

**DRAFT STR code amendments
05-03-2019**

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

Exhibit B

Chapter 3.20
TRANSIENT OCCUPANCY TAX

Sections:

- 3.20.010 Imposed.
- 3.20.020 Definitions.
- 3.20.030 Tax additional to other tax or fee.
- 3.20.040 Effective date.
- 3.20.050 Special fund created.
- 3.20.060 Administration and collection.
- 3.20.070 Violation – Penalty.

3.20.010 Imposed.

There is hereby levied an excise tax of four percent on the sale of, or charge made for, the furnishing of lodging that is subject to tax under Chapter [82.08](#) RCW, as authorized by RCW [67.28.180](#) and SSB 5867, enacted as Chapter 452, Laws of 1997, codified as RCW [67.28.181](#). The tax is made for the furnishing of lodging by a hotel, ~~rooming house, tourist court,~~ motel, or short-term rental trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. (Ord. 791 § 2, 2000; Ord. 783, 1999; Ord. 753 § 1, 1997; Ord. 750, 1997; Ord. 425, 1984)

3.20.020 Definitions.

The definitions of “selling price,” “seller,” “buyer,” “consumer” and all other definitions as are now contained in RCW [82.08.010](#) and subsequent amendments thereto are adopted as the definitions for the tax levied in this chapter. (Ord. 425, 1984)

The definition for “short-term rental” in this Chapter is the same definition found in Chapter 18.01.040.

3.20.030 Tax additional to other tax or fee.

The tax levied in this chapter shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the city; provided, however, that the first two percent of the tax shall be deducted from the amount of tax the seller would otherwise be required to collect and to pay to the Department of Revenue under Chapter [82.08](#) RCW. (Ord. 753 § 1, 1997; Ord. 750, 1997; Ord. 425, 1984)

3.20.040 Effective date.

The effective date of levying the special excise tax of four percent on the sale of, or charge made for, the furnishing of lodging by a hotel, ~~rooming house, tourist court, motel or short-term rental trailer camp,~~ shall be March 1, 2000.

3.20.050 Special fund created.

There is created a special fund in the city, known as the “tourism fund,” and all taxes collected under this chapter shall be placed in this special fund to be used solely for the purpose of paying all or any part of the cost of tourist promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities and/or other uses as authorized in Chapter [67.28](#) RCW, as now or hereafter amended.

3.20.060 Administration and collection.

For the purpose of the tax levied in this chapter:

- A. The Department of Revenue of the state is designated as the agent of the city for the purpose of collection and administration.
- B. The administrative provisions contained in RCW [82.08.050](#) through [82.08.070](#) and in Chapter [82.32](#) RCW shall apply with respect to administration and collection by the Department.
- C. All rules and regulations adopted by the Department of Revenue for the administration of Chapter [82.08](#) RCW are adopted by reference.
- D. The Department of Revenue is authorized to prescribe and utilize such forms and reporting procedures as the Department may deem necessary and appropriate.

3.20.070 Violation – Penalty.

Any person, firm or corporation violating or failing to comply with the provisions of this chapter or any lawful rule or regulation adopted pursuant thereto shall upon conviction be punished by a fine in a sum not to exceed \$500.00. Each day of violation will be considered a separate offense.

Exhibit C

New

Ch. 5.40 Short-Term Rental Type IV – Limited License

5.40.010 Purpose

The purpose of this chapter is:

1. To provide for the establishment of non-hosted short-term rentals (Type IV) in residential zone districts;
2. To ensure all non-hosted short-term rentals are operating under and complying with the same regulations;
3. To assure compatibility with residential neighborhood contexts;
4. To promote the public health, safety and welfare;
5. To preserve Langley's community character;
6. To limit the numbers of non-hosted short-term rentals in residential neighborhoods;
7. To minimize the number of conversions from long term rentals to short term rentals;
8. To minimize the potential adverse impacts of transient use on residential neighborhoods;

5.40.020 Short-term rental – Definitions

Terms related to short-term rentals that are defined in Chapter 18.22.040 have the same meaning in this Chapter

5.40.030 Short-term rental – License required

1. No person, firm or corporation shall advertise or operate a short-term rental within the City without having first obtained a short-term rental license from the City.
2. Licenses shall be issued to the owner/operator, shall not be transferrable except by inheritance and does not run with the land.
3. The number of short-term rental licenses to be issued in one year are limited to X% of the total number of dwelling units located within the City.
4. Short-term rental license fees shall be established by City Council by resolution.
5. Only one short-term rental license shall be issued per owner.
6. Short-term rental licenses shall expire on December 31st of the year for which they are issued.
7. A business license is required for both the owner and operator of a short-term rental in addition to the short-term rental license.

5.40.040 Short-term rental – license issuance and renewals

A. The City Planner shall review the application and, if determined to comply with all zoning and licensing requirements, must issue or renew a short-term rental license, provided one of the limited numbers of licenses are available. The approval may include reasonable conditions to ensure that the purposes of this chapter are achieved. If denied, the reasons for denial shall be stated in writing.

- B. A short-term rental permit may be renewed if the owner/operator meets the renewal requirements including:
- a. Pays the renewal fee;

- b. Is deemed to have been in substantial conformance with the provisions of the LMC for the past year;
- c. Provides responses to complaints related to the operation of the short-term rental raised by neighboring residents and property owners during the preceding year.
- d. Verification that the required lodging taxes have been remitted to the Washington State Department of Revenue for an existing short-term rental.
- e. Documents and provides any changes that have occurred to the information on the current short-term rental application.
- f. ~~Submits short-term rental records described in Section XX for the last year to demonstrate compliance with this Section as part of the renewal. Without a renewal application submitted within one (1) year to the date of the issuance of the short-term rental permit, or prior renewal, a permit is considered null and void.~~
- g. Renewal applications must be submitted by October 31st of each year to be considered for the following years license.
- h. Should the number of license applications exceed the number of licenses to be issued by the City, application selections shall be random.

