

**CITY of LANGLEY, WASHINGTON**

**Ordinance No. 1016**

**WHEREAS**, the City of Langley has adopted a Comprehensive Plan that sets forth the goals and objectives by which development within the City is governed; and

**WHEREAS**, the City has adopted a Zoning Ordinance to implement its Comprehensive Plan; and

**WHEREAS**, certain changes are necessary from time to time to ensure that zoning and development regulations are consistent with City goals and policies; and

**WHEREAS**, RCW 36.70A (the Washington Growth Management Act) allows for amendments to a jurisdiction’s zoning and development regulations, provided that such amendments are consistent with the jurisdiction’s Comprehensive Plan; and

**WHEREAS**, the amended zoning regulations set forth herein are deemed to be consistent with the City of Langley Comprehensive Plan;

**NOW, THEREFORE**, the City of Langley do hereby ordains as follows:

**Section 1.** Langley Municipal Code Section 18.10 Fairgrounds Overlay District, is hereby amended as follows:

**18.10.030 Geographic applicability.**

The provisions of this chapter shall apply solely to the area **located on the westerly side of Langley Road as identified on the official zoning map, constituting that area owned by Island County, with an underlying zoning designation of P-1, Public Use** and operated by ~~the Island County Fair Association~~ **a public or non-profit agency.**

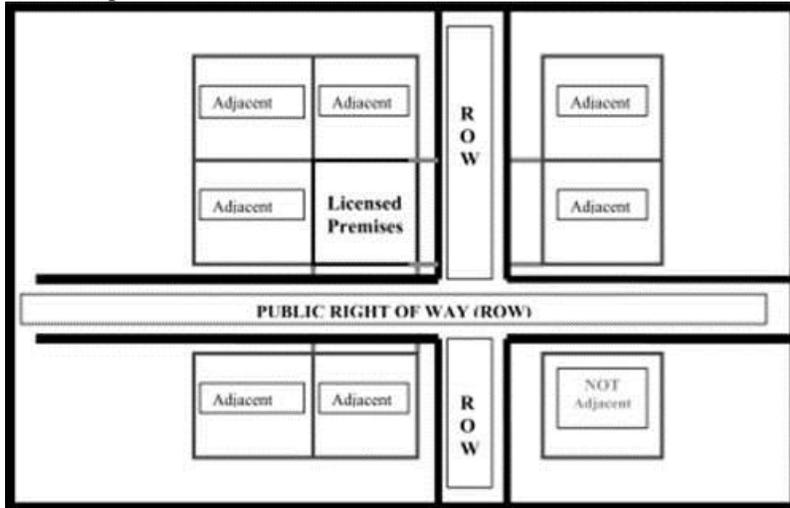
**Section 2.** Langley Municipal Code Section 18.01.040 Definitions, is hereby amended as follows:

“Accessory building” means a building which is subordinate to the principal building, and is incidental to the use of the principal building on the same lot. Examples include sheds, shops, garages, greenhouses and barns.

“Accessory dwelling unit” means a room or set of rooms either in a single-family residence or a separate building on the same lot as a single-family residence that has been designed or configured to be used as a separate dwelling unit. The accessory dwelling unit generally includes living, sleeping, kitchen and bathroom facilities and has a lockable entrance door.

“Accessory use” means a use incidental and subordinate to the principal use on the same lot.

“Adjacent” means having a common endpoint or border where the extension of the property lines of the licensed premises contacts that common border.



“Adult family home” means a regular family abode of a person or persons who are providing personal care, room, and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home is of adequate size and that the home and the provider are capable of meeting standards and qualifications set forth in Chapter 18.22.

“Alley” means a public or private thoroughfare or way which affords means of access to abutting property but not intended for general traffic circulation.

