CITY OF LANGLEY

ORDINANCE NO. 1051

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON AMENDING CHAPTER 18 OF THE LANGLEY MUNICIPAL CODE TO ADD NEW SECTIONS TO CHAPTER 18.22 FOR ACCESSORY DWELLING UNITS; TO ADD A NEW CHAPTER 18.22.260 FOR TINY HOMES; AND TO AMEND CHAPTER 18.04 PERTAINING TO INNOVATIVE PERMANENTLY AFFORDABLE HOUSING PROJECTS TO ADD CLARIFYING LANGUAGE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990 to guide the development and adoption of comprehensive plans and development regulations for those cities required to plan under RCW 36.70A.040; and

WHEREAS, the City of Langley is a non-charter optional municipal code city as provided in Title 35A RC, incorporated under the laws of the state of Washington, and is required to plan under the GMA; and

WHEREAS RCW 36.70A.020(4) encourages cities and counties to adopt policies that foster the availability of affordable housing to all economic segments of the population; and

WHEREAS RCW 36.70A.040(3)(d), (4)(d) provides these adopted policies may be implemented by adoption of relevant development regulations; and

WHEREAS the Langley City Council adopted its Comprehensive Plan on March 5, 2018; and

WHEREAS the Comprehensive Plan contains numerous goals and policies to encourage alternative and where possible more affordable housing options including but not limited to: Goals LU-4, H-1, H-2 and H-4 and Policies LU-4.4, LU-4.8, H-1.1, H-1.2, H-1.3, H-2.1, H-2.2, H-2.3, H-4.1, H-4.3, H-4.4, H-4.5, S-8.1, and UCF-3.4; and

WHEREAS the Langley City Council maintains regulations for zoning and development at Title 18 of the Langley Municipal Code ("LMC"); and

WHEREAS the Langley City Council tasked staff to research issues of housing affordability, and provide relevant information to guide the implementation of amended regulations to address these issues; and

WHEREAS findings from a community survey on housing matters indicated the lack of workforce housing has negatively affected local businesses' ability to recruit and retain employees; and

WHEREAS for the period between 2011 and 2015 the ratio of the median housing value in Langley is almost eight times the median household income. The highest in Island County and almost double that of Washington State; and
WHEREAS 70% of respondents to a 2018 community housing survey stated there are not enough housing options for renters and homeowners in Langley; and

WHEREAS infill housing makes efficient use of city infrastructure; and

WHEREAS the proposed amendments to the City’s development and zoning regulations designed to address the aforementioned issues set forth herein are deemed to be consistent with the Langley Comprehensive Plan; and

WHEREAS the Planning Advisory Board (PAB) has been reviewing these proposed amendments since February 2017; and

WHEREAS the PAB at its meetings of May 2, 2018, August 1, 2018 and October 3, 2018 approved the amendments to be forwarded to Council to begin formal adoption proceedings; and

WHEREAS the City held a publicly noticed open house on June 27, 2018 to receive public input into the proposed code amendments; and

WHEREAS, the City’s SEPA Responsible Official issued a Determination of Nonsignificance (DNS) on November 9, 2018, following review of the proposed code amendments and environmental checklist; and

WHEREAS, in accordance with RCW 36.70A.106, the City submitted its code amendments to the Department of Commerce for an expedited review on October 11, 2018, and received confirmation from the Department of Commerce on October 24, 2018, of receipt of the required notice; and

WHEREAS, after due and proper notice, the Planning Advisory Board held a public hearing on January 2, 2019 to accept public comments on the code amendments. Over XXXX people attended the public hearing and provided comments as reflected in the public hearing minutes; and

WHEREAS, the PAB considered the staff report and public comment received prior to issuing its findings of fact and recommendation to the City Council; and

WHEREAS, on XXXX, the PAB issued written Findings of Fact and Recommendation (“Recommendation”), attached hereto as Exhibit A, wherein the PAB recommended that the City Council adopt the proposed amendments; and

WHEREAS, on XXXX, 2018, the City Council in an open public meeting reviewed the recommendation of the PAB;

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

Section 1. Findings, Adopted. The City Council adopts the Planning Advisory Board’s Findings of Facts attached hereto as Exhibit A, as their own findings and conclusions pertaining to these issues.

Section 2. LMC 18.01.040, Amended. Langley Municipal Code 18.01.040 is hereby amended to read as is attached hereto as Exhibit B.

Section 3. Ch. 18.04 LMC, Amended. Langley Municipal Code Chapter 18.04 at subparts 020-060 is hereby amended to read as is attached hereto as Exhibit C.
Section 4. Ch. 18.06 LMC, Amended. Langley Municipal Code Chapter 18.06 at subparts 050 and 060 is hereby amended to read as is attached hereto as Exhibit D.

Section 5. Ch. 18.07 LMC, Amended. Langley Municipal Code Chapter 18.07 at subparts 050 and 060 is hereby amended to read as is attached hereto as Exhibit E.

Section 6. Ch. 18.08 LMC, Amended. Langley Municipal Code Chapter 18.08 at subparts 050 and 060 is hereby amended to read as is attached hereto as Exhibit F.

Section 7. LMC 18.09.010 Land Use Table, Amended. LMC 18.09.010 Land Use Table, is hereby amended to read as is depicted at Exhibit G hereto, which is incorporated herein by reference.

Section 8. LMC 18.22.030, Amended. Langley Municipal Code 18.22.030 is hereby amended to read as is attached hereto as Exhibit H.

Section 9. LMC 18.22.155, Adopted. Langley Municipal Code 18.22.155 is hereby repealed and replaced to read as is attached hereto as Exhibit I.

Section 10. LMC 18.22.250, Adopted. New Langley Municipal Code 18.22.250 is hereby adopted to read as is attached hereto as Exhibit J.