C. A party aggrieved of the approval, denial, or conditioning of a short-term rental license may file an appeal of such action with the City Planner, together with the administrative appeal fee per the current fee resolution, within fourteen days of issuance of the license. If the fourteenth day is a weekend or holiday, the appeal period is extended to the next working day. The appellant shall clearly state the basis for the appeal, relief sought, and alternative conditions of approval, if applicable. All appeals to the City Planner's decision to approve, condition, or deny a short-term rental license shall be consolidated and heard by the hearing examiner, who may affirm or reverse the original decision and may revise conditions of approval, pursuant to Chapter 18.37. The hearing examiner's decision shall be the final administrative remedy.

5.40.050 Short-term rental – license and renewal application – regulations

A. Application shall be made on forms provided by the City, which shall include the following at a minimum,

1. Owner's signature
2. Applicant's signature
3. Current Washington State business license number
4. Contact for the STR operator who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within a 20-minute drive of the short-term rental.
5. Number of guest rooms
6. Site plan showing required parking for residents and guests
7. Floor plan showing guest rooms and the egress route
8. Island County health department approval, if food is served
9. Island County health department approval, if the dwelling unit is served by an on-site septic system
10. Proof of a building/fire inspection within five years of application. If the City has not inspected the building within five years or if documentation is not available, an inspection shall be required prior to issuance or renewal of a license. Where an inspection is not required, a life-

safety self-assessment demonstrating compliance with the licensing requirements shall be submitted on forms provided by the City.

11. Application fee per the current fee resolution.
12. Links to online listing platforms used for this short-term rental.
13. Supplemental information may be required by the City to ensure the facility complies with applicable regulations and provides for public health, safety, and welfare.

B. The following regulations shall apply to short-term rentals – type IV:

1. General

- a. No short-term rental shall operate without having obtained prior approval in accordance with this Chapter and a business license in accordance with Chapter 5.04.
- b. Guest rooms may be located in the principal dwelling unit and/or an accessory dwelling unit.
- c. One guest room may accommodate a maximum of two adults and children under six years of age.
- d. One off-street parking space shall be required for each guest room and shall be located on the STR property itself.
- e. In residential zone districts, one non-illuminated sign not exceeding four SF is permitted.
- f. A short-term rental in residential zone districts shall not change the residential character of the outside of a building, either by the use of colors, materials, signage, or lighting, except as provided in this code.

2. Health and Safety

- a. All short-term rentals shall comply with requirements of adopted building codes as outlined in LMC 15.01, for smoke and carbon monoxide detectors and egress windows in all guest rooms. The STR operator shall maintain a functioning fire extinguisher with a minimum 2A-10BC rating located on a means of egress route, as approved by the building official. The means of egress route shall be posted in each guest room in readily visible location.
- b. All guest rooms shall meet the building code requirement for a sleeping room at the time it was created or converted and shall be within a building approved for habitation by the Building Official.
- c. Food service and/or the sale of food, if provided, shall comply with all laws, rules and regulations regarding food handling and shall comply with all the laws, rules and regulations as established by the Island County Health Department.
- d. For any short-term rental that is served by on-site septic the maximum number of bedrooms that may be rented shall comply with the as-built septic permit on file with the Island County Health Department.

3. Management

- a. A copy of the STR license and business license and all applicable rules and regulations shall be included with the STR rental contract and posted within the STR unit in a prominent place within 10 feet of the door.
- b. A property manager shall be available twenty-four (24) hours per day, seven (7) days per week during all times that the property is rented or used on a transient basis. The property

manager must be available to respond to complaints and arrive at the STR site within 20 minutes at all times during the rental period.

4. Nuisance

- a. The use a residential unit for a short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.
- b. Events or commercial functions are prohibited in any short-term rental in a residential zone district.
- c. Small, informal non-commercial gatherings of family and friends of short-term rentals guests are permitted, provided the gathering is not a disturbance to the surrounding neighborhood.
- d. Short-term rentals located in or adjacent to residential zone district shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes.
- e. Quiet time for the short-term rental is between 9:00 pm and 9:00 am in a residential zone district.
- f. Outside amplified sound shall not be allowed at any time associated with the short-term rental.
- g. No outdoor fires are permitted.

5. Ownership

- a. Where the dwelling unit is a duplex building only one short-term rental is permitted.
- b. Where the dwelling unit is located in a multi-unit building a maximum of X% of units may be permitted as a short-term rental.
- c. The ownership and operation of short-term rentals in residential zoned districts are limited the to no more than one per individual, family living together, domestic partnership, those living as a family unit and/or acting as a principal in any business entity that has ownership of a residential unit. Assigning ownership and/or application for short-term rental use to separate any individuals that are living together as a family, in a domestic partnership, or living as a family unit as a means of exceeding this limitation is not permitted.
 - i. A STR operator may be a principal, spouse or registered domestic partner or a principal in a no more than one short-term rental permit issued pursuant to this section.
 - ii. A maximum of one Type I, II, or IV short-term rental permit is permitted per owner.
 - iii. A long-term tenant who has signed a lease may serve as a short-term rental operator. The property owner must serve as a co-applicant on the tenant's application. A tenant's short-term rental permit counts toward the permit cap of one short term rental permit for both tenant and property owner.

