an environmental impact statement, in which case notice of the hearing shall be required by Chapter 16.04. (Ord. 527, 1989)

18.34.080

~~Bond.~~

~~The design review board may require that a bond be posted to ensure the satisfactory installation of site improvements. (Ord. 527, 1989)~~

18.34.100

Design standards.

The design ~~review~~-advisory board shall establish a set of design standards for both site and building developments. The standards shall serve as a guide to the applicant and the board in the review of all proposals that are subject to this chapter. The standards established by the board shall be forwarded to the city council for adoption as a part of this chapter. The design review requirements established in this chapter shall not take effect until the design standards called for in this section have been adopted by the city council. (Ord. 527, 1989)

18.34.120

Actions of board.

~~Approval or conditional~~ A recommendation for approval of the design of a development project does not constitute approval or imply potential approval of any other permit that may be required for the development. (Ord. 527, 1989)

18.34.130

Appeals.

~~Any interested party may appeal a decision of the design review board to the hearing examiner pursuant to Section 18.36.120. No appeals of the design advisory board recommendation are provided.~~ (Ord. 957 § 25, 2011; Ord. 527, 1989)

18.34.140

Enforcement.

Enforcement of this chapter shall be in accordance with the enforcement provisions of this code (Section 18.42.030) and the city building code. (Ord. 527, 1989)

Signs

18.35.050

Sign area.

A. 1. The total sign area for any single enterprise may be up to 20 square feet, subject to review and ~~approval-recommendation~~ by the design ~~review-advisory~~ board, taking into consideration the criteria set forth in Section 18.35.010.

18.35.060

Permitted sign types.

A. Freestanding Signs. Signs supported by uprights extending from the ground, not attached to a building. Height of freestanding signs shall not exceed nine feet and freestanding signs shall not exceed 20 square feet in area each side, including support structure. The height of freestanding signs is measured from the grade at the edge of the right-of-way to the top of the sign. If unusual topography, architectural or landscape elements, building setting or road curvature merit special considerations, an exemption may be considered.

Freestanding signs 42 inches or less in height may be located in the street setback a minimum of five feet from the property line or edge of improvements. Signs exceeding 42 inches in height shall set back one additional foot for every foot over 42 inches. Freestanding signs shall not block visibility from driveways, accesses or at street intersections.

B. Joint Freestanding Signs. Signs supported by uprights extending from the ground, not attached to a building shared by more than one enterprise. The total area of any joint freestanding signs shall not exceed 28 square feet in area each side including support structure.

1. Each enterprise is entitled to an equal share of the sign space including the building name.

2. If more than one freestanding sign is used, it shall be similar or the same in design.

C. Building Surface Signs. Signs that are attached parallel to or painted directly on a wall surface of a building.

1. If an applicant demonstrates ~~to the satisfaction of the design review board~~ that a wall sign is an integral part of the architecture and constitutes a "super graphic," the ~~board-planning official, following a recommendation from the Design Advisory Board,~~ may waive the size restrictions.

d. Banners, pennants, flyers, ribbons or other fluttering devices may be ~~permitted following a recommendation from the Design Advisory Board~~~~used with approval of the design review board;~~

e. Sidewalk Showcases and Kiosks. These may be used with special permission of ~~the city following a recommendation from~~ the design review board

provided written permission has been granted by the director of public works and a hold harmless agreement has been furnished to the city.

18.35.110

Permit – Review of application.

All sign permit applications shall be ~~approved-reviewed~~ by the design ~~review~~ advisory board. The design advisory board shall make a recommendation to the planning official following review of each application (Ord. 704, 1995; Ord. 465, 1985)

18.35.150

Permit – Denial – Notice.

When a sign permit is denied ~~by the design review board~~, written notice of denial shall be given to the applicant along with a brief written statement of the reasons for the denial. (Ord. 465, 1985)

18.37.070

Authority and duties.