“Alteration” means a change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

“Amendment” means a change in the wording, context or substance of this title or a change in the zone boundaries upon the zoning maps adopted hereunder.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Bed and breakfast inn” means a building or group of buildings on a lot which is designed or used for rental for transient lodging, where:

1. Not more than six rooms are available for such rental;
2. Breakfast is the only meal served to persons renting such rooms, and no meals are served to members of the general public;
3. In the residential zone no other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and

4. No room is rented to more than two persons.

“Bed and breakfast room (commercial)” means a room used for rental to not more than two persons for transient lodging, situated in a building which is used primarily as a commercial establishment, where:

1. The persons renting such room are only served breakfast, and no meals are served to members of the general public; and
2. The room(s) are located above the first or street level or behind the street front side of the building.

“Bed and breakfast room (residential)” means a room used for rental to not more than two persons for transient lodging situated in a building which is used primarily as the dwelling for a non-transient family, or, in the case where there is an approved accessory dwelling unit on the same property, the principal dwelling is owner-occupied, and where:

1. The persons renting such room are only served breakfast, and no meals are served to members of the general public;
2. No other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and
3. If the principal dwelling ceases to be owner-occupied, the bed and breakfast use shall be terminated.

“Boardinghouse” means a dwelling unit in which not more than four roomers, lodgers or boarders are housed or fed for compensation. “Boardinghouse” does not include rest home or convalescent home.

**“Brewery” means a business licensed by the State of Washington that makes and sells beer at wholesale or retail, and includes an on-site location for consumer tasting and purchase.**

“Building” means a structure having a roof for the shelter of persons or property.

“Building area” or “building site” means the portion of a lot within which a structure may be built, bounded by setbacks.

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

Building, Principal or Main. “Principal or main building” means the building which accommodates the principal use of a site or lot.

“Campground” means an area of land on which accommodation for temporary occupancies such as tents or recreational vehicles is permitted and which is used primarily for recreational purposes.

“Carport” means a covered space for the housing, primarily, of motor vehicles and enclosed on not more than two sides by wall, screens, cabinets or other types of enclosures.

“Circus” means a public entertainment event consisting typically of a variety of performances by acrobats, clowns, and trained animals, which may also include amusement rides and carnival attractions.

“City forester” means a **paid or** 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.

“Closed record hearing” means a hearing on the existing record. No new evidence may be presented at the hearing.

“Commercial” means a business use or activity at a scale greater than home occupation involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

“Conditional use” means a use allowed in one or more zones which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements is vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of Chapter 64.34 RCW.

“Conference center” means a facility accommodating groups of persons for short periods for the purposes of seminars, workshops and related activities. No overnight accommodations are provided.

“Cottage housing” means a development comprised of at least four cottages (single-family dwelling units) arranged on at least two sides of a common open space with a maximum of 12 cottages per development.

“Coverage” means the total area of ground covered by all buildings or structures on a site measured from the outside of external walls or supporting members.

“Day care center” means a single purpose group child day care program, including nurseries for children of working parents, guardians and custodians; nursery schools for children under minimum age for education in public schools; privately conducted kindergartens when not a part of a public or parochial school; and programs covering after school care for school children provided any such day care center is licensed by the state or county and conducted in accordance with state and local requirements.

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

“Demolition by neglect” shall mean deterioration of the building to the extent that it creates or permits a hazardous or unsafe condition. Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster or mortar to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.

“Density” means the maximum number of permitted dwelling units allowed on each acre of land or fraction thereof.

“Detached building” means a building surrounded on all sides by open space.

Development, Multifamily. “Multifamily development” means a development of three or more dwellings on the same property and designated for occupancy by three or more families living independently of each other in separate dwelling units.

“Dwelling” means a building designed exclusively for residential purposes, including one-family, two-family and multiple-family dwellings.

“Dwelling unit” means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. An efficiency apartment constitutes a dwelling unit within the meaning of this title.

#### Dwellings, Types Of.

1. Dwelling, One-Family. “One-family dwelling” means a detached building designed for occupancy by one family, providing complete housekeeping facilities for one family and containing one dwelling unit. A manufactured home may be considered a one-family dwelling if sited per “manufactured home siting standards.”