5.40.060 – Suspension or revocation of license – Criteria and appeal

A. The City Planner may suspend or revoke a short-term rental license when the licensee, officer, or partner thereof, or another person with legal interest in the license:

1. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state of the City that may affect or relate to the licensed business;
2. Fails to comply with any condition of approval of an issued license;

3. Has obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
4. Is convicted of, forfeits bond upon, or pleads guilty to any offences related to the operation of the licenses business;
5. Makes a representation of fails to disclose a material fact to the city related to any of the required conditions for a short-term rental license;
6. Violates any zoning, building, life, public safety, or health regulation, or other material regulation of the City with respect to the premises in which the business is located; or
7. Is indebted or obligated to the City for past due fees or taxes.

B. When the City Planner determines that there is reasonable basis for suspending or revoking a license issued under this chapter, they shall notify the licensee of the City's intention to suspend or revoke such license by regular and certified mail to the address appearing on the most recent short-term license application. The notice shall state the reason for the suspension or revocation, the date that the suspension or revocation will become effective, and the appeal process. Suspension or revocation of the license shall become effective fourteen days after the date the notice is mailed unless the licensee, with such fourteen-day period, files and appeal of the action with the City Planner, together with the appeal fee per the current fee resolution. The licensee shall state why the criteria in part A do not apply to their business or what errors are alleged on the part of the City in determining one or more criteria are met. Appeals shall be heard by the hearing examiner, whose decision shall be the final administrative remedy.

C. If a license is suspended or revoked, all operation of the short-term rental use shall cease upon the effective date of the suspension or revocation unless the administrative appeal process has been initiated, in which case the suspension or revocation shall be stayed pending the outcome of the appeal. A suspended license shall not be reinstated until the City Planner determines, in writing, that the basis for the suspension, together with any new conditions applied to the license, have been adequately addressed. If revoked, no new short-term rental license shall be issued for the property for the remaining term of the revoked license.

5.40.070 – Short-term rentals – Special Provisions

A. Health regulations:

1. All short-term rentals engaged in the sale of food shall comply with all laws, rules and regulations regarding food handling and shall comply with all the laws, rules, and regulations as established by the Island County Health Department.
2. For any short-term rental that is served by on-site septic the maximum number of bedrooms that may be rented shall comply with the as-built septic permit on file with the Island County Health Department.

B. Life safety requirements:

1. All short-term rentals shall comply with requirements of adopted building codes for smoke and carbon monoxide detectors and egress windows in all guest rooms. The operator shall maintain a functioning fire extinguisher with a minimum 2A-10BC rating located on a means of egress

route, as approved by the building official. The means of egress route shall be posted in each guest room in readily visible location.

2. All guest rooms shall meet the building code requirement for a sleeping room at the time it was created or converted and shall be within a building approved for habitation by the Building Official.

C. Parking

1. All parking shall be provided on the short-term rental property
2. One off-street parking space shall be required for each guest room.

D. Management

1. A copy of the STR permit and license and all applicable rules and regulations shall be included with the STR rental contract and posted within the STR unit in a prominent place within 10 feet of the door.
2. A property manager shall be available twenty-four (24) hours per day, seven (7) days per week during all times that the property is rented or used on a transient basis. The property manager must be available to respond to complaints and arrive at the STR site within 20 minutes at all times during the rental period. The use of a residential unit for a short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.

E. Density

1. Where the building is a duplex only one STR is permitted.
2. A signed letter from an officer of the condominium association approving the use of the condominium unit as a short-term rental, if the residential unit is part of a condominium.

5.40.080 – Violation – Penalty

A. Any person who advertises or operates a short-term rental without a valid short-term rental license or who violates any other provision of this chapter or a condition of license approval shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date shall be deemed to be operating a business without having obtained a license.

B. Any person guilty of a violation of this chapter shall be subject to a civil penalty not to exceed \$500 per violation and /or suspension or revocation of an issued short-term rental license. Each day of violation shall be considered a separate offense.

C. Any person failing to obtain or maintain a currently valid license and operating a short-term rental within the City is hereby declared a public nuisance pursuant to LMC Chapter 8.12. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter or as may be allowed by law.

Exhibit D

13.01.460 Rates for metered service.

Rates for metered service shall be calculated as follows:

The monthly charge for water supplied within the city limits through metered services for industrial, commercial, irrigation, or domestic use shall be the rate as set by council resolution, per month as a minimum billing fee for each residential unit and each commercial meter. An additional amount, as set by council resolution, will be charged for each 100 gallons of water usage or portion thereof delivered per individual residential unit and each commercial meter or combination thereof. The monthly charge for water supplied outside the city limits through metered service for industrial, commercial or domestic use shall be at the rate, as set by council resolution, per month as a minimum billing fee for each residential unit and each commercial meter.

By way of example:

A. Commercial buildings which hold a residential unit or units will be billed a fee, as set by council resolution, for the meter and an additional fee, as set by council resolution, for each residential unit, plus a fee, as set by council resolution, for each 100 gallons of water usage or portion thereof delivered through the master meter.

B. Residential dwelling units that contain houses which hold a principle commercial use enterprise that is not a home occupation under Section [18.22.060](#) will be billed a fee, as set by council resolution, for the commercial use enterprise and a fee, as set by council resolution, for each residential unit, plus a fee, as set by council resolution, for each 100 gallons of water usage or portion thereof delivered through the master meter.

C. Apartment units houses and multifamily dwelling units will be billed a fee, as set by council resolution, for each residential unit, plus a fee, as set by council resolution, for each 100 gallons of water usage or portion thereof delivered through the master meter.