Section 11. LMC 18.22.260, Adopted. New Langley Municipal Code 18.22.260 is hereby adopted to read as is attached hereto as Exhibit K.

Section 12. LMC 18.22.200, Amended. Langley Municipal Code 18.22.200 is hereby amended to read as is attached hereto as Exhibit L.

Section 13. LMC 18.34.030, Amended. Langley Municipal Code 18.34.030 is hereby amended to read as is attached hereto as Exhibit M.

Section 14. LMC 18.36.025, Amended. Langley Municipal Code 18.36.025 is hereby amended to read as is attached hereto as Exhibit N.

Section 16. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 17. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 18. 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.
ADOPTED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS ___ DAY OF __________, 2018.

CITY OF LANGLEY

Tim Callison, Mayor

APPROVED AS TO FORM

ATTEST

Michael R. Kenyon, City Attorney
Debbie L. Mahler, City Clerk
FINAL Draft Consolidated Housing Code Amendments
2018-12-13

Words that have a strikethrough are recommended to be deleted. Words that are underlined are recommended additions.

Exhibit B

Chapter 18.01.040 Definitions

“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 or duplex 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. A Tiny Home may serve as an accessory dwelling unit subject to the additional requirements in this Title.

“Boardinghouse” means a single-family dwelling unit in which not more than four roomers, lodgers or boarders are housed and/or fed for compensation on a long-term rental basis and there are no cooking facilities in rented sleeping rooms. Boardinghouse does not include adult family home, clean and sober facility, rest home or convalescent home or single-family dwelling used as a short-term rental.

“Community Building” means a building that is owned in common by all residents of that community or neighborhood and may include a meeting room, laundry facilities, a dining area, kitchen and other shared facilities.

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. This includes Tiny Home (Multi-family) as regulated in LMC 18.22.260.

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

Dwellings, Types Of.
1. Dwelling, One Single-Family. “One Single-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 single one-family dwelling if when sited per “manufactured home siting standards.”

Dwelling, One-Family (Attached). “Single 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.

3. Dwelling, Multifamily. “Means a building or group of buildings on one lot, containing separate dwelling units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, townhomes, tiny homes, and condominiums. Multi-family dwelling units may or may not be attached. This does not include Tiny Homes on a lot with an existing single family or two-family (duplex) dwelling.”

“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.

“Long term rental” means the rental of a room or dwelling unit for residential use for a period of more than thirty (30) days.

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

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

Manufactured Home Siting Standards. A manufactured home may be allowed is permitted to be placed within any residential zone that allows permits 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.

“Recreational vehicle (RV)” means any motor home, vacation trailer, camping trailer, camper, conversion van, or makeshift vehicle capable of movement on a roadway, which will afford a degree of shelter for humans.

“Tiny Home” means a small dwelling unit on a foundation with a minimum size of 150 square feet and no more than 400 square feet of habitable floor area and shall comply with all applicable building design regulations stated in this Code, as well as those regulations adopted by reference herein. A Tiny Home may be an Accessory Dwelling Unit and shall comply with all regulations for Accessory Dwelling Units. Tiny homes that meet all applicable regulations may be utilized as the following:
1. **Tiny homes as a Single-Family Dwelling Unit.** See LMC 18.06, 18.07 and 18.08.

2. **A Tiny Home may be used as an Accessory Dwelling unit on the same lot as a single-family or duplex residence and shall comply with all regulation for Accessory Dwelling Units.** See LMC 18.22.155.

3. **Tiny Home (Multi-family).** See LMC 18.22.260.

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

“Work force housing” means housing that is affordable for households with incomes between 80% and 120% (or less) of the Area Median Income (AMI), regardless of tenure.
Exhibit C

Ch. 18.04
Innovative Permanently Affordable Housing Projects

18.04.010 Authority and purpose.
18.04.020 Affordable housing defined.
18.04.030 Project application requirements and incentives.
18.04.040 Procedures.
18.04.050 Annual reporting requirements.
18.04.060 Repealed.

18.04.010 Authority and purpose.

A. Authority. Both the Growth Management Act (Chapter 36.70 RCW) and the Housing Policy Act (Chapter 43.185B RCW) require the city to provide housing opportunities for all economic segments of the community. Similarly, the city’s comprehensive plan encourages revisions to the city’s development regulations to increase the supply of affordable housing. This chapter will allow the use of alternative development standards and processes that are not currently allowed under existing land use regulations, while protecting residential character and maintaining overall consistency with the neighborhood plans and the goals and policies of the Langley comprehensive plan.

B. Purpose. In accordance with the directives of the Growth Management Act, Housing Policy Act, and the city’s comprehensive plan, the purpose of this chapter is to facilitate the construction of innovative affordable homes by organizations that can demonstrate, to the city council’s satisfaction, after review and approval by the planning director or his/her designee, an ability to finance, manage, and monitor affordable home sales and rentals to assure permanent affordability in accordance with the guidelines contained herein.

C. Goals. The goals of this chapter are:

1. To encourage innovative building design in housing projects by:
   a. Increasing the supply of affordable housing and the choice of housing styles available in the community.
   b. Promoting diversity in housing affordability and choice by encouraging smaller and more varied home sizes and mixes of income levels of residents.
   c. Promoting high quality and environmental design.

2. To encourage the use of innovative site development practices and green building practices by encouraging the use of conservation design methods and principles such as low-impact development
techniques, green building materials, water and energy conservation, and mitigation that offsets impacts to biodiversity.

3. In general:
   a. To help identify any zoning code amendments that are necessary to support the development of innovative housing choices in Langley.
   b. To identify effective incentives to encourage green building and low-impact development standards.
   4. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.020 Affordable housing defined.
Purchasers and renters of affordable homes constructed under this chapter shall meet the following requirements:

A. Annual Income. All purchasers and/or renters shall be from a household whose annual income, at the household’s initial occupancy of the residence, is middle income or less (as defined under subsection (D) of this section), as adjusted by family size, for Island County, Washington, based on the most recent census data or other verifiable source as determined by the city.