Dwelling, One-Family (Attached). “One-family dwelling (attached)” means a building designed for occupancy by one family on an individually owned lot where the building abuts one or more lot lines and shares a common wall with an adjoining dwelling unit(s). Also known as “townhouse.”

2. Dwelling, Two-Family (Duplex). “Two-family (duplex) dwelling” means a detached building, designed for occupancy by two families living independently of each other and containing two dwelling units.

3. Dwelling, Multifamily. “Multifamily dwelling” means a detached building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units.

“Easement” or “access” means a private right-of-way not less than 20 feet wide which provides vehicular access to a street.

“Electric scooters and motorcycles” means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose, including: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle charging station, public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or

(2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multifamily parking lots).

“Electric vehicle charging station, restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Essential public facilities” means airports, sewage treatment plants, jails, and power plants.

“Facade” means any exterior wall of a structure including projections from and attachments to the wall (examples: decks, balconies, porches and chimneys).

“Family” means an individual or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities.

“Fence” means a masonry wall, or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separate parcels of land, but not including retaining walls.

“Floor area” means the total number of square feet of habitable floor area measured at the floor line of each floor. The floor area of a single-family or two-family dwelling shall include:

1. The principal building, including attached accessory structures, used as or convertible to habitable space. Detached accessory structures are not included in the floor area.
2. One-half of the total area of a daylight basement.
3. “Habitable floor area,” for the purposes of floor area calculations, shall mean the gross building square footage, less the floor area dedicated to walls, stairways, and bathrooms.
4. “Attached accessory structure” means those structures that are directly connected to the principal building and share a warm wall with the principal building.

“Foster home” means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three unrelated juveniles.

“Garage” means an accessory building or space within the principal building used for storage of vehicles.

“Garage, parking or commercial” means a building used for storage, repair or servicing of motor vehicles as a commercial use.

“Grade” means the average of the existing or finished ground level, whichever is lower, at the center of all walls of a building or beneath the proposed structure, whichever is applicable. The following items are exempt when making height determinations:

1. Radio and television aerials and flagpoles.
2. Other Features. Open rails, planters, skylights and chimneys may exceed the height limits by four feet or may extend four feet above the ridge of a pitched roof.

3. Wireless communication antenna arrays up to a height of 15 feet from the highest point of the roof.

“Guest houses” means an accessory, detached building designed exclusively for residential purposes and without any cooking facilities; situated on the same parcel as a one-family dwelling; for the use of visitors as nonpaying guests of the one-family dwelling; which cannot be segregated or separately leased, rented, sold or transferred, given or otherwise conveyed unless the parcel is of sufficient size to meet density, platting and other city code requirements for a separate legal lot; of not more than 800 square feet; which provides one parking space in addition to those required for a one-family dwelling; and there shall be no more than one guest house per parcel or lot.

“Hazard tree” means any tree, or part thereof, that the city forester **or a certified arborist** 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.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010(17), or its successor.

“Hazardous waste storage” means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.

“Hazardous waste treatment” means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as required by the State Dangerous Waste Regulations, Chapter 173-303 WAC or its successor.

“Hazardous waste treatment storage facility, on site” means treatment and storage facilities which treat and store hazardous wastes generated on the same property.

“Hearing body” means any agency of the city that has been designated by this code to conduct hearings.

“Hedge” means a fence or boundary formed by a dense row of shrubs or low trees.

“Home day care” means a dwelling which provides regular custodial care for one to six children or adults, including all children under six years of age residing within the dwelling where day care services are conducted, for periods of less than 24 hours.

“Home occupation” means an economic enterprise operated within a dwelling unit, or buildings accessory to a dwelling unit, incidental and secondary to the residential use of the dwelling unit, the occupation is carried on by a member of the family residing within the dwelling place, and does not change the character of the dwelling.

“Hospital” means a building designed and used for medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses.

“Hotel” means any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite.

“Impervious surface” means surfaces that do not absorb water. Examples of such surfaces include buildings and parking areas, roads, sidewalks or driveways of concrete or asphalt.