D. Rates outside the city limits shall be 1.22 times comparable rates for water service within the city. (Ord. 931, 2009; Ord. 917, 2009; Ord. 744, 1997)

Exhibit E

13.50.320 Sewer service charge.

A. Residential Sewer Service Charge.

1. All residential accounts shall be charged a base monthly rate, as set by council resolution, for sewer service. This charge shall cover only the first 3,750 gallons of water used over a two-month period. Accounts used in excess of 3,750 gallons will be billed according to subsections (A)(2) and (3) of this section.
2. Winter Usage. During the months of November through February, water usage over the base amount of 3,750 gallons for a two-month period will be billed a rate, as set by council resolution, for each additional gallon used over 3,750 gallons, per two-month period.
3. Summer Usage. During the months of March through October, water usage over the base amount of 3,750 gallons for a two-month period will be billed a rate as set by council resolution for the average gallonage used in excess of 3,750 gallons per two-month period over the prior period of November through February; unless the water use in the summer billing period is less than the average use during November through February, in which case the water usage over the base amount during the summer billing period will be billed a rate per gallon, as set by council resolution, for water used in excess of 3,750 gallons during the summer billing period.

B. Commercial Sewer Service Charge.

1. All commercial accounts shall be charged a base monthly rate, as set by council resolution, for sewer service, plus a rate per gallon, as set by council resolution, for water usage in excess of that described in subsections (B)(2) and (3) of this section.
2. ~~Bed and breakfast~~ Short-term rentals - Type II accounts shall be charged a rate per gallon, as set by council resolution, for each additional gallon used over 3,750 gallons during each two-month billing period during the period of November through February, and a per gallon rate, as set by council resolution, for each additional gallon used over 6,000 gallons during each two-month billing period during the period of March through October.
3. All other commercial accounts shall be charged a rate per gallon for each additional gallon used over 3,750 gallons per two-month billing period. (Ord. 786, 2000)

13.50.340 Mixed usage.

~~A. Buildings located in land zoned for residential use, which contain both commercial and residential activities (except for bed and breakfast establishments), will be billed as a residential account.~~

~~B. Buildings located in land zoned for commercial or neighborhood business use, which contain both commercial and residential activities, will be billed as a commercial account. (Ord. 786, 2000)~~

A. Notwithstanding 13.50.320.B. above, properties located in residential zone districts that contain a mix of both commercial and residential uses and where the residential use is the principle use shall be billed residential rates. For the purpose of this code short-term rental type IV is considered a commercial use.

B. Properties located in commercial zone districts that contain a mix of both commercial and residential uses and where the commercial use is the principle use, shall be billed commercial rates.

Exhibit F

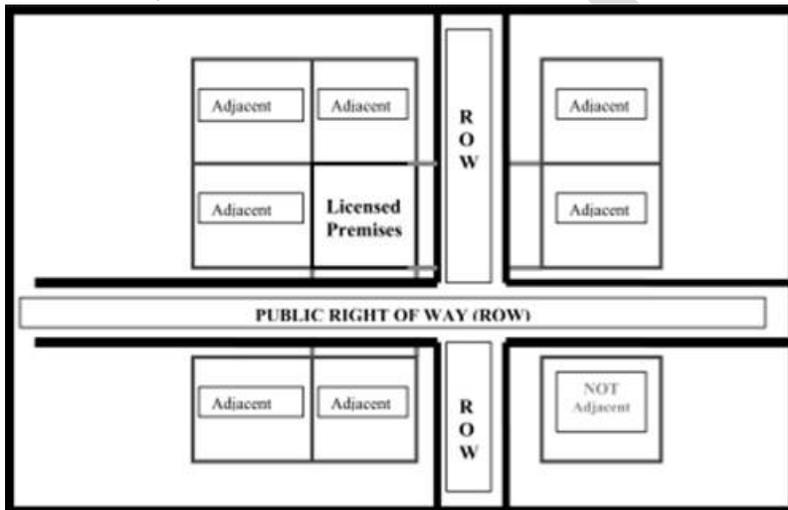
Chapter 18.01.040 Definitions

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

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

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

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



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

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

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

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

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

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

- ~~1. Not more than six rooms are available for such rental;~~
- ~~2. Breakfast is the only meal served to persons renting such rooms, and no meals are served to members of the general public; and~~
- ~~3. In the residential zone no other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and~~
- ~~4. No room is rented to more than an occupancy level not to exceed the number of persons accommodated by the beds present, based on their intended maximum usage.~~

~~“Bed and breakfast room (commercial)” means a room used for rental for transient lodging, situated in a building which is used primarily as a commercial establishment, where:~~

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

~~“Bed and breakfast room (residential)” means a room used for rental for transient lodging situated in a building which is used primarily as the dwelling for a nontransient family, or, in the case where there is an approved accessory dwelling unit on the same property, the principal dwelling is owner occupied, and where:~~

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

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

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

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

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

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

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

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

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

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

“City forester” means a paid or volunteer position appointed by the mayor and confirmed by the city council to perform the duties required to implement and administer the provisions of this chapter. The city forester shall have demonstrated education and/or professional experience necessary to fulfill the duties as assigned. A certified arborist is preferred, but not required, to fill the city forester position.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dwellings, Types Of.

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

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

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

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

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

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

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

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

“Electric vehicle charging station, public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

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

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

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

“Events or commercial functions” include banquets, parties, weddings, meetings, charitable fund raising, commercial or advertised activities or gatherings for direct or indirect compensation.

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

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

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

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

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

4. “Attached accessory structure” means those structures that are directly connected to the principal building and share a wall with the principal building.

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

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

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

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

1. Radio and television aerials and flagpoles.
2. Other Features. Open rails, planters, skylights and chimneys may exceed the height limits by four feet or may extend four feet above the ridge of a pitched roof.
3. Wireless communication antenna arrays up to a height of 15 feet from the highest point of the roof.

“Green building system” means (a) equipment that converts, stores, transfers (or combination thereof) energy from a renewable energy source, including equipment used to support solar collectors, small wind energy systems, heat pump systems, waste heat recovery systems, and biomass systems, or (b) equipment that stores and treats (if necessary) rainwater, grey water or both, on site.

“Green roof” means a roofing system that utilizes vegetation over a roof membrane to minimize stormwater runoff and reduce heat absorption.