B. Housing Expenses. The monthly expenditure by a purchaser or renter for housing including mortgage payment or rent, insurance, taxes and utilities (water and sewer) shall not exceed 38 percent of the gross household income at the time of purchase and the amount for monthly mortgage payment shall not exceed 30 percent of gross household income. All other variable living expenses associated with the resident’s occupancy shall not be a factor in the calculation of affordability.

C. Affordable Housing. Federal guidelines define affordable housing as decent, quality housing that does not exceed 30 percent of a household’s gross monthly income for rent or mortgage and utility payments. Island County is ranked as the eighth least affordable area in Washington State for housing and Langley is the most expensive area to live on Whidbey Island.

D. Classification of Income Groups. The United States Department of Housing and Urban Development (HUD) and the state of Washington classify household income groups as follows: Very low income: households below 50 percent of the area average median income. Low income: households between 50 and 80 percent of the area average median income. Lower income: households between 81 and 95 percent of the area average median income. Middle income: households between 96 and 120 percent of the area average median income. "Median household income" means the amount calculated and
published by the HUD each year for the Island County statistical area as the median household or family income, adjusted by HUD for household size. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.030 Project application requirements and incentives.
A. Density Increases. Earned increased density of up to 100 percent over the otherwise allowable density in the applicable residential zone may be granted to a project. A density increase of one unit for each perpetually affordable unit is allowed. May be granted to an affordable housing project per the requirements outlined in item B of this section. Earned density increases are not to exceed a 100 percent increase over the otherwise allowable density in the applicable residential zone.

B. Project Applicant. A project applicant under this chapter must meet/comply with the following:
1. The project applicant shall be, create or contract with an organization that has as its purpose the creation and retention of permanently affordable, income qualified home-ownership and/or rentals
2. The organization can demonstrate experience in providing affordable housing. An organization that can demonstrate experience in providing housing and a mission statement of its intent to use that experience toward achieving the goal of providing permanently affordable housing shall be deemed to have met this requirement.
3. The organization can demonstrate the ability to employ a mechanism to retain all of the units as permanently affordable to income-qualified buyers as defined by Section 18.04.020.
4. The organization can demonstrate an ability and commitment to submit an annual report to the city council documenting all residential units, past and pending sales, rental history and/or home ownership by qualified renters or home buyers.
5. The organization can demonstrate that the project, including all common areas, will be properly maintained over time.

C. Single-Family or Multi-Family Home Ownership. Projects that create single-family or multi-family residences that are individually owned by their occupants must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain occupied by income qualified residents.

D. Single-Family or Multi-Family Home Rental. Projects that create single-family or multi-family residences that are rented by their occupants must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain rented by income qualified tenants.
E. Guarantee of Permanent Affordability. Applicants that have been conditionally granted an affordable housing density bonus and/or incentive(s) shall establish controls, subject to approval by the city attorney, to ensure that the project’s single-family or multi-family residences remain affordable for a minimum of fifty years in perpetuity in accordance with the definition of affordable housing in Section 18.04.020. All such controls shall be recorded in the title records of Island County. The controls may take various forms including:

1. Continued ownership of the land by the project applicant with the occupants of the single-family or multi-family residences leasing the land back from the project applicant;

2. A deed/subsidy covenant, purchase/sale agreements, or other similar mechanisms, which require that the residences be sold only to qualified purchasers who meet the requirements of Section 18.04.020;

3. A requirement that the project applicant can only transfer the land to another entity that meets the requirements of subsection (B) of this section; and/or

4. Other methods approved by the city attorney to ensure that the project’s single-family or multi-family residences remain permanently affordable in accordance with the definition of affordable housing.

F. Project Location. Affordable single-family homes developed under this chapter must be located in RS zone districts residential zone and affordable multi-family homes developed under this chapter must be located in zone districts where multi-family housing is permitted, within the city of Langley.

G. Design Review. All projects are subject to design review. Housing projects receiving earned increased density under this chapter must comply with the design review process and site location criteria for multi-family residential development in this title to protect, maintain, or enhance neighborhood character and compatibility.

H. Request for Modification to the Application of Development Regulations.

1. Project applicants may request modification of the application of the following development regulations; provided, that the project otherwise complies with applicable Washington State laws and other applicable development regulations and provisions of the Langley Municipal Code:

a. Minimum lot size;

b. Minimum street frontage;

c. Minimum front, side, and rear yard setbacks;

d. Minimum parking requirements;

e. Maximum lot coverage;

f. Minimum usable open space; and/or
g. Other regulations to allow demonstration of innovative approaches to permanently affordable housing, energy conservation, low-impact development, and stormwater management.

2. The applicant shall describe each requested modification in writing and include detailed supporting documentation regarding the appropriateness of, and the need for, the modification. Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or boundary line adjustment or other application and must be noted on submitted site plans.

3. The planning director or his/her designee shall review the requested modification and reasons provided for the modification and provide a written recommendation to the decision-maker for the underlying application regarding whether to approve, approve with conditions, or deny the requested modification on the basis of whether the modification is consistent with the purpose and requirements of this chapter, does not threaten the public health, safety, or welfare and otherwise complies with applicable Washington State laws and other applicable development regulations and provisions of the Langley Municipal Code.

4. The decision-maker for the underlying application shall determine whether to approve, approve with conditions, or deny the requested modification as part of the decision on the underlying application.

(Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.040 Procedures.

Projects applied for under this chapter shall follow the procedures listed below.

A. Pre-Application Conference. A pre-application conference with planning department staff and the project applicant is required before the city will accept an application under this chapter.

