ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, RELATING TO INTERIM REVISIONS OF THE ZONING CODE, AMENDING SECTIONS 18.16.010, 18.16.030, AND 18.16.085 OF CHAPTER 18.16 AND SECTION 18.01.040 OF CHAPTER 18.01 OF THE LANGLEY MUNICIPAL CODE TO IMPLEMENT INTERIM REGULATIONS TO PROTECT RESIDENTIAL NEIGHBORHOODS FROM POTENTIALLY INCOMPATIBLE LAND USES.

WHEREAS, The City has set forth in their adopted Comprehensive Plan nine goals that are deemed to be essential in maintaining a satisfactory quality of life for Langley; and

WHEREAS, Included as a goal is the encouragement of changes that promote livability, pedestrian orientation, and thoughtful design, and limit stress factors such as noise and air pollution and traffic congestion; and

WHEREAS, the City of Langley seeks to implement the following Comprehensive Planning Policies:

2.5 Continue the conservation of housing through public investment in the infrastructure needed to service the community (water, sewer, storm drainage, streets, and pathways) and in development regulations necessary to prevent incompatible land use;

3.8 Require buffers (vegetation, fences, etc.) between certain land uses to minimize the impact of one use upon another, such as businesses adjacent to residences.

3.9 Prevent incompatible land uses or blighting of residential neighborhoods through active code enforcement of available regulatory measures.

WHEREAS, the lack of sufficient regulations controlling and conditioning development on sites adjacent to residentially zoned properties may potentially allow for incompatible land; and

WHEREAS, it is necessary for the City to adopt interim regulations that temporarily limit development of certain types of land uses that compromise the City’s ability to achieve its stated goals; and

WHEREAS, pursuant to WAC 197-11-880, the SEPA Responsible official has determined that this ordinance is exempt from SEPA review as an emergency ordinance; and

WHEREAS, the City has legal authority to establish interim measures pursuant to the authority granted by, among other authority, Article 11, Section 11 of the Washington State Constitution, and the Growth Management Act (Chapter 36.70A RCW), and RCW 36.70A.390,

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, as follows:

Section 1. The Recitals above are adopted as Findings of Fact.

Section 2. Sections 18.16.010, 18.16.030, and 18.16.085 of Chapter 18.16 and Section 18.01.040 of Chapter 18.01 of the Langley Code are amended as follows:
18.16.010 Principal uses.
Principal uses in the CB zone are:
A. Retail and wholesale sales;
B. Personal services, including self-service;
C. Offices;
D. Medical-dental clinics;
E. Restaurants and taverns which do not include an age restricted bar, tavern or cocktail lounge area;
F. Social and recreational facilities;
G. Hotels, motels, and bed and breakfast rooms and inns which do not include an age restricted bar, tavern or cocktail lounge area;
H. Accessory structures and uses;
I. Parking facilities;
J. Theaters; and
K. Tourist Accommodations
L. Bars, Taverns or Cocktail lounges; except on property adjacent to a single family residential zoning district.

18.16.030 Conditional uses.
Conditional uses in the CB zone are:
A. Outside storage and display;
B. Public and utility buildings and structures except transmission lines and structures;
C. Service stations;
D. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.39 feet (one meter) in diameter or more than fifteen (15) feet in height; and
E. Restaurants – Age Restricted, on property that is adjacent to single family residential zoning districts.
F. Hotels, motels, and bed and breakfast rooms and inns which include an age restricted bar, tavern or cocktail lounge area;
18.16.085 Commercial Uses on Property Adjacent to a Single Family Residential Zoning District

The following special standards apply in cases where development, to include expansions of existing development, is proposed on property immediately adjacent to property that is zoned single family residential. All other standards applicable to development in this zone and not in conflict with the following also apply:

A. Uses: Bars, Taverns, and cocktail lounges and outdoor and/or amplified music are prohibited.

B. A conditional use permit is required for restaurants that include an age restricted bar, tavern, or cocktail lounge area, and that are located on property adjacent to a single family residential zoning district. In addition to the required findings listed in LMC 18.28.044 the hearing examiner has the authority to require modifications to the proposal as authorized below:

1. Require and attach to the conditional use permit conditions which are more restrictive and in excess of the dimensional standards for the district in which the conditional use is proposed;

2. Impose time limits for the hours of operation of an age restricted bar, tavern, or cocktail lounge;

3. Require and attach to the conditional use permit conditions which include, among other things, increased lot size, increased setback requirements, suitable landscaping, special water, sewage or stormwater facilities, special controls over the location and number of access points, curb cuts and traffic movement, additional parking, smoking areas, and other conditions which will uphold the spirit and intent of the zoning ordinance, the comprehensive plan, and the harmony and beneficial use of neighboring uses. The hearing examiner may also require an agreement and performance bond to insure compliance with said restrictions and conditions.

C. Setbacks: Front, ten (10) feet; Side, five (5) feet; Rear, twenty-five feet.

D. Height: The height limit shall be the same as the adjacent residential zone height limit.

E. Location of required parking: shall be located on the side of the property opposite from the residentially zoned zoning or in the rear of the property. If the parking is in the rear of the property, screening is required to buffer the parking area from the residential property.

F. Building design: the building development shall be compatible in scale and character with the residential buildings in the vicinity.

G. Applicability: in cases where the development involves more than one parcel, the above regulations shall apply to the entire ownership being proposed for development or redevelopment parcel adjacent to the residential zone and, in cases where the development involves a parcel with a lot width greater than 40 feet, the above regulations shall apply to the first thirty (30) feet that are adjacent to the residential zoned area.

18.01.040 Definitions.

Add the following definitions:

“Adjacent” means having a common vertex and a common side. Properties on opposite sides of a street or alley are not adjacent.
“Bar or Cocktail Lounge” means an area restricted to patrons over 21 years of old for the consumption of alcoholic beverages on premise and associated with a restaurant, transient accommodations or other establishment as a secondary use.

“Restaurant” means a commercial establishment where meals are served to customers, which does not include an age-restricted bar, tavern, or cocktail lounge area.

“Restaurant-Age Restricted Area” means a commercial establishment where meals are served to customers, and which includes an age-restricted bar, tavern, or cocktail lounge area.

“Tavern” means a commercial establishment restricted to those 21 years and older for the consumption of alcoholic beverages on premises. Food may also be served.

Section 3. Based upon the Findings of Fact the City Council has determined that an emergency exists and adopts this interim regulation under the authority of RCW 36.70A.390. The interim regulation is effective immediately for a period of six months. As required by RCW 36.70A.390 the City Council schedules a public hearing on September 17, 2012 at 5:30 PM. This interim regulation may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances is not affected.

PASSED by the City Council of the City of Langley and APPROVED by the Mayor this 20th day of August 2012.

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Larry Kwarsick, Mayor

Debbie L. Mahler, Director of Finance/Clerk

APPROVED AS TO FORM:

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Michael R. Kenyon, City Attorney