“In-home family day care” means a residential dwelling providing in-home care for 12 or fewer children and licensed by the state of Washington.

“Institution” means structure(s) and related grounds used by organizations providing educational, medical, social, cultural and recreational services to the community, such as hospitals, vocational or fine arts schools, colleges and universities, elementary and secondary schools, community centers, religious facilities, museums and performing arts centers.

“Licensed premises” means any establishment licensed to sell alcoholic beverages for consumption on the premises at any time.

“Liquor bar” means a table or counter where alcohol is stored or prepared and served to customers who sit or stand at the bar. Liquor bars can only be in lounges or in premises where minors are not allowed at any time.

“Lot” means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds or as a fraction of a section.

“Lot coverage” means any surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil including, but not limited to, roof tops, paved areas, swimming pools, and decks.

“Lot line” means any line enclosing the lot area.

Lot Line, Rear. “Rear lot line” means the lot line which is opposite and most distant from the street lot line; provided, however, that where, under this definition, a particular parcel or lot would have more than one rear lot line, the city building official shall determine which lot line shall be considered as the rear lot line for purposes of this title.

Lot Line, Side. “Side lot line” means any lot line that is not a street or rear lot line.

Lot Line, Street. “Street lot line” means any lot line that abuts a street.

Lot, Through. “Through lot” means a lot fronting on two streets that is not a corner lot.

“Lot width” means the distance between the side lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

“Lounge” means the portion of a restaurant or other principal use that is used primarily for the preparation, sale, and service of beer, wine, or spirits. Minors are not allowed in a lounge.

“Manufactured home” means a structure, transportable in one or more sections from its manufacturer, retailer or wholesaler, to its destination, designed primarily for residential occupancy by human beings, and built to Uniform Building Code standards.

Manufactured Home Siting Standards. A manufactured home may be allowed to be placed within any residential zone that allows single-family homes, provided the following conditions are met:

1. The home must be placed on a permanent foundation;

2. If applicable, skirting must be provided;
3. The home shall have a pitched roof and shall be made of either composition, shakes or shingles;
4. All requirements of this title and other applicable regulations must be met.

“Medical-dental clinic” means an establishment for treatment of outpatients, and providing no overnight care for patients.

“Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR Part 571.500.

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

“Mobile home” means a vehicle bearing the “mobile home” insignia of the Washington State Department of Labor and Industries.

“Modulation” means a stepping back or projecting forward of sections of the facade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls.

“Motel” means a building containing units which are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers. Accommodations for trailers are not included.

“Multifamily dwelling” means a building containing three or more dwelling units.

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

“Neighborhood electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR Part 571.500.

“Night club” shall mean any alcoholic beverage sales commercial activity which engages in the sale of alcoholic beverages in conjunction with providing live entertainment (including the playing of recorded music) or dancing between the hours of 6:00 p.m. to 2:00 a.m. regardless of whether such establishment is simultaneously offering restaurant meal service.

“Nonconforming lot” means a lawfully established lot which does not conform to the provisions of this title.

“Nonconforming structure” means a lawfully erected structure which does not conform to the provisions of this title.

“Nonconforming use” means a lawfully established use which does not conform to the provisions of this title.

“Nonelectric vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

“Nursing or convalescent facility” means a facility licensed by the state which provides full time special care and supervision, including nursing, dietary and other personal services for chronically ill, aged or infirm persons. Such care shall not include surgical, obstetrical or acute illness services which are customarily provided in hospitals.

“Office” means a building or separately defined space within a building used for business. The use of an office does not include on-premises sales or manufacture of goods.

“Open space” means any part of a lot unobstructed by structures from the ground upward.

“Parking facility” means a land area or building used for the storage of vehicles excluding parking areas for single-family residences.

“Parking space” means an area accessible to vehicles and used exclusively or principally for vehicle storage.

“Party of record” means any person who has submitted oral or written comments on a permit subject to the regulations of this chapter.

“Person” means any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency.

“Personal service” means businesses engaged in providing care of the corporeal person or his apparel, not including health care.