B. Neighborhood Meeting. An applicant is required to conduct a neighborhood meeting prior to the submittal of an application and after the pre-application conference. The director of community planning may provide standard notice formats and guidelines for conducting the meeting. The notice shall include a brief description of the project, date, time and location of the neighborhood meeting and name and phone number of the applicant or their representative. The applicant shall post the notice of the neighborhood meeting on the project site at least 14 days prior to the meeting and shall mail the notice at least 14 days prior to the meeting to:

1. The planning department with a copy of the mailing list;
2. The owner of the property as listed on the application;
3. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County assessor records;
4. Any neighborhood association registered with the planning department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary; and

5. The local newspaper.

C. Submittal Requirements. The director of community planning shall establish submittal requirements and forms to be used for applications.

D. Determination of Complete Application. A complete application shall consist of the completed application form with all required information, a SEPA environmental checklist, if applicable, and any filing fee as established by the city council. If a subdivision of land is required, the preliminary plat, short plat, binding site plan, or boundary line adjustment shall also be submitted as part of the application. An application shall be reviewed by the director of community planning to determine whether it is complete under the procedures in Section 18.36.010.

E. Concurrent Review. The application for design review, subdivision, and project approval under this chapter shall be processed concurrently. The director's recommendation regarding design review shall be forwarded to the hearing examiner with the staff recommendation for the application.

F. Notice of Application. The planning department shall mail notice of application to:
   1. The applicant;
   2. The owner of the property as listed on the application;
   3. Owners of property within 500 feet of the site boundary of the subject property as listed by the Island County assessor records;
   4. Any neighborhood association registered with the planning department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary;
   5. Any person or organization that has filed a written request for notice with the planning and community development department; and
   6. The local newspaper.

G. Date of Notice. The date of the notice of application shall be the date the notice is mailed.

H. Posted Notice. The applicant shall post one or more “notice of application” signs on the site or in a location immediately adjacent to the site that provides visibility from adjacent streets. The director shall establish standards for size, color, layout, materials, placement and timing of installation and removal of the signs.

I. Public Comment Period. The minimum comment period shall be 14 days following the date of notice of application.
J. Project Review. Complete applications shall be reviewed by planning director for consistency with the comprehensive plan, the regulatory requirements of the Langley Municipal Code, and the design review guidelines while also utilizing the evaluation methods under subsection (K) of this section. The director of community planning shall consult with the planning advisory board in open public meeting concerning the project application. Thereafter, the planning director shall submit a written recommendation to the hearing examiner to approve, approve with conditions, or deny the project.

K. Evaluation Method. Each project will be evaluated for innovation and achievement of the chapter goals using a number of factors. The evaluation factors are divided into three categories. If a project does not meet the affordable housing criteria or does not provide adequate assurances that the housing will remain affordable for a minimum of 50 years from the date of approval, it shall not be approved. If a project does not meet a required evaluation factor, the applicant is required to provide a written explanation about why the evaluation factor is not appropriate or cannot be met in this instance, but still should be approved. The director of community planning may consider other alternative site development or building design practices not mentioned below that may be proposed by the applicant but meet the goals of this chapter.

1. Housing Diversity.

a. Unit Type. Any attached or detached single-family or multi-family housing type is allowed as permitted in the Langley Municipal Code. The project can include a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, triplex, tiny houses, or accessory dwelling units.

b. Unit Size. The project is encouraged to includes a variety of housing unit sizes that provide for a broad mix of income levels and family size.

c. Affordable Housing. The project includes housing units that are affordable to the spectrum of income levels as outlined in Chapter 18.04.020. Designated affordable housing shall remain affordable for a minimum of at least 50 years from the time of final inspection on the affordable unit. Units that are affordable to a range of income levels are encouraged.

2. Use of Innovative Site Development Practices.

a. Low-Impact Development. The project uses a low-impact development approach to stormwater management, unless determined to be inappropriate to the setting, through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as:

(1) Use of rain gardens and other water-absorbent plant growth media, with drought-tolerant native plants, combined with curb cuts and other proven low-impact development techniques for rainwater catchment and absorption, to lessen stormwater runoff. Invasive species shall not be planted.
(2) An earthen separation between the street and sidewalk and bioswales.

(3) Amended soils.

b. Impervious Surfaces. The project reduces impacts from impervious surfaces through use of techniques such as:

(1) Porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas;

(2) Lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking;

(3) Crushed stone or brick for lightly used pedestrian paths; and

(4) Recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.

c. Landscaping. Low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate.

d. Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project.

e. Transportation.

(1) The project design provides enhanced sensitivity to pedestrian travel.

(2) The project internally preserves existing informal, internal connection to external trail(s); or creates new connections, where appropriate, to facilitate the City’s multi-modal transportation network implement the nonmotorized transportation plan (NMTP).

(3) The project reduces reliance on automobiles and trip counts and promotes alternative transportation and public transit.

(4) The project accommodates needs of alternative vehicles, such as parking and charging facilities for electric cars, by locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location, close to a main building entrance, or parking spaces designed for subcompact vehicles, such as Smart™ cars.

(5) The project integrates a parking space for a vehicle sharing program.

(6) The project minimizes the visual dominance of automobiles throughout the project.

3. Innovative Building Design Practice.

a. Alternative Energy. The project utilizes, at least in part, alternative power and heat technologies including, but not limited to, solar, passive solar, wind, and geothermal. All projects should preserve solar access.

b. Energy Efficiency. The project exceeds base energy efficiencies required by the building code by integrating energy efficient building design and appliances.
c. Water Efficiency. The project uses water efficiently by integrating low-flow water fixtures and/or water re-use systems (i.e., greywater for toilets, landscaping).

d. Green Building Materials. The project utilizes sustainable or “green” building materials internally and externally.

e. Accessibility. The project design incorporates access for residents of all ages and mobility inside and outside the home.