“Green wall” means a permanent or temporary structure affixed to a building wall used for growing and cultivating edible and ornamental plants.

“Guest” means an overnight occupant renting the short-term rental for a specified period of one day and no longer than thirty days, and visitors of the overnight occupants.

“Hazard tree” means any tree, or part thereof, that the city forester or a certified arborist determines is subject to a high probability of failure, due to structural defect or disease, and which poses a potential threat to people or property in the event of failure. The determination of “hazard” does not require the judgment that a tree is in danger of imminent failure.

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

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

“Hazardous waste treatment” means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport,

amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as required by the State Dangerous Waste Regulations, Chapter [173-303](#) WAC, or its successor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Owner” means any person who, alone or with others, has title or interest in any building property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building dwelling unit, or portion thereof. For the purposes of Chapter 5.40 and 18.22.070 to .085, a person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall be considered an owner.

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

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

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

“Person” means any person, firm, business, corporation, partnership or other association or organization, marital community, municipal corporation, ~~or~~ governmental agency or partnership and its agents or assigns.

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

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

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

“Primary residence” means a person’s usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, pay check stubs, lease or rental agreement, mortgage agreement, bank statements, driver’s license, valid state identification, and/or vehicle registration.

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

“Property manager” means a person or company responsible for the day to day operation of the short-term rental. Property managers may be professional property managers, realtors, property owners or other designated persons. Property manager information must be kept up to date and must be identified on the City business license and short-term rental license.

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sensitive areas” are identified and defined in Chapter [16.20](#).

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

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

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

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

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

“Short-term rental” means a lodging use, other than a hotel or motel, in which a dwelling unit or portion thereof or accessory dwelling unit is provided to guests by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit or portion thereof that is used by the same individual or individuals for 30 or more consecutive nights is not a short-term rental.

“Short term rental – hosted” means a short-term rental where the owner with the majority interest in the residential property, or an owner holding an equal shared interest if no other owner owns a greater interest or a leasee acting as a resident manager, occupies the dwelling unit or accessory dwelling unit as his or her principal residence and offers the dwelling or a habitable portion thereof for the short-term rental by others, and is present during the occupancy.

“Short-term rental - non-hosted” means a dwelling unit, accessory dwelling unit or portion thereof, that is offered as a short-term rental where the owner or shared ownership interest does not occupy the dwelling or accessory dwelling unit offered for short-term rental.

“Short-term rental operator” or “STR operator” means any person who is the owner of a dwelling unit or portion thereof, who offers or provides that dwelling unit, portion thereof, or ADU for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short-term rental as set forth in LMC 18.22.070 and LMC 5.40.

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

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

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

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

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

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

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

“Significant tree” means any living woody perennial plant characterized by a main stem or trunk having many branches and having a diameter of 12 inches or more measured at breast height. For bifurcated or multi-trunked trees, the diameters of the individual stems are added together to determine if a tree meets the 12-inch minimum diameter to qualify as a significant tree.

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

“Site plan” or “binding site plan” means a scale drawing which identifies and shows areas and locations of all streets, roads, improvements, utilities, open spaces and other information specified in this title.

The binding site plan shall contain inscriptions or attachments setting forth the limitations and conditions established by the city and the provisions for ensuring development in conformance with the site plan.

“Small wind energy system” means the use of land, buildings, or structures for a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a nameplate rated capacity of not more than five kilowatts.

“Solar collector” means a piece of equipment designed to absorb solar radiation as a source of energy for generating electricity (solar photovoltaic) or heating (solar thermal system).

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

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

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

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

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

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

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

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

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

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

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

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

“Wellness retreat” means a facility intended to provide a broad range of wellness activities or services within a single compound. Accessory uses for a wellness retreat may include lecture halls, medical clinics, lodging, restaurant, or event space. If located in the RS15000 zone, a wellness retreat shall be located on a lot of not less than five acres of land, and shall include a buffer of not less than 100 feet from any lot with an existing dwelling.

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

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

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

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

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

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

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

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

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

“Zone” or “zone district” means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title.

Exhibit G

Chapter 18.09 LAND USES

CITY OF LANGLEY	ZONING DISTRICTS							
Land Uses	CB	NB	P-1	Mixed Residential	RS5000	RS7200	RS15000	NB Retail Overlay*
Accessory Dwelling Unit	S	S	S	S	S	S	S	X
Adult Family Homes	S	S	X	S	S	S	S	X
Bed and Breakfast Inns	P	P	X	CU	CU	CU	CU	X
Bed and Breakfast Rooms	P	P	X	P	P	P	P	X
Boardinghouses	X	CU	X	CU	CU	CU	CU	X
Brewery	P	X	X	X	X	X	X	X
Campgrounds	X	X	CU	X	CU	CU	CU	X
School	X	CU	P	CU	CU	CU	CU	X
Cultural Facilities	P	P	P	X	X	X	X	X
Church	X	CU	CU	CU	CU	CU	CU	X
Day Care Centers	P	P	X	CU	CU	CU	CU	X
Duplexes	X	X	X	P	P	P	P	X
Duplexes on lots of 7,200 square feet or larger	X	X	X	X	P	P	P	X
Foster Homes	X	S	X	S	S	S	S	X
Green Building Systems	S	S	S	S	S	S	S	S
Health Clubs	P	P	X	X	X	X	X	X