A. The examiner is vested with the duty and authority to hold public meetings and hearings and render final decisions on the following matters:

1. Preliminary plats and planned unit developments when subject to public review;

2. Preliminary binding site plan approvals when subject to public review;

3. Conditional use permits, when subject to public review;

4. Zoning code variances, when subject to public review;

5. Shoreline substantial development permits when subject to public review, shoreline conditional development permits, shoreline variances, and appeals of administrative determinations ~~and design review board decisions~~;

6. Variances from the city's sign code;

7. Variances from the city's floodplain management code;

8. Such other regulatory, enforcement or quasi-judicial matters as may be assigned to the examiner by the city council;

9. Complaints by citizens or city staff seeking administrative enforcement of provisions of city land use codes or conditions in development permits and approvals, or seeking rescission or modification of such permits or approvals.

6. Variances from the city's sign code;

7. Variances from the city's floodplain management code;

8. Such other regulatory, enforcement or quasi-judicial matters as may be assigned to the examiner by the city council;

9. Complaints by citizens or city staff seeking administrative enforcement of provisions of city land use codes or conditions in development permits and approvals, or seeking rescission or modification of such permits or approvals.

B. The hearing examiner shall make decisions on the following appeals:

1. Administrative appeals from decisions and interpretations by city staff relating to land use codes, SEPA and permits;

2. Appeals from administrative decisions on short plats;

3. Appeals from administrative decisions on critical area alteration decisions;

4. Appeals from administrative decisions on shoreline exemptions, shoreline substantial development permits, shoreline conditional use and shoreline variance decisions, and appeals of rescissions of such permits;

5. Appeals of administrative decisions/interpretations of the flood damage prevention ordinance;

6. Appeals regarding administrative zoning code enforcement, zoning variances, interpretations of the zoning code, and zoning setback reduction;

7. Appeals of all State Environmental Policy Act (SEPA) threshold determinations. SEPA exemption decisions are not appealable;

8. Appeals of enforcement orders issued by the planning official, including shoreline enforcement orders and those enforcement orders where the civil penalties for violation are set forth in RCW 90.50.210.0;

9. Appeals of administrative revocation of approvals or permits;

10. ~~Appeals of design review board decisions;~~

11. Appeals of decisions of the public works director; and

12. Appeals of decisions of the city building official.

C. The hearing examiner may:

1. Administer oaths and affirmations.

2. Issue subpoenas.

3. Rule upon offers of proof and receive evidence.

4. Conduct view trips.

5. Regulate the course of the hearing and the conduct of the parties.

6. Question any party presenting testimony at the hearing.

7. Require briefs on legal issues.

8. Consider and rule upon procedural and other motions.

9. Make decisions.

D. The hearing examiner may hold pre-hearing conferences to clarify issues or structure the proceeding, provided all affected parties receive reasonable notice and either attend or waive their right to attend. At the hearing, or by pre-hearing order, the hearing examiner shall communicate for the record the time, purpose, and result of the conference.

E. Where it would assist the examiner in clarifying or understanding the evidence adduced at hearing, the examiner may inspect property subject to an appeal, application or recommendation. The site inspection shall be taken out of the presence of any interested party whenever feasible. If accompaniment by an interested party is necessary to fully view the property no substantive discussion shall occur during the inspection. An accompanied site inspection should be, but is not required to be, disclosed at the outset of the hearing.

F. No elected official, officer, employee, or agent of the city shall supervise or direct the hearing examiner's adjudicative functions. (Ord. 957 § 1 (Exh. A), 2011)

18.03.060

Minor and major changes/revisions to a site plan or design elements.

B. An applicant may request a major change(s)/revision(s) to a site plan or design elements already approved under this chapter. Such request shall be in writing and shall describe the requested minor change/revision, the reasons for requested minor change(s)/revision(s), and describe how the change(s)/revision(s) is consistent with the purpose, intent and requirements of this chapter. Any major change(s)/revision(s) to a

site plan or design element shall be approved by the original decision body and shall be subject to the design review ~~approval~~ process provided in this chapter. Changes that increase the intensity of development (e.g., trips generated or number of residential units), alter the character of the development or balance of mixed uses, increase the floor area in one building by more than 10 percent, change access points, move buildings around on the site, reduce the acreage of common open area or buffering areas, or diminish the effectiveness of perimeter buffers are major and shall be subject to the requirements of this chapter. (Ord. 969 § 1 (Att. A), 2012)