L. Notice and Public Hearings

Notification shall be undertaken in accordance with 18.36.020 and Public hearings shall be held in accordance with Ch. 18.36.060 and Ch.18.37.

Notice of Public Hearing. Notice of public hearing shall be provided in accordance with the following:

1. Notice of the public hearing for the application shall be published in a newspaper of general circulation at least 10 days prior to the hearing date.

2. Notice of the hearing shall be mailed at least 10 days prior to the hearing in the same manner as for the notice of application.

3. The notices shall contain a brief description and the general location of the proposal, the time, date and location of the hearing and information about the availability of the staff report.

M. Public Hearing. The hearing examiner shall conduct an open record public hearing on the proposal in accordance with the following:

1. The hearing shall be scheduled for a date no sooner than 15 days after the issuance of the SEPA determination (if any) regarding the proposal.

2. The public hearing shall be consolidated with the hearing (if any) on any preliminary application submitted for the project.

3. Any person may participate in the hearing by submitting written comments to the planning department prior to the hearing or by submitting written comments or making oral comments at the hearing.

4. The planning department shall transmit to the hearing examiner a copy of the department file on the application including but not limited to the application and all materials submitted by the applicant, all written comments received prior to the hearing, the SEPA threshold decision, and records regarding public notice of the application.

5. The hearing examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.
N. Hearing Examiner Decision. The hearing examiner shall make a written decision to approve, approve with conditions and/or modifications, or deny the project application based upon the record of the hearing and whether the proposed project is consistent with the purpose, goals and requirements of this chapter and other applicable provisions of the Langley Municipal Code.

O. Notice of Decision. A notice of decision shall be issued as provided in Section 18.36.130. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.050 reporting requirements.

The owner(s) of a project receiving earned increased density or their designee must report under this chapter annually to city council regarding the status of the project. Information presented to city council annually shall include:

A. Total number of units in the project;

For owner-occupied units:

AB. Number of units that changed ownership during the past year;

BE. The purchase price of each unit that changed ownership;

CD. The steps taken by the owner to ensure that each unit that changed ownership was transferred at an affordable price in accordance with Section 18.04.020;

For rental units:

A. Number of units that changed occupancy during the past year;

B. The monthly rent of each unit that changed ownership;

C. The steps taken by the owner or their designee to ensure that the monthly rent for each unit that changed occupancy was maintained at an affordable price in accordance with Section 18.04.020;

and

E. A summary of how the project’s innovative design features are functioning including the experience of residents, energy use, building quality, low-impact development, maintenance and other relevant topics. (Ord. 1027 § 1, 2016; Ord. 969 § 2 (Att. B), 2012)

18.04.060 Enforcement

A. The provisions of this chapter shall apply to all developers and their agents, successors, and assigns proposing a residential development governed by this chapter. No building permit or occupancy permit shall be issued, nor any entitlement granted, for a project receiving a density bonus until it meets the requirements of this chapter.

B. All affordable units shall be rented or owned in accordance with this chapter.
C. The city shall be authorized to enforce the provisions of this chapter and all affordable housing agreements, regulatory agreements, covenants, resale restrictions, promissory notes, deeds of trust, and other requirements placed on affordable units by civil action and any other proceeding or method permitted by law. The city may, at its discretion, take such enforcement action as is authorized under this code and/or any other action authorized by law or by any regulatory document, restriction, or agreement executed under Ch. 18 of the Langley Municipal Code.

D. Any individual who sells or rents an affordable unit in violation of the provisions of this chapter shall be required to forfeit all monetary amounts so obtained.

18.04.060 Expiration of innovative permanently affordable housing demonstration program and chapter.

Repealed by Ord. 1027. (Ord. 969 § 2 (Alt. B), 2012)
Exhibit D

Chapter 18.06
RS5000 ZONE — RESIDENTIAL

Sections:
18.06.010 Land uses.
18.06.020 Repealed.
18.06.030 Repealed.
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.
18.06.090 Density including Accessory Dwelling Units
18.06.095 Tiny Homes as a SFD

18.06.010 Land uses.
The table in Section 18.09.010 identifies the allowed land uses in the RS5000 district. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)

18.06.020 Secondary uses.

18.06.030 Conditional uses.

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. 1004 § 4 (Exh. E), 2014; 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. 1004 § 4 (Exh. E), 2014; 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. 1004 § 4 (Exh. E), 2014; 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;

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. 1004 § 4 (Exh. E), 2014; Ord. 799, 2001)

**18.06.090 Density including Accessory Dwelling Units**

For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU

<table>
<thead>
<tr>
<th>Lot with SFD on sewer</th>
<th>Lot with Duplex on sewer</th>
<th>Lot with SFD on septic</th>
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</tr>
</thead>
<tbody>
<tr>
<td>One attached and one detached ADU</td>
<td>One detached ADU</td>
<td>One attached or one detached ADU</td>
<td>No ADUs</td>
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<tr>
<td>Maximum two ADUs</td>
<td>Maximum one ADU</td>
<td>Maximum one ADJ</td>
<td></td>
</tr>
</tbody>
</table>

**18.06.095 Tiny Homes as a SFD**

Tiny Homes constructed or placed on a lot as a single-family dwelling shall meet the same requirements for a single-family dwelling as regulated in this zone.
Exhibit E

Chapter 18.07
RS7200 ZONE – RESIDENTIAL

Sections:
18.07.010 Land uses.
18.07.020 Repealed.
18.07.030 Repealed.
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.
18.07.090 Density including Accessory Dwelling Units
18.07.095 Tiny Homes as a SFD
18.07.100 Lot clustering.