CITY OF LANGLEY	ZONING DISTRICTS							
Land Uses	CB	NB	P-1	Mixed Residential	RS5000	RS7200	RS15000	NB Retail Overlay*
Home Day Care	S	S	X	S	S	S	S	X
Hotels, Motels	P	P	X	X	X	X	X	X
Libraries and Museums	P	P	P	CU	X	X	X	X
Lounge	S	S	X	X	X	X	X	X
Medical-Dental Clinics	P	P	X	X	X	X	X	X
Multifamily Dwellings	S	P	X	P	X	X	X	X
Nurseries	X	P	X	X	X	X	X	X
Nursing Homes	X	CU	X	CU	CU	CU	CU	X
Offices	P	P	X	X	X	X	X	X
Parking Facilities	P	P	P	X	X	X	X	X
Public Market	P	X	P	X	X	X	X	X
Services	P	P	X	X	X	X	X	X
Public Facilities	P	P	P	CU	CU	CU	CU	X
Public Parks and Open Space Areas	P	P	P	P	P	P	P	X
Schools and Grounds, Administrative Offices and Related Facilities	X	X	P	X	CU	CU	CU	X
Residential Zone Offices	X	X	X	X	CU	CU	CU	X
Restaurant (exclusive of fast food and drive-in)	P	P	X	X	X	X	X	X
Retail	P	X	X	X	X	X	X	P

CITY OF LANGLEY	ZONING DISTRICTS							
Land Uses	CB	NB	P-1	Mixed Residential	RS5000	RS7200	RS15000	NB Retail Overlay*
Retreat/Conference Center	P	P	P	X	X	X	CU	X
Senior Retirement Facilities	P	P	X	CU	CU	CU	CU	X
Service Stations	CU	CU	X	X	X	X	X	X
<u>Short-term rental Type I - Rooms</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>Short-term rental Type II - Bed and Breakfast Inns</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>X</u>
<u>Short-term rental Type III - Commercial</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Single-Family Dwellings	X	X	X	X	P	P	P	X
Social and Recreational Facilities	P	P	P	X	X	X	X	X
Social Service Facilities	X	CU	P	CU	CU	CU	X	X
Taverns	P	X	X	X	X	X	X	X
Theaters	P	X	X	X	X	X	X	X
Type I and II Home Occupations	S	S	S	S	S	S	S	X
Type III Home Occupations	CU	CU	CU	CU	CU	CU	CU	X
Veterinary Clinics for Small Animals	P	P	X	X	X	X	X	X
Wellness Retreat	CU	CU	CU	X	X	X	P	X
Winery	P	X	X	X	X	X	CU	X
Winery Bar	P	P	X	X	X	X	X	X
Wireless Communication Antenna Arrays	S	S	S	S	S	S	S	X

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

DRAFT

Exhibit H

Repeal the following whole chapters

Chapter 18.22.070 Bed and breakfast rooms

Chapter 18.22.080 Bed and breakfast inns

Chapter 18.22.085 Tourist accommodations - Commercial

Replace with

18.22.070 – Short Term Rentals - General

A. Purpose

The purpose of this chapter is to:

1. To provide an alternative form of tourist accommodation for visitors who prefer a residential setting.
2. To prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short term rentals.
3. Establish special regulation to ensure short term rentals will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located.
4. Minimize the impact of short-term rentals on adjacent residences, to minimize the impact of the commercial character of short-term rentals, and to establish a level playing field between short-term rentals and formal tourist accommodation operators such as hotels and inns.
5. To provide supplemental standards for short-term rentals in zoning districts where the use is permitted as a principal or accessory use.

B. Short-term rental Type IV 'limited'

For the purposes of this title, short-term rental of a complete dwelling unit (Short-term rental - Type IV) is not regulated as a separate land use from the rented dwelling unit, except as provided in this chapter but requires a license under Chapter 5.40 of this code.

C. Short-term rental regulations

The following regulations shall apply to short-term rentals:

1. General
 - a. No short-term rental shall operate without having obtained prior approval pursuant to the this chapter and a business license in accordance with Chapter 5.04.
 - b. Guest rooms may be located in the principal dwelling unit and/or an accessory dwelling unit.
 - c. One guest room may accommodate a maximum of two adults and children under six years of age.
 - d. In addition to the parking requirements for a single-family residence pursuant to LMC 18.22.130, one off-street parking space shall be required for each guest room and shall be located on the short-term rental property itself .

- e. In residential zone districts, one non-illuminated sign not exceeding four square feet is permitted. In commercial zone districts, one non-illuminated sign not exceeding eight square feet is permitted.
- f. A short-term rental in residential zone districts shall not change the residential character of the outside of a building, either by the use of colors, materials, signage, or lighting, except as provided in this code.

2. Health and Safety

- a. All short-term rentals shall comply with requirements of adopted building codes pursuant to LMC Chapter 15.01 for smoke and carbon monoxide detectors and egress windows in all guest rooms. The STR operator shall maintain a functioning fire extinguisher with a minimum 2A-10BC rating located on a means of egress route, as approved by the building official. The means of egress route shall be posted in each guest room in readily visible location.
- b. All guest rooms shall meet the building code requirement for a sleeping room at the time it was created or converted and shall be within a building approved for habitation by the Building Official.
- c. Food service and/or the sale of food, if provided, shall comply with all laws, rules and regulations regarding food handling and shall comply with all the laws, rules and regulations as established by the Island County Health Department.
- d. For any short-term rental that is served by on-site septic, the maximum number of bedrooms that may be rented shall comply with the as-built septic permit on file with the Island County Health Department.

3. Home Occupation Use

- a. A Type I or II Home Occupation may be permitted on the same property as a hosted Short-Term Rental.

4. Management

- a. A copy of the STR permit and license and all applicable rules and regulations shall be included with the STR rental contract and posted within the STR unit in a prominent place within 10 feet of the door.
- b. For non-hosted STRs, a property manager shall be available twenty-four (24) hours per day, seven (7) days per week during all times that the property is rented or used on a transient basis. The property manager must be available to respond to complaints and arrive at the STR site within 20 minutes at all times during the rental period.