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

“Primary or principal use” means the predominant use of the land or building to which all other uses are secondary.

“Private parking” means parking facilities for the noncommercial use of the occupant and guests of the occupant.

“Public facility” means land or structures owned by or operated for the public use and necessity.

“Public hearing” means an open record hearing at which evidence is presented and testimony is taken.

“Public space” means a space that is open and accessible to all and may be used for a variety of purposes including active or passive recreation, socialization, entertainment, cultural events, commerce or travel. If space is for passive recreation, it must have amenities for people such as places to sit, public art and trash receptacles.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Recorded” means filed for the purpose of record with the Auditor of the county.

“Recreational vehicle” means a motor home or trailer less than 35 feet in length or a pickup-mounted camper designed for temporary housing.

“Restaurant” means an establishment with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public.

“Retreat center” means a facility similar to a conference center but providing overnight accommodations only for participants in the center’s activities.

“Rezone” means a change in classification from one zoning district to another.

“Screen, screening” means a continuous fence, hedge or combination of both, which obscures vision through 80 percent or more of the screen area, not including drives or walkways.

“Secondary use” means a use subordinate to the principal or primary use which may exist only when a principal or primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the principal or primary use.

“Semi-public space” means outdoor space that is privately owned but is open and accessible to all. However, it may be restricted to those utilizing a good or service. Examples include outdoor restaurant seating, entertainment venues and seating areas. Space restricted to hotel/motel patrons does not qualify as semi-public space. If space is for passive recreation, it must have amenities for people such as places to sit, public art and trash receptacles.

“Senior retirement facility” means a residential facility designed for and occupied by at least one person per unit who is 65 years or older, providing centralized services for the residents, including but not limited to meals, housekeeping, and transportation. Individual cooking facilities are not provided and personal vehicles are discouraged.

“Sensitive areas” are identified and defined in Chapter 16.20.

“Service area” means the area of a licensed premises where customers may order and consume alcoholic beverages.

“Service station” means a place used for the repair, servicing and/or supplying of gasoline and oil for motor vehicles.

“Setback” means the minimum distance required by this title for buildings and/or other structures to be set back from the street, side or rear lot lines, rights-of-way or access easements.

“Setback area” means the lot area between the lot lines and the setback lines.

“Setback line” means a line which is parallel to a lot line or access easement located at the distance required by the setback.

“Sign” means a structure or graphic display designed to inform or attract the attention of persons not on the premises on which the sign is located.

“Sign area” means the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area of the rectangle.

“Sign face” means any side of a sign which contains advertising or graphic display which is visible to the public.

Sign, Freestanding. “Freestanding sign” means any sign not attached to a building.

Sign, Offsite. “Offsite sign” means a permanent sign not located on the same lot as the business or use it is intended to serve.

Sign, Permanent. “Permanent sign” means a sign nailed, glued, screwed or similarly fastened to foundation systems capable of holding it in position.

Sign, Temporary. “Temporary sign” means a sign or advertising display intended to be displayed for a fixed event and not permanently affixed to a structure or the ground.

“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-inch minimum diameter to qualify as a significant tree.

“Single-family dwelling” means a building containing only one dwelling unit.

“Site plan” or “binding site plan” means a scale drawing which identifies and shows areas and locations of all streets, roads, improvements, utilities, open spaces and other information specified in this title. The binding site plan shall contain inscriptions or attachments setting forth the limitations and conditions established by the city and the provisions for ensuring development in conformance with the site plan.

“Street” means the public or private right-of-way or easement which provides vehicle access to abutting property.

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

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

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, not including utility poles and related pad-mounted or ground-mounted distribution equipment, residential fences less than six feet high, retaining walls, rockeries and other similar improvements of a minor character less than four feet high.

“Submerged lands” means land at or below the ordinary high water mark.

“Tavern” means an establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

“Temporary building or structure” means a building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

“Tourist accommodations – commercial” means a dwelling unit serving as a single rental for periods not exceeding 29 consecutive days and containing sleeping and cooking facilities.

