1) Call to Order and Roll Call

2) Approval of the Minutes – January 7, 2014

3) Code Amendments
   a) Land Use Table
   b) Landscaping and Tree Retention

4) Design Review Overview Presentation

5) Adjourn

Next Regular Meeting: March 5, 2014
The meeting was called to order at 3:05 PM.

ATENDANCE: Roger Gage, Gail Fleming, Sue Walsh Dominique Emerson, Paul Goldfinger
Absent: Aaron Simpson
Staff: Jeff Arango, Cheryl Knighton

Motion by Dominique to approve the November 6th minutes, second – Gail, approved.

**Code Amendments**

**Land Use Table**
Jeff talked about the Land Use Table and the proposed changes to be made. Dominique asked what the definition of “Home Occupation” was, Jeff explained and gave an overview of what changes were made to the Table.

There was some confusion as to what was the current table verses the proposed changed table. Sue clarified.

Dominique has concerns regarding the Comp Plan does not support the table. At question is the residential/commercial zone. Roger also asked about the “Legend”. What do the letters mean on the table? Jeff explained the definition of each and said he could add to the map. As the board went through the table they noticed some changes that still should be made. Jeff will update it and bring it back to the board at the next meeting.

Sue suggested they work through items 1-7 one at a time. Jeff gave some history on the Langley Municipal Code. There was much discussion on each of the items. It was decided that the Multi-Family Opportunities and the Retail in NB Zone need to come back to the board for more discussion before approving. The rest of the items Cottage Housing, Tourist Accommodations, Churches and Schools, New Land Uses, Eliminated Hazardous Waste Facility were all approved after discussion.

*It should be noted that when the Comp Plan comes up for review that the P1 zoning, the Retail NB and the Multi-Family should be looked at and possibly changed.

**Zoning District Standards**

Some discussion on Height Modification, Eliminate References to Binding Site Plans, Eliminate Central Business Public Overlay Zoning. All were approved. The Renaming of the Central Business District to Downtown was not approved and after discussion, the board feels it needs to come back for more review and discussion.
Landscaping and Tree Retention

City Forester, Tree Removal from Critical Areas, and Heritage trees were all discussed. Still some concerns over 9D and how the “City Forester” will be defined and by whom. It was decided that this item should be revisited and brought back to the board before approving.

Meeting adjourned at 5:05PM
Staff Report

To: Planning Advisory Board
From: Jeff Arango, AICP – Director of Community Planning
Date: January 30, 2014

Re: Code Amendments

Staff has revised the code amendments to eliminate the proposals to expand multi-family development opportunities and to allow retail in the Neighborhood Business District. The public overlay zone has been removed from the attached draft-zoning map as discussed at the last meeting. The overlay zone is no longer necessary as the future land use map was amended in 2013 to designate most of the properties are zoned for public use for future commercial use. Those properties will not be rezoned to the CB Zone.

In addition, amendments to the land use table have been made consistent with the discussions at the January 7, 2014 meeting. The following items must still be addressed:

1. **Height Modification Proposal for CB Zone**

   Staff is proposing to expand the Wharf Street height modification allowances to the rest of the Central Business District. The expansion of this provision in the code would likely result in more flexibility in building design and increased public space in the downtown. The PAB should discuss this issue further at the meeting. Staff will present basic graphics to illustrate the height modification concept at the meeting.

2. **Landscaping and Tree Standards**

   The PAB should discuss the tree retention requirements for significant trees and reach consensus on what aspects of the landscaping and tree retention standards to move forward. One of the key issues for discussion is the proposed restriction on retention of individual significant trees and whether they should apply to single-family properties.

3. **Home Occupation Regulations**

   At the January 7, 2014 meeting the PAB requested copies of the regulations on home occupations. Staff has included the regulations in the packet.

**Recommendation**

Once the above issues are addressed staff recommends the PAB hold a public hearing to consider the code amendments package.
<table>
<thead>
<tr>
<th>Land Uses</th>
<th>CB</th>
<th>NB</th>
<th>P-1</th>
<th>Residential</th>
<th>RS5000</th>
<th>RS7200</th>
<th>RS15000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult family homes</td>
<td>S</td>
<td>S</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Bed and Breakfast Inns</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Bed and Breakfast Rooms</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Boardinghouses</td>
<td>X</td>
<td>CU</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Lounge</td>
<td>S</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>X</td>
<td>X</td>
<td>CU</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>School</td>
<td>X</td>
<td>CU</td>
<td>P</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Cultural Facilities</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Church</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Duplexes on lots of 7,200 square feet or larger</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Duplexes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Foster Homes</td>
<td>X</td>
<td>S</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Health Clubs</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Home day care</td>
<td>S</td>
<td>S</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Hotels, motels</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Libraries and Museums</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Medical-Dental Clinics</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multifamily Dwellings</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nurseries</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Nursing Homes</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Offices</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parking facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Services</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Public parks and open space areas</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Schools and grounds, administrative offices and related facilities</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Residential Zone Offices</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Restaurant (exclusive of fast food and drive-in)</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retreat/Conference Center</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Senior Retirement Facilities</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Service Stations</td>
<td>CU</td>
<td>CU</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>P</td>
<td>S</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
</tr>
<tr>
<td>Single Family Dwellings</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social and Recreational Facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Social Service Facilities</td>
<td>X</td>
<td>CU</td>
<td>P</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td></td>
</tr>
<tr>
<td>Taverns</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Theaters</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Type I and II home occupations</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Type III Home Occupations</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
</tr>
<tr>
<td>Veterinary clinics for small animals</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Winery Bar</td>
<td>P</td>
<td>P</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wireless communication antenna arrays</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

P - Permitted
S - Secondary
CU - Conditional Use
X - Not Permitted
18.16.075

Height modification.

