

CITY OF LANGLEY
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RELATING TO THE CITY ZONING CODE CONTAINED IN TITLE 18 OF THE LANGLEY MUNICIPAL CODE AND THE MAXIMUM HEIGHT OF ACCESSORY DWELLING UNITS WITHIN THE CITY'S RESIDENTIAL ZONES AND MIXED RESIDENTIAL ZONE; AMENDING SECTION 18.22.155 – ACCESSORY DWELLING UNITS OF LMC CHAPTER 18.22 – GENERAL PROVISIONS AND STANDARDS; AMENDING SECTION 18.06.060 – MAXIMUM HEIGHT OF LMC CHAPTER 18.06 RS5000 ZONE RESIDENTIAL SINGLE-FAMILY; AMENDING SECTION 18.07.060 - MAXIMUM HEIGHT OF LMC CHAPTER 18.06 RS7200 ZONE RESIDENTIAL SINGLE-FAMILY; AND AMENDING SECTION 18.06.060 – MAXIMUM HEIGHT OF LMC CHAPTER 18.08 RS15,000 ZONE RESIDENTIAL SINGLE-FAMILY.

WHEREAS, the City of Langley adopted a Growth Management Comprehensive Plan in December 19, 2007, which was developed and approved consistent with the Washington State Growth Management Act (RCW Chapter 36.70A); and

WHEREAS, pursuant to RCW 36.70A.130 each local comprehensive land use plan and development regulation is subject to continuing review and evaluation by the City; and

WHEREAS, both the Growth Management Act and the Housing Policy Act require the City to provide housing opportunities for all economic segments of the community; and

WHEREAS, the City's Comprehensive Plan encourages revisions to the City's development regulations to increase the supply of affordable housing; and

WHEREAS, increased flexibility in the size and siting of accessory dwelling units increases affordable housing opportunities and housing market choices within the City; and

WHEREAS, in accordance with RCW Chapter 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on September 12, 2011, and was granted expedited review on September 28, 2011; and

WHEREAS, the Planning Advisory Board (PAB) meet in open public meetings on October 10 and 24, 2011, to discuss the proposal that is subject of this Ordinance prior to scheduling the matter for a public hearing; and

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

WHEREAS, after due and proper notice the PAB held a public hearing on November 14, 2011, on the proposal; and

WHEREAS, the PAB considered the staff report and public comment received and recommended that, with amendments responsive to the public testimony and suggestions of PAB members, this Ordinance be adopted; and

WHEREAS, on _____, 2011, the PAB issued written Findings of Fact, Conclusions of Law and Recommendation ("Recommendation") attached hereto as Exhibit A, in which the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on _____, 2011, the City Council in open public meeting reviewed the Recommendation of the PAB and supports the Recommendation;

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

Section 1. Section 18.22.155 – Accessory Dwelling Units of LMC Chapter 18.22 is hereby amended to read as follows:

18.22.155 Accessory Dwelling Units

The Following provisions apply to accessory dwelling units:

- A. Permitted as a second dwelling added to, created within, or detached from the principal residence;
- B. Not less than 300 nor more than ~~800~~ 1,000 gross square feet in size;
- C. May be established in either an existing or new residence;
- D. Limit of one ADU per legally established lot;
- E. Must be served by City water and sewage services, where available;
- F. The total lot coverage requirement of the applicable zone may be exceeded by up to 15% if necessary to accommodate an ADU;
- G. One off-street parking space is required in addition to the spaces required for the principal or other approved uses on the property;
- H. If the ADU is included within or attached to the principal residence, only one entrance is allowed on the front of the principal residence unless more than one entrance on a front or street side existed as of March 1, 1995; additional entrances shall be on the sides or rear of the residence;
- I. An ADU and a home occupation are allowed on the same lot when the home occupation is of a type that does not: generate significant additional traffic, conduct retail sales, or employ persons who do not reside in the principal building;
- J. Subject to administrative zoning compliance review and building permitting (if applicable) and the owner recording a covenant with Island County acknowledging that he/she/they have read and understand the provisions of this code section. In the case where a home occupation is already established on the property and such home occupation is characterized by the conditions set forth in Section 18.22.060 of this Code, a conditional use permit shall be required to establish an ADU on the same property.

Section 2. Sections 18.06.060 – Maximum height of LMC Chapter 18.06.060 is hereby amended to read as follows:

A. Maximum height in the RS 5000 zone is twenty-five feet, provided that the height may be built to thirty feet with a pitched roof if the lowest part of the pitch begins no higher than twenty-five feet.

B. Except as otherwise provided herein, the maximum height for accessory structures is fifteen 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 fifteen feet.

C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of ~~fifteen (15)~~ twenty-four (24') feet or eighty per cent (80%) 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 façade of the principal structure for every foot of height above fifteen (15') is required.

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

3. The setback requirements in subsection D(1) and (2) shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in 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 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

Section 3. Sections 18.07.060 – Maximum height of LMC Chapter 18.07.060 is hereby amended to read as follows:

A. Maximum height in the RS 7200 zone is twenty-five feet, provided that the height may be built to thirty feet with a pitched roof if the lowest part of the pitch begins no higher than twenty-five feet.

B. Except as otherwise provided herein, the maximum height for accessory structures is fifteen 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 fifteen feet.

C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of ~~fifteen (15)~~ twenty-four (24') feet or eighty per cent (80%) 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 façade of the principal structure for every foot of height above fifteen (15') is required.
2. A setback of one foot from the front façade of the principal structure for every foot of height above the principal structure is also required.
3. The setback requirements in subsection D(1) and (2) shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in 18.07.050 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 18.07.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback

Section 4. Sections 18.08.060 – Maximum height of LMC Chapter 18.08.060 is hereby amended to read as follows:

A. Maximum height in the RS 15,000 zone is twenty-five feet, provided that the height may be built to thirty feet with a pitched roof if the lowest part of the pitch begins no higher than twenty-five feet.

B. Except as otherwise provided herein, the maximum height for accessory structures is fifteen 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 fifteen feet.

C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of ~~fifteen (15)~~ twenty-four (24') feet or eighty per cent (80%) 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 façade of the principal structure for every foot of height above fifteen (15') is required.
2. A setback of one foot from the front façade of the principal structure for every foot of height above the principal structure is also required.
3. The setback requirements in subsection D(1) and (2) shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in 18.08.050 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 18.08.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback

Section 5. Amendment of Prior Ordinances. City of Langley Ordinance Nos. 527, 617, 527, 696, 699, and 820 are hereby amended as necessary by this Ordinance to reflect the amendments contained in this Ordinance.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Effective Date. This Ordinance will be in full force and effect five (5) days after publication of an approved summary thereof consisting of the title.

PASSED by the City Council and **APPROVED** by the Mayor on _____, day of _____, 2011.

ATTEST

MAYOR

Debbie Mahler, Clerk-Treasurer

Paul Samuelson, Mayor

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

Published: _____