Townhouse. See the definition of “dwelling, one-family (attached).”

“Use” means the purpose which land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

“Variance” means a modification of the terms of this title granted to a particular property.

“Vehicle” means a transportable device designed to carry passengers or goods or perform work in motion.

**“Wellness Retreat” means a facility intended to provide a broad range of wellness activities or services within a single compound. Accessory uses for a Wellness Retreat may include lecture halls, medical clinics, lodging, restaurant, or event space. If located in the RS 15000 zone, a wellness retreat shall be located on a lot of not less than five (5) acres of land, and shall include a buffer of not less than one hundred (100) feet from any lot with an existing dwelling.**

**“Winery” means a business licensed by the State of Washington that makes and sells wine at wholesale or retail, and may include an on-site location for consumer tasting and purchase.**

“Wireless communications antenna array” means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy, which may include:

1. Antennas equal to or less than 15 feet in height; and
2. Parabolic antennas equal to or less than 39.37 inches (one meter) in diameter with an area not more than 50 square feet in aggregate.

“Wireless communications facility” means any unsafe facility for the transmission and/or reception of radio frequency signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support structure used to achieve the necessary elevation, and the transmission and reception devices or antennas.

“Wireless communications service” means the providing or offering for rent, sale or lease or other value received, the transmittal of information between or among points by satellite or similar facilities, with or without benefit of any closed transmission medium.

“Yard” means the lot area between lot lines and the building area.

Yard, Front. “Front yard” means the area between the street lot line and the building line extending the full width of the lot or the street setback area.

Yard, Rear. “Rear yard” means the area between the rear lot line and the building area extending the full width of the lot or the rear setback area.

Yard, Side. “Side yard” means the side setback area between the side lot lines and the building area, extending the full length of the building area.

“Zone” or “zone district” means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title. (Ord. 1005 § 3, 2014; Ord. 1004 § 4 (Exh. E), 2014; Ord. 989 § 2, 2013; Ord. 967 § 1, 2012; Ord. 963 § 1, 2011; Ord. 914, 2008; Ord. 820, 2002; Ord. 799, 2001; Ord. 798, 2001; Ord. 788, 2000; Ord. 771, 1999; Ord. 754, 1997; Ord. 733, 1997; Ord. 730, 1996; Ord. 714, 1996; Ord. 703, 1995; Ord. 696, 1995; Ord. 687, 1994; Ord. 527, 1989)

**Section 3.** Langley Municipal Code Section 18.09.010 Land Use Table, is hereby amended to add the following land uses:

<b>CITY OF LANGLEY</b>	<b>ZONING DISTRICTS</b>							
<b>Land Uses</b>	<b>CB</b>	<b>NB</b>	<b>P-1</b>	<b>Mixed Residential</b>	<b>RS5000</b>	<b>RS7200</b>	<b>RS15000</b>	<b>NB Retail Overlay*</b>
<b><u>Accessory Dwelling Unit</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>X</u></b>
<b><u>Brewery</u></b>	<b><u>P</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>
<b><u>Winery</u></b>	<b><u>P</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>CU</u></b>	<b><u>X</u></b>
<b><u>Wellness Retreat</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>	<b><u>CU</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>P</u></b>	<b><u>X</u></b>

**Section 4.** Langley Municipal Code Section 18.22.020 Landscape design and tree retention, is hereby amended as follows:

**18.22.020 Landscape design and tree retention.**

A. 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:

1. Retain existing vegetation, tree stands and significant trees by incorporating them into the site design.
2. Incorporate native vegetation and drought resistant plant material into new landscape developments as appropriate.
3. Provide vegetated screening between different land uses and intensities.
4. Minimize the visual and physical impact of parking areas with vegetative screening and shade.

