

**CITY OF LANGLEY**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF LANGLEY, RELATING TO THE CITY ZONING CODE CONTAINED IN TITLE 18 OF THE LANGLEY MUNICIPAL CODE; AMENDING SECTION 18.01.040 – DEFINITIONS OF CHAPTER 18.01 OF THE LANGLEY MUNICIPAL CODE; AND ADDING A NEW SECTION 18.16.075 – HEIGHT MODIFICATIONS IN THE WHARF STREET OVERLAY ZONE TO CHAPTER 18.16 - CENTRAL BUSINESS (CB) ZONE OF THE LANGLEY MUNICIPAL CODE.**

**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**, Washington State adopted its Growth Management Act to address problems associated with the spread out patterns of growth that have predominated in recent decades; and

**WHEREAS**, the modification of the height requirement within the Wharf Street Overlay zone promotes infill and waterfront development associated with the boat harbor, a key component in the City's economic development strategy; 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 City of Langley Planning Advisory Board (PAB) met in open public meetings on October 10 and 24, 2011, to discuss the proposal prior to scheduling the matter for a public hearing; and

**WHEREAS**, the City's SEPA Responsible Official reviewed this ordinance and related environmental checklist and issued a Determination of Non Significance (DNS) threshold determination under the State Environmental Policy Act (SEPA) on \_\_\_\_\_; and

**WHEREAS**, after due and proper notice the PAB held a public hearing on November 14, 2011 on the proposal that is set forth in this Ordinance; 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 November 21, 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, including this Ordinance; and

**WHEREAS**, on \_\_\_\_\_, 2011, the City Council in an 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 ORDAIN AS FOLLOWS:**

**Section 1.** Section 18.01.040 – Definitions of LMC Chapter 18.01 is hereby amended to include the following definitions:

“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.

“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.

**Section 2.** LMC Chapter 18.16 - Central Business (CB) Zone is amended by adding new Section 18.16.075 – Height Modifications to read as follows:

**18.16.075 Height modification.**

A. Consistent with the requirements below the Planning Official is authorized to grant an administrative height modification for all CB zoned properties located within the boundary of the Wharf Street Overlay zone established under Chapter 18.10 LMC.

B. Height modification: The height of a commercial or mixed use building may be increased above the standard of the Wharf Street Overlay zone if the project includes one or more of the following project augmentations:

1. Open air Public or Semi-Public Space; or
2. Upper story building setbacks; or
3. Indoor public space.

C. Building Height: 47’ or four stories, whichever is less.

D. Setbacks: Above 35’ there shall be a minimum front yard setback of 10’ from the building foundation. The reduction in floor area in lower stories that results from the listed project augmentations may be added to the fourth story subject to the minimum fourth floor setback stated above. Table 1 and Figure 1 illustrate how the square footage of a building may be added to a fourth floor.

Table 1:

Floor	Modification	Base Square Footage	Number of floor above	Square footage augmentation
First	Public Space	600	3	-1800
Second	Setback	600	2	-1200

Third	Setback	600	1	-800
Fourth	N/A	N/A	N/A	3800

E. The following graphic is for illustrative purposes only and is not intended to portray an actual or desired building design. The graphic relates to the Table 1 in Section D above.

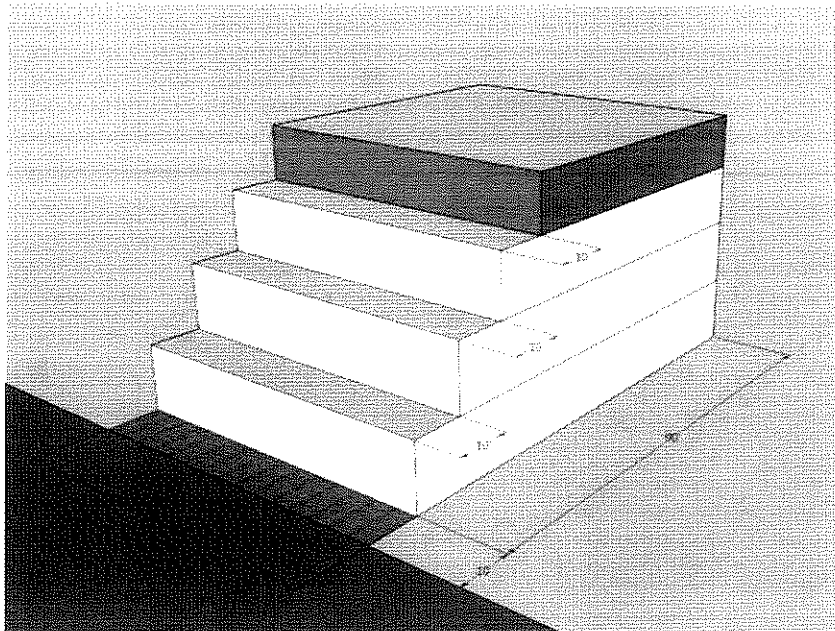


Figure 1 - \*\* This graphic relates to Table 1 above as an illustration of the intent of the height modification provisions.

F. Consistent RCW 90.58.320 of the Shoreline Management Act, a height modification granted under these provisions shall not be granted for any new or expanded building or structure that will obstruct the view of a substantial number of residences on areas adjoining such shorelines.

**Section 3.** **Amendment of Prior Ordinances.** City of Langley Ordinance No. 922 is hereby amended as necessary by this Ordinance to reflect the amendments contained in this Ordinance.

**Section 4.** **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 5.** **Effective Date.** This Ordinance will be in full force and effect is effective five (5) days from the date of 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: \_\_\_\_\_