18.07.010 Land uses.
The table in Section 18.09.010 identifies the allowed land uses in the RS7200 district. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)

18.07.020 Secondary uses.

18.07.030 Conditional uses.

18.07.040 Minimum lot size.
Minimum lot size in the RS7200 zone is 7,200 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)

18.07.050 Setbacks.
Setbacks in the RS7200 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. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.07.060 Maximum height.
A. Maximum height in the RS7200 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 18.07.050 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 Section 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. (Ord. 965 § 3, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.07.080 Maximum lot coverage.
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. 733, 1997; Ord. 617, 1992)

18.07.085 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 18.07.040.
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)

18.07.090 Density including Accessory Dwelling Units
For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU

<table>
<thead>
<tr>
<th>Lot with SFD on sewer</th>
<th>Lot with Duplex on sewer</th>
<th>Lot with SFD on septic</th>
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</tr>
<tr>
<td>Maximum two ADUs</td>
<td>Maximum one ADU</td>
<td>Maximum one ADU</td>
<td></td>
</tr>
</tbody>
</table>

18.07.095 Tiny Homes as a SFD

Tiny Homes constructed or placed on a lot as a single-family dwelling shall meet the same requirements for a single-family dwelling as regulated in this zone.

18.07.100 Lot clustering.
On parcels over two acres in size, a density bonus of 25 percent is allowed in conjunction with lot clustering, subject to the following: 50 percent or more of the site is reserved for permanent open space. (Ord. 778, 2000)
Exhibit F

Chapter 18.08
RS15000 ZONE – RESIDENTIAL SINGLE-FAMILY

Sections:
- 18.08.010 Land uses.
- 18.08.020 Repealed.
- 18.08.030 Repealed.
- 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.
- 18.08.095 Density including Accessory Dwelling Units
- 18.08.100 Tiny Homes as a SFD

18.08.010 Land uses.
The table in Section 18.09.010 identifies the allowed land uses in the RS15000 district. (Ord. 1004 § 4 (Exh. E), 2014; Ord. 820, 2002; Ord. 699, 1995; Ord. 527, 1989)

18.08.020 Secondary uses.

18.08.030 Conditional uses.

18.08.040 Minimum lot size.
Minimum lot size in the RS15000 zone is 15,000 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)

18.08.050 Setbacks.
Setbacks in the RS15000 zone are:
A. Street or front: 20 feet;
B. Side yard: 10 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)

18.08.060 Maximum height.
A. Maximum height in the RS15000 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 18.08.050 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 Section 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. (Ord. 965 § 4, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.08.070 Lot clustering.
On parcels over two acres, a density bonus of 25 percent is allowed in conjunction with lot clustering, subject to the following: 50 percent or more of the site is reserved for permanent open space. (Ord. 527, 1989)

18.08.085 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 18.08.040.
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)

18.08.090 Maximum lot coverage.
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. 733, 1997; Ord. 617, 1992)

18.08.095 Density including Accessory Dwelling Units

For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU

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<td>Maximum one ADU</td>
<td></td>
</tr>
</tbody>
</table>

18.08.100 Tiny Homes as a SFD

Tiny Homes constructed or placed on a lot as a single-family dwelling shall meet the same requirements for a single-family dwelling as regulated in this zone.
Chapter 18.09

LAND USES

Chapter 18.09.010 Land Use Table

<table>
<thead>
<tr>
<th>Land Use</th>
<th>CB</th>
<th>NB</th>
<th>P-1</th>
<th>RM</th>
<th>RS5000</th>
<th>RS7200</th>
<th>RS15000</th>
<th>NB Retail Overlay</th>
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<td>CU</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
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<tr>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>X</td>
</tr>
<tr>
<td>Tiny Home (Multi-Family)</td>
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<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
</tbody>
</table>

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
Exhibit H

18.22.030 Yards
B. Yards – Setbacks. No portion of any building, or structure, over 18 inches above grade shall extend into a required yard, with the exception of the following:
1. Eaves may extend no more than 18 inches into a required yard area; and
2. Accessory buildings and structures and detached accessory dwelling units may be located in the rear yard setback, as long as they are no closer than five feet from any property line; provided, that in the RS15000 zone, dwelling units may not be closer than 10 feet from any property line;
3. Rear Yard. A principal structure may extend up to six feet into the rear setback; provided, that the extended structure is limited in width to 20 percent of the average lot width and is no higher than 12 feet.
Exhibit I

Ch. 18.22.155  Accessory Dwelling Units

Repeal and Replace Ch. 18.22.155 with the following

A. Purpose

Accessory dwelling units are permitted in certain situations to:

1. Create new housing units while respecting the look and scale of single-family neighborhoods;
2. Support more efficient use of existing housing stock and infrastructure;
3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
4. Create work force housing;
5. Provide housing that responds to changing family needs, smaller households, and increasing housing costs;
6. Provide accessible housing for seniors and persons with disabilities; and
7. Implement the Comprehensive Plan.

B. Accessory Dwelling Units

1. The following provisions apply to accessory dwelling units on RS zoned lots:
   A. Permitted as a second dwelling added to, created within, or detached from the principal residence;
   D. Limit of one ADU per legally established lot;
   Must be served by city water and sewage services, where available;

a. General
   i. Accessory dwelling units may be created within or detached from the principal dwelling unit;
   ii. May be established in either an existing or new residence;
   iii. Shall be not less than 150 nor more than 1,000 square feet in size;
   iv. The total lot coverage requirement of the applicable zone may be exceeded by up to 15 percent if necessary to accommodate an ADU;
   v. If the ADU is included within or attached to the principal dwelling unit, 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 dwelling unit residence;

b. Utilities

Must be served by city water and sewer services, where available.
c. Density

Notwithstanding B.1.b. above the following is permitted:

Table 1 – Density
For the purpose of this section Accessory Dwelling Units includes Tiny Homes as an ADU

<table>
<thead>
<tr>
<th>Lot with SFD on sewer</th>
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<tr>
<td>Maximum two ADUs</td>
<td>Maximum one ADU</td>
<td>Maximum one ADU</td>
<td></td>
</tr>
</tbody>
</table>

d. Parking

i. Where there are two accessory dwelling units One off-street parking space is required in addition to the spaces required for the principal or other approved uses on the property.

e. Height

ii. The maximum height for a detached accessory dwelling unit is 15 feet.