5. Provide vegetated screening between residential and nonresidential areas.
6. Beautify the commercial districts with extensive gardens and landscape installations.
7. Create pedestrian oriented spaces in the downtown with a blend of hardscape and landscape features.
8. Balance the desire to preserve trees and vegetation with the desire for openness of space and sun exposure.
9. Maintain and increase bluff stability by intercepting runoff and groundwater via landscaping.
10. Ameliorate weather and climate impacts by retaining and planting trees to block and filter wind, provide shade where desired and store carbon.

B. Applicability. The standards herein apply to any multi-family development, all subdivisions (plats), and all nonresidential 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 (subsection (I) of this section) or if vegetation is to be preserved as part of a subdivision approval.

C. Professional Designer. All landscape plans shall be prepared by a licensed landscape architect or landscape designer qualified to provide landscape design services as exhibited by experience with past projects, education or a combination thereof.

D. Submittal Requirements. All landscape plans shall include the following:

1. A detailed site plan of all existing and proposed trees and vegetation at a minimum scale of one inch = 30 feet identifying all existing and proposed landscaping.
2. A detailed plant and tree list showing the type of species and size at installation and whether the plants are native or nonnative. Nonnative species may be allowed with evidence of their suitability for the proposed application.
3. A narrative identifying the overall design concept for the proposed landscaping plan and demonstrating compliance with the requirements of this section.

E. Standards for Parking Lots and Walkways.

1. 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.
2. A minimum of 10 feet 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.
3. All trees shall be a minimum two-inch caliper when planted.

4. Dedicated walkways through parking areas shall include a minimum of five feet of landscaping along both sides of the walkway.

5. Walkways along building frontages shall have a minimum 10 feet of landscaped area between the walkway and the building.

#### F. Street Trees.

1. A street tree shall be planted for every 40 feet of frontage along the street and shall be located either within the right-of-way or along the frontage of the property within 10 feet of the right-of-way.

2. 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.

3. 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.

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

1. Landscape open areas created by building modulation.

2. Retain natural vegetation and undisturbed open space.

3. Use plants that require low amounts of water, including native drought-resistant species.

4. 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.

5. Plant a mix of evergreen and deciduous plants to maintain year-round color and interest.

6. Incorporate on-site natural objects such as rocks, boulders and tree stumps into landscape design where possible.

7. Shrubs, grasses and other non-tree vegetation shall be included in the plan as appropriate to the site on a case-by-case basis.

8. Incorporating seating areas and public art into the landscape design is encouraged.

9. Planters, hanging baskets, window boxes or other landscape features along the street for sites that do not have landscape areas on site.

#### H. Planting Requirements.

1. Intent. The intent of this section is to encourage the use of native species and nonnative species that have adapted to the climate of Whidbey Island.

2. Requirements. Landscape designs shall conform to the following provisions:

- a. 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.
- b. 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.
- c. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
- d. 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.
- e. Existing vegetation may be used to augment new plantings to meet the standards of this chapter at a ratio of 1:1.

I. Tree Retention and Protection.

- 1. A plan of all existing significant trees shall be provided with applications for development subject to these standards.
- 2. Where feasible, projects shall be designed to avoid the removal of significant trees 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 and local food production will also be considered as part of review of the tree retention plan.
- 3. 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.
- 4. No significant tree may be removed from any property without first obtaining authorization from the city planning official following consultation with the city forester. **In lieu of consultation with the city forester, the planning official may accept written consultation from a certified arborist selected from the approved Island County list.** 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:
  - a. The tree has been deemed hazardous by a certified arborist.
  - b. The tree is dead or dying. Confirmation from a certified arborist may be required.
  - c. 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.

d. 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.

e. Approved site development including structures, driveways, parking areas and walkways.

5. 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.

J. Enforcement. In addition to the enforcement provisions of Chapter [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.

K. Modifications. The planning official may approve modifications to the standards contained in this section to achieve the overall purpose and intent of this section. (Ord. 1004 § 4 (Exh. E), 2014)

**Section 5 - Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

**Section 6 – Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days from the date of 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
FRED McCARTHY, Mayor

ATTEST:

\_\_\_\_\_  
DEBBIE L. MAHLER, Director of Finance/Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
JEFF TARADAY, City Attorney