5. Nuisance

- a. The use a residential unit for a short-term rental shall not violate any applicable conditions, covenants, or other restrictions on real property.
- b. Events or commercial functions are prohibited in any short-term rental in a residential zone district.

- c. Small, informal non-commercial gatherings of family and friends of short-term rentals guests are permitted, provided the gathering is not a disturbance to the surrounding neighborhood.
 - d. Short-term rentals located in or adjacent to residential zone district shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes.
 - e. Quiet time for the short-term rental is between 9:00 pm and 9:00 am in a residential zone district.
 - f. Outside amplified sound shall not be allowed at any time associated with the short-term rental.
 - g. No outdoor fires are permitted.
6. Ownership
- a. Where the dwelling unit is a duplex building only one short-term rental is permitted.
 - b. Where the dwelling unit is located in a multi-unit building a maximum of X% of units may be permitted as a short-term rental.
 - c. The ownership and operation of short-term rentals in residential zoned districts are limited the to no more than one per individual, family living together, domestic partnership, those living as a family unit and/or acting as a principal in any business entity that has ownership of a residential unit. Assigning ownership and/or application for short-term rental use to separate any individuals that are living together as a family, in a domestic partnership, or living as a family unit as a means of exceeding this limitation is not permitted.
 - i. A STR operator may be a principal, spouse or registered domestic partner or a principal in a no more than one short-term rental permit issued pursuant to this section.
 - ii. A maximum of one Type I or II short-term rental permit is permitted per owner.
 - iii. A long-term tenant who has signed a lease may serve as a short-term rental operator. The property owner must serve as a co-applicant on the tenant's application. A tenant's short-term rental permit counts toward the permit cap of one short term rental permit for both tenant and property owner.

7. Applications

Applications shall be made on forms provided by the City, which shall include the following at a minimum:

- a. Owner's signature
- b. Applicant's signature
- c. Current Washington State business license number
- d. For STR types I and III, a declaration that this is hosted short-term rental as defined in the code.
- e. Contact for the STR operator/owner who is able to respond twenty-four hour a day, seven days a week to any complaints. For non-hosted short-term rentals, the local contact must be within a 20-minute drive of the short-term rental.
- f. Number of guest rooms

- g. Site plan showing required parking for residents and guests
- h. Floor plan showing guest rooms and the egress route
- i. Island County health department approval, if food is served
- j. Island County health department approval, if the dwelling unit is served by an on-site septic system
- k. Proof of a building/fire inspection within five years of application. If the City has not inspected the building within five years or if documentation is not available, an inspection shall be required prior to issuance or renewal of a license. Where an inspection is not required, a life-safety self-assessment demonstrating compliance with the licensing requirements shall be submitted on forms provided by the City.
- l. Application fee per the current fee resolution.
- m. Supplemental information may be required by the City to ensure the facility complies with applicable regulations and provides for public health, safety, and welfare.
- n. Links to on-line listing platform used for the short-term rental.

D. Short-Term Rental Type I – Rooms

- 1. Is a hosted short-term rental and the owner/operator shall reside on-site when guests are present.
- 2. The number of guest rooms shall be limited to no more than two.
- 3. Is permitted as an accessory or secondary use in all residential zone districts.
- 4. Is approved by the Planning Official pursuant to LMC 18.36.025.
- 5. Short-term rental type I permits are not transferable except by inheritance.

E. Short-Term Rental Type II – B&B Inns

- 1. STR Type II is hosted and the owner/operator shall reside on-site when guests are present.
- 2. The number of guest rooms shall be limited to no more than six.
- 3. Is permitted as a principal (conditional) use in all residential zone districts and is permitted as a principal use in all commercial zone districts.
- 4. Is approved by the Hearing Examiner pursuant to LMC 18.37.070
- 5. Short-term rental type II permits are transferable.

F. Short-Term Rental Type III - Commercial

- 1. STR Type III maybe hosted or non-hosted.
- 2. Is permitted as a principal use in the commercial zone districts
- 3. In the CB zone short term rental use is not permitted on the first floor and/or street level of the building.
- 4. Is approved by the Planning Official pursuant to LMC 18.36.025
- 5. Short-term rental type III are transferable.

18.22.080 – Violation – Penalty

A. Any person who advertises or operates a short-term rental without a valid short-term rental approval or who violates any other provision of this chapter or a condition of permit approval shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any

person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date shall be deemed to be operating a business without having obtained a license.

B. Any person guilty of a violation of this chapter shall be subject to a civil penalty not to exceed \$500 per violation and /or suspension or revocation of an issued short-term rental license. Each day of violation shall be considered a separate offense.

C. Any person failing to obtain or maintain a currently valid permit and operating a short-term rental within the City is hereby declared a public nuisance pursuant to LMC Chapter 8.12. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter or as may be allowed by law.

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Exhibit I

18.22.130 Parking requirements.

A. Applicability.

1. Parking as required by this title shall be provided when:

- a. A new principal building is constructed;
- b. A principal building is relocated;
- c. The use or building is changed from one category to another within or among subsection (C) or (D) of this section; provided, that this provision is only applicable if the parking requirement for the proposed use is greater than the parking requirement for the prior use; the use(s) are expanded; or new uses are added;
- d. A building is expanded.

2. The circumstances under which parking is required as set forth in subsection (A)(1) of this section apply as follows:

- a. To new developments or uses and not to those that have occurred prior to the adoption of this code section;
- b. Only one time to the same square footage unless there is a change in use that has a greater parking requirement. In this case, the parking requirements only apply to the difference between the two uses.

B. Maintenance of Space. All required parking spaces shall remain open and accessible for parking during the hours the use is open to the public or residents.

