

CITY OF LANGLEY, WASHINGTON

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, Amending Langley Municipal Code Chapter 18.34 and creating a new Chapter 2.40 entitled Design Review Board; and providing for Severability.

WHEREAS, the City Council, finds the proposed amendment is in the best interests of the City and the public;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY WASHINGTON, DO ORDAIN as follows:

Section 1. Langley Municipal Code Chapter 18.34 is hereby amended to read as follows:

Chapter 18.34
DESIGN REVIEW BOARD

Sections:

- 18.34.010 Purpose.
18.34.020 Created Membership Term.
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.
18.34.090 (Vacant).
18.34.100 Design standards.
18.34.110 Meetings.
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 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)

18.34.020 Created Membership Term.

A. There is created a design review board, consisting of five members. The membership of the board shall be composed of one architect, or in the alternative, a building designer, one landscape architect, or in the alternative, a landscaper, one builder or developer, and two lay persons who are educated in, or have practical experience in planning or related design science or

~~interest in planning and design concepts. One of the lay members shall be a Langley business owner and may reside outside the city limits. The other lay member shall reside within the city limits. Alternate members shall be appointed to serve in the event of a board vacancy or a conflict of interest by a member of the board on a specific project. The members of the board shall be appointed by the mayor and confirmed by the city council. Each member shall serve a three year term. These terms shall be staggered so that no more than two positions need to be filled in any one year.~~

~~—B. Therefore, the initial term of the architect and one layperson shall be for a one-year period and all terms thereafter shall be for three years.~~

~~—C. There shall also be one alternate member, who must be a resident of the city, unless previously having served on the board. The alternate member shall be appointed in the same manner as the regular board members.~~

~~D. The alternate member shall serve on occasion when a regular board member will not be able to attend board meetings due to an excused absence approved by the board. (Ord. 578, 1990; Ord. 527, 1989; Ord. 788, 2000; Ord. 798, 2001)~~

18.34.030 Scope.

A. Design review shall apply to all private development in the central business and neighborhood business zones and all development in the residential zones including subdivisions (long plats), planned unit developments, 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, accessory buildings larger than twelve hundred square feet are subject to the provisions of this chapter as set forth in Chapter 18.22.050.B.2.b.

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 Section 15.16.110 of this code). 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. "Development" does not include underground utilities. All development by the city and other public agencies shall be subject to design review. (Ord. 733, 1997; Ord. 696, 1995; Ord. 788, 2000)(Ord. 820, 2002)

18.34.040 Approval required.

Design approval shall be required prior to the issuance of any permit or approval required for grading or clearing, 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. 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 approval shall be submitted to the city services director on such forms and with such content as required by the design review board. 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 board may be incorporated into the final plans submitted for application. There shall be a ten-dollar fee per a design review session on each application. (Ord. 594, 1991; Ord. 527, 1989)

18.34.060 Review of application.

The city Land Use Coordinator shall immediately review the application as provided in Section 18.34.050 and schedule the item for the next scheduled meeting of the design review board. The design review board shall review the proposed development at a public meeting and approve, conditionally approval, or deny the proposal. The decision of the design review board is final unless appealed pursuant to Section 18.34.130 of this chapter. 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 city council, after review on appeal, the City Land Use Coordinator shall have the authority to approve design modifications that maintain the intent of the original approval. (Ord. 527, 1989)(Ord. 820, 2002)

18.34.070 Notice required when.

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

18.34.090 (Vacant).

18.34.100 Design standards.

The design review 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 (part), 1989)

~~**18.34.110 Meetings.**~~

~~The design review board shall meet once a month or as often as practical and feasible in order to facilitate carrying out the design review function and to cause the least amount of delay in processing of development applications. The applicant is encouraged to be aware of all development application requirements that apply to his/her proposal and to submit applications for concurrent review where possible. (Ord. 527, 1989)~~

18.34.120 Actions of board.

Approval or conditional 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 city council by filing notice with the city clerk/treasurer within seven days of the date of the design review board's decision. The appeal shall be scheduled for consideration at the next regularly scheduled city council meeting. The council shall consider the record and such additional evidence as may be submitted. The council may affirm or modify the action of the board or refer the matter back to the board for further consideration. A written copy of the action of the council shall be transmitted to the applicant. (Ord. 527, 1989)

18.34.140 Enforcement.

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

Section 2. There is hereby created a new Chapter 2.40 Langley Municipal Code to read as follows:

Chapter 2.40 Design Review 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 review board.

2.40.020 Purpose.

The design review board shall review and take action on development applications submitted to the city for design approval as required in Chapter 18.34 Design Review, and shall have final authority for design approval unless a decision is appealed pursuant to Section 18.34.120.

2.40.030 Members.

A. Number of Members. The board shall consist of five (5) voting members and one (1) 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 (2) voting members must reside within the City of Langley. Four (4) 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 (1) architect or building designer, one (1) landscape architect or landscaper, one (1) builder or developer, and one (1) Langley business owner or commercial property owner. The other two (2) members must be educated in, or have practical experience or an interest in planning or related design concepts.

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.

Section 3. 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 4. Effective Date. This ordinance shall be in full force and effect five (5) days after publication and posting of an approved summary thereof, consisting of the title.

**PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY,
WASHINGTON**, and approved by the Mayor at a regular meeting held this ____ day of _____, 2008.

PAUL O. SAMUELSON, Mayor

ATTEST:

DEBBIE L. MAHLER, Clerk-Treasurer

APPROVED AS TO FORM:

GRANT K. WEED, City Attorney

PUBLISHED: South Whidbey Record - _____