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

f. Setbacks

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

i. Street or front: 20 feet;

ii. Side yard: five feet on each side;

iii. Rear Yard: five feet for lots located in the RS5000 and RS7200 Zone Districts and ten feet for lots located in the RS15000 Zone District

iv. In addition to B.1.f.i above, an accessory dwelling unit structure shall be setback from the front facade of the principal dwelling unit structure one foot for every foot of height.
above 15 feet; and an ADU shall be setback one foot from the front facade of the principal dwelling unit for every foot of height above the principal dwelling unit.

v. Where the principal residence is located more than 25 feet from the front lot line an accessory dwelling unit may be located in front of the principal residence but must be a minimum of 10 feet from the front or street lot line provided the front door does not face the street.

g. Design

The entrance to the Accessory Dwelling Unit shall not face the nearest side lot line or rear lot line, unless there is an alley abutting on that side of the lot.

h. Access

i. Where there is an alley and where possible, parking shall be accessed from the alley.

ii. Driveway access must be shared by both the principal residence and accessory dwelling unit(s), where possible.

a. The setback requirements in subsections (k)(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 the relevant zone district Section 18.06.050 for accessory structures shall apply on lots over one-half acre in size.

b. For all detached accessory dwelling units, only the standard setbacks provided in the relevant zone district 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.

c. Accessory dwelling units, the setback shall be not less than five feet from the rear property line with the exception of the RS15000 Zone District and an accessory dwelling unit shall not be less than ten feet from the rear property line.

f. 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.

D. Tiny Home

1. The following provisions apply to a Tiny Home(s) as an Accessory Dwelling Unit on RS zoned lots:

a. Building Code

A Tiny Home must be built according to the following building code standards:

i. Tiny Homes shall comply with the IRC and all development standards for a single-family dwelling unit, except as modified herein.
ii. Habitable rooms shall meet minimum area requirements of the IRC and the LMC.
iii. Be supported and anchored to a permanent foundation.
iv. Shall include permanent provisions for living, sleeping, eating, kitchen and sanitation (water closet, lavatory, and a bathtub or shower) in accordance with the IRC and the LMC.
v. Shall meet ingress/egress requirements of the IRC and the LMC.

b. **Utilities**
A Tiny Home must be served by City sewer and water, where available.

c. **Density**
i. Notwithstanding D.1.b above the following is permitted:

<table>
<thead>
<tr>
<th>Table 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot with SFD on sewer</td>
</tr>
<tr>
<td>One attached and one detached ADU</td>
</tr>
<tr>
<td>Maximum two Tiny Homes or ADUs</td>
</tr>
</tbody>
</table>

d. **Lot coverage**
An additional 15% lot coverage is permitted for a Tiny House on a lot with an existing single family or two-family (duplex) dwelling.

e. **Setbacks**
A Tiny Home must be setback a minimum of:

i. Five feet behind the front facade of the principal residence. Except where the principal residence is located more than 25 feet from the front lot line the Tiny Home may be located in front of the principal residence but must be a minimum of 10 feet from the front or street lot line provided the front door does not face the street.

ii. Side Yard: five feet

iii. Rear Yard: five feet

f. **Height**
A maximum height of 15 feet.

g. **Parking**
One off-street parking space is required for two Tiny Homes in addition to the parking spaces required for the principal or other approved uses on the property.

h. **Access**
i. Where there is an alley and where possible, parking shall be accessed from the alley.

ii. Driveway access must be shared by both the principal residence and Tiny Homes, where possible.
i. **Design**

The entrance to the Tiny Home shall not face the nearest side lot line or rear lot line, unless there is an alley abutting on that side of the lot.

E. **Pre-existing Accessory Dwelling Units**

**Conditions for legalizing pre-existing accessory dwelling units**

An accessory dwelling unit that existed (date of ordinance approval), may be legally established and may continue to be used as an accessory dwelling unit if the following conditions are met:

1. **The property owner files an application for the accessory dwelling unit.** The administrator may waive the size limitations if the reduction of the floor area required to bring the pre-existing unit into compliance is impractical to achieve.

2. **Prior to issuance of a permit, the property owner allows inspection of the accessory dwelling unit by the city to ensure the minimum requirements of this chapter relating to fire, life safety, and public health are met, as determined by the director. All improvements necessary to bring the pre-existing accessory dwelling unit into compliance with applicable fire, life safety, and public health requirements shall be identified and made within 30 days of permit issuance and prior to the issuance of the certificate of occupancy.**

3. **Prior to issuance of a permit, the property owner shall complete and record an affidavit.**

F. **Amnesty Period**

Any existing illegal ADU will not be subject to enforcement action if an application to legalize the ADU is submitted with 24 months of the adoption of these regulations. During this 24-month period the ADU permit fee will be waived. Building permit fees will still be required.
Exhibit J

Add a New Section 18.22.280

18.22.280 Boardinghouse

A. Purpose

Boardinghouses are permitted in certain situations to:

1. Create new housing units while respecting the look and scale of single-family neighborhoods;
2. Support more efficient use of existing housing stock and infrastructure;
3. Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
4. Create work force housing; and
5. Provide housing that responds to changing family needs, smaller households, and increasing housing costs.