C. Residential Requirements.

1. Single-family dwellings shall have two spaces per dwelling unit;
2. Multiple Residential.
 - a. Duplexes and townhouses shall have two spaces per dwelling unit;
 - b. One-bedroom dwelling units shall have one and one-half spaces per dwelling unit;
 - c. Two or more bedroom dwelling units shall have two spaces per dwelling unit;
3. Boardinghouses shall have one space per bed;
4. Retirement, nursing and related housing, see Section [18.22.210](#) for parking requirements.

D. Commercial Uses.

1. Retail stores except as specified below, convenience stores, department stores, drug stores, grocery stores shall have one space per 600 square feet of floor space;
2. Furniture, appliance and hardware stores shall have one space per 600 square feet of floor space;
3. Personal service facilities shall have one space per 600 square feet of floor space;
4. Health care, veterinarian clinics and banks shall have one space per 400 square feet of floor space;
5. Offices shall have one space per 600 square feet of floor space;
6. Bowling alleys shall have two spaces per lane;
7. Commercial recreation facilities shall have one space per 600 square feet of floor space;
8. Car repair, commercial garage shall have one space per 400 square feet of floor space;

9. Service stations and automobile sales shall have one space per 800 square feet of lot area;
10. Restaurants, Taverns, and Cocktail Lounges.
 - a. If less than 4,000 square feet in floor area: one space per 400 square feet of floor area,
 - b. If over 4,000 square feet in floor area: 10 plus one space per 200 square feet in excess of 4,000 square feet;
11. Outdoor nurseries shall have one space per 1,000 square feet of outdoor retail area;
12. Motels, hotels and short-term rentals ~~bed and breakfast rooms/inns~~ shall have one space per room or unit;
13. Building materials yards shall have one space per 1,000 square feet of storage area and one space per three employees;
14. Manufacturing and laboratories, contract printing, research, kennels, shall have one space per 1,000 square feet of building or storage area plus one space per employee on the largest shift;
15. Mortuaries and funeral homes shall have one space per six fixed seats or one space per 60 square feet of assembly area, whichever is greater;
16. Self-storage warehouses shall have one space for each 10 storage units.

E. Community Facilities.

1. Theaters: one space per 10 seats;
2. Indoor places of public assembly, including churches, auditoriums: one space per six seats or one space per 60 feet of assembly area, whichever is greater;
3. Schools: one space per employee, plus one space for every eight seats in a main auditorium or similar assembly area; for high schools, additionally, one for each five students;
4. Museums and libraries: one space per 400 square feet;
5. Day care centers: one space for each 10 children or one space for each staff person, whichever is greater; one space for passenger loading/unloading for every 20 children;
6. Hospitals: one space for each two beds, plus one space per two full-time staff and one for each vehicle operated in conjunction with the facility;
7. Maintenance yard, municipal or utility: one space per two employees.

F. Uses Not Specified. Any use not listed above shall meet the requirements of the most similar use.

G. Handicapped Spaces. All retail commercial, offices, personal service, health care, community facilities, multifamily buildings with dwelling units for rent and other places of public accommodation which are subject to these parking regulations shall provide a minimum of one handicapped space and one additional handicapped space for every 50 spaces required.

H. Combination of Uses. On lots or in buildings with combined uses, the required number of parking spaces shall be the sum of the spaces required for each use reduced by 10 percent. Examples of combined uses are: a furniture store with a retail display area and an attached storage warehouse, a storage warehouse with attached office, a church with a parochial school, and so forth.

I. Mixed Hours of Use. If more than one use is made of a structure, the total requirements for off-street parking shall be the sum of the various uses' requirements; provided, however, if the hours of use do

not overlap, the requirements for the structure shall be that of the use or combination of uses which overlap, requiring the greater amount of parking.

J. Joint Facilities. In cases where there are uses in close proximity to each other that operate or are used at entirely different times of the day or week, joint parking facilities may satisfy the parking requirements of such uses if the parking facilities are within one-eighth of a mile from all uses being served and if the owners of the uses involved present a written agreement.

K. Off-Street Parking, Leased or Purchased. Leased parking spaces or land purchased for parking spaces may satisfy the parking requirements of this code if the leased or purchased spaces are within 800 feet of the uses being served and if the owner(s) of the uses involved present a written agreement.

L. Calculations.

1. Area, Square Feet. Unless otherwise specified, square feet refers to the gross building square footage, less the floor area dedicated to stairways and restrooms. In the case of outdoor areas, square feet refers to the gross outdoor eating area.

2. Fractions. When the total number of required spaces results in a fractional number of parking spaces, a full space shall be provided or payment of a fee-in-lieu fee shall be made in the amount resulting from multiplying the fraction (to two decimal points) times the fee-in-lieu fee.

M. Central Business District Parking Requirements.

1. Exemptions. The following uses within the central business district are exempt from the parking requirements:

a. The first 5,000 square feet of each nonresidential land use with the exception of:

(1) Hotels, motels, and ~~short-term rentals bed and breakfast rooms and inns;~~

(2) Marinas;

(3) Parking may be required as part of any conditional use permit to mitigate impacts on the surrounding neighborhood. The parking standards contained herein shall be used as a guide.

2. The planning official, or the hearings examiner for projects requiring review and approval from the hearings examiner, may issue a waiver from some or all of the parking requirements for any land use and development based on the criteria listed below. The city may require a peer review from a qualified parking expert at the applicant's expense prior to the issue of a parking waiver. Any parking waiver shall be based on the following:

a. Site-specific land use and parking data.

b. Available public parking.

c. Off-site parking agreements.

d. National and regional parking research and standards such as those provided by the Institute of Traffic Engineers (ITE), the American Planning Association (APA) or similar organizations.

e. A shared use parking analysis that addresses the use and management of parking for multiple land uses that may result in a reduced parking requirement.

Exhibit J

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.~~ Short-term rental types I, III and IV
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.

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.