B. Conditions of Use

A boardinghouse:

1. Is permitted in detached single-family dwelling unit only;
2. Is permitted for long-term rentals only (more than 30 days);
3. All rooms offered for rent shall be legally-established bedrooms;
4. The maximum number of adults over the age of 16 permitted to reside in one bedroom is two;
5. On-site parking spaces are required in a quantity equal to the number of rented bedrooms;
6. Cooking facilities shall not be located in individual bedrooms and shall be shared;
7. Shall be in conformance with the IRC and all other applicable regulations; and
8. Approval of this use shall be subject to administrative review and notice requirements pursuant to Ch. 18.36.025.
Add New Section 18.22.290

Section 18.22.290 TINY HOME (Multi-Family)

A. Purpose
   To allow for the creation of a cluster of Tiny Homes surrounding common open space or a common building or a combination thereof.
   To facilitate infill development that is compatible with surrounding single-family dwelling units.
   To enable an alternative type of clustered housing with a small footprint

B. Density and Minimum Lot Area
   1. One Tiny Home per 1200 square feet
   2. The minimum lot area for a Tiny Home multi-family unit development is 5000 square feet

C. Number of Units
   1. The minimum number of dwelling units is three (3) Tiny Homes.
   2. The maximum number of dwelling units is twelve (12) Tiny Homes

D. Setbacks
   1. Front yard – Shall be an average of 10 feet and at no point shall it be less than five feet.
   2. Rear yard – The minimum rear yard shall be ten feet
   3. Side yard – The minimum side yard shall be five feet
   4. Separation between Tiny Homes – The minimum separation between units shall be six feet

E. Lot Coverage
   1. The maximum lot coverage is 50%.
   2. Notwithstanding E. 1 above, an additional 5% lot coverage is permitted for community buildings.

F. Open Space
   1. A minimum of 100 square feet of common open space per unit is required.
   2. The common open space area shall include usable spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all homes having access to it
   3. Fifty percent of units must have their main entry on the common open space.
   4. All units must be within ten feet of each common open space(s).
   5. The common open space must be located centrally to the development. Passive trails are allowed and may count towards the common open space requirement.
   6. Common open space shall have Tiny Homes abutting at least on two sides.
   7. Community buildings or clubhouses are not counted towards the common open space calculation. An additional lot coverage of 5% is permitted for community buildings.
8. Common open space shall be located outside of stormwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.
9. Space used for setbacks, drive aisles and parking shall not be included in the calculation for common open space.

G. Parking
1. One parking stall per Tiny Home is required.
2. For a development with six or more Tiny Homes the parking ratio shall be 1:6 for visitor parking
3. Where there is an alley and where possible, parking shall be accessed from the alley.

H. Utilities
1. Tiny Home (multi-family) must be connected to sewer and water.
2. One sewer and water connection may be permitted for a total of twelve Tiny Homes provided the Tiny Homes are permanently affordable pursuant to Ch. 18.04.

I. Other
1. Tiny Homes are not permitted to be used as tourist accommodation (commercial), short term rental, bed and breakfast room (commercial or residential) or the equivalent.
2. Open space shall be maintained in accordance with City approved plans.
3. Requires Site Plan Review pursuant to Ch. 18.27 and Design Review pursuant to Ch. 18.34.
18.22.200 Clustered residential development (CRD).

The following provisions apply to clustered residential development:
A. The minimum lot area shall be 20,000 square feet.
B. Density: 150 percent of the base density for the zone district in which the property is located; provided, that all development standards are satisfied.
C. Balance of site (other than individual lots) shall be in a common ownership tract(s).
D. Habitable space Living area (greater than five feet in height) on each lot is limited as follows:
   1. Total square footage in the principal building: 1,400 square feet.
   2. No more than 50 percent of the principal buildings may have more than 800 square feet on the first or main level. All other units are limited to 800 square feet on the first or main level.
E. Lots must abut usable, landscaped common area of at least 15 percent of the total site area.
F. An open porch of at least 96 square feet facing onto the common open space or public street.
G. Setbacks.
   1. Site Perimeter.
      a. Site perimeter abutting a public street: 20 feet, except an unenclosed porch or deck may extend eight feet into this setback for up to 40 percent of the average width of a dwelling adjacent to the public street.
      b. Remainder of Perimeter. The setbacks shall be as follows: no more than 50 percent of the perimeter area: 10 feet, and for the balance of the perimeter the setback shall be 20 feet.
   2. Internal. Five feet; provided, that the perimeter setback still applies if a lot abuts a perimeter lot line.
H. Accessory dwelling units not permitted.
I. Parking: two spaces per lot is required; may be on the lot or on common tract which is screened from the street; one-third of lots may have parking that backs onto a non-collector public street.
J. CRDs will be processed through the regular plat process or the binding site plan process procedures set forth in Chapter 18.36.
K. Served by public sewer.
L. Subject to the city’s design review requirements for overall CRD site, including common buildings, landscaping, lighting, etc. Individual residential units are not subject to design review.
M. Maximum Lot Coverage.
   1. Total project site: 50 percent.
   2. Individual lots: 60 percent.
N. CRDs are subject to conditional use permit approval in all single-family residential zones. (Ord. 771, 1999)
Exhibit M

Design Review Board

18.34.030 Scope.

A. Design review shall apply to all nonresidential development in the central business, public and neighborhood business zones and certain development in the residential zones including multifamily development, planned unit developments, cottage housing, clustered residential development, Tiny Homes in a multi-family unit development, detached accessory dwelling units, wireless communication antenna arrays, 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 and associated accessory dwelling units and Tiny Homes (single family dwelling or ADU) unless part of a larger project that is subject to design review.
Exhibit N

Administration

18.36.025 Permit applications requiring administrative action by the planning official.
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.
9. Boardinghouse

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;
6. Other minor actions (e.g., remodeling existing commercial buildings to accommodate new businesses);
7. New or modified one- and two-family dwellings; and
8. Signs.
9. Accessory dwelling units including Tiny Homes