A. Consistent with the requirements below, the planning official is authorized to grant an administrative height modification for all CB zoned properties located within the boundary of the Wharf Street overlay zone established under Chapter 18.11.

B. Height Modification. The height of a commercial or mixed use building may be increased above the standard of the Central Business District or Wharf Street overlay zone if the project includes one or more of the following project augmentations:
   1. Open air public or semi-public space; or
   2. Upper story building setbacks; or
   3. Indoor public space.

C. Building height: 47 feet or four stories, whichever is less.

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

<table>
<thead>
<tr>
<th>Floor</th>
<th>Modification</th>
<th>Base Square Footage</th>
<th>Number of Floors Above</th>
<th>Square Footage Augmentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>Public Space</td>
<td>600</td>
<td>3</td>
<td>-1,800</td>
</tr>
<tr>
<td>Second</td>
<td>Setback</td>
<td>600</td>
<td>2</td>
<td>-1,200</td>
</tr>
<tr>
<td>Third</td>
<td>Setback</td>
<td>600</td>
<td>1</td>
<td>-800</td>
</tr>
<tr>
<td>Fourth</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>3,800</td>
</tr>
</tbody>
</table>

E. The following graphic is for illustrative purposes only and is not intended to portray an actual or desired building design. The graphic relates to Table 1 in subsection (D) of this section.
Figure 1. This graphic relates to Table 1 above as an illustration of the intent of the height modification provisions.

F. Consistent with RCW 90.58.320 of the Shoreline Management Act, a height modification granted under these provisions shall not be granted for any new or expanded building or structure that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. (Ord. 963 § 2, 2011)
Amendments to Title 18: Landscaping and Tree Retention Standards

Existing: 18.22.020 Landscaping.

All lots shall be generously landscaped, and consistent with the natural environment of Langley and appropriate to the planned use. Retention of natural landscaping is encouraged. (Ord. 527, 1989)

Existing: 15.01.725 Land clearing – Intent.

A. Intent. It is the desire of the city to preserve and enhance the physical and aesthetic character of the community, to promote land development practices that minimize disturbance to vegetation and soils, minimize surface water and ground water runoff and diversion, prevent erosion, and reduce risk of slides.

B. Requirements. No person shall clear more than 20 percent of any significant trees from a parcel of land that is more than 15,000 square feet in area without first obtaining approval of a land clearing permit for an approved timber harvest or other specified use requiring the land clearing, unless the clearing is part of a development action or permit as set forth in Section 15.01.020, or consistent with an approved plat.

C. Tree Protection Encouraged. For projects on land that falls below the size threshold of this section, developers are strongly encouraged to retain as many native trees and as much undergrowth as feasible in support of the city’s policy of promoting native landscape retention.

(Amended during 2013 reformat; Ord. 966 § 1, 2012; Ord. 743, 1997)

AMENDED – 18.01.040 Definitions

“City Forester” means a volunteer position designated by the city’s Director of Community Planning 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.

“Hazard tree” means any street tree, or part thereof, that the City Forester 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.

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

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

NEW – 18.22.020 Landscape Design and Tree Retention

1. Purpose. The City of Langley’s identity is defined by its beautiful natural setting and human scaled downtown characterized by extensive landscaped gardens both on private properties and within the public realm of streets, parks and open spaces. Langley is surrounded by mature coniferous forest that delineates the urban city from the rural county while strengthening the city’s sense of place within the surrounding landscape. The preservation and enhancement of these features are important to the future of the city to achieve environmental, social and economic sustainability. Other objectives are to:

   a. Retain existing vegetation, tree stands and significant trees by incorporating them into the site design.
   b. Incorporate native vegetation and drought resistant plant material into new landscape developments as appropriate.
   c. Provide vegetated screening between different land uses and intensities
   d. Minimize the visual and physical impact of parking areas with vegetative screening and shade
   e. Provide vegetated screening between residential and nonresidential areas.
   f. Beautify the commercial districts with extensive gardens and landscape installations
   g. Create pedestrian oriented spaces in the downtown with a blend of hardscape and landscape features

2. Applicability. The standards herein apply to any multi-family development of three, plats or more units and all non-residential development and streets and plats including binding site plans and planned unit developments. Single and two-family lots are exempt from the requirements of this section unless they contain significant trees or vegetation required to be preserved as part of a plat approval.

3. Professional Designer. All landscape plans shall be prepared by a registered landscape architect or landscape designer qualified to provide landscape design services as exhibited by experience with past projects, education or a combination thereof.

4. Submittal Requirements. All landscape plans shall include the following:

   a. A detailed site plan of all existing and proposed natural and landscaping improvements at a minimum scale of 1”=30’ identifying all existing and proposed landscaping
   b. A detailed plant and tree list showing the type of species and size at installation and whether the plants are native of non-native. Non-native species may be allowed with evidence of their suitability for the proposed application.
   c. A narrative identifying the overall design concept for the proposed landscaping plan and demonstrating compliance with the requirements of this section.
5. Standards for Parking Lots and Walkways
   a. A minimum of one tree for every eight parking spaces is required along the interior of parking lots and one space for every four spaces along the exterior of parking lots and along the right-of-way.
   b. A minimum of 10’ between the edge of the right-of-way and the parking lot shall include extensive landscaping to soften the visual impact of the parking lot consisting of trees, shrubs and plants. The vegetation shall not create an opaque vegetative screen.
   c. All trees shall be a minimum 2” caliper when planted.
   d. Dedicated walkways through parking areas shall include a minimum of 5’ of landscaping along both sides of the walkway.
   e. Walkways along building frontages shall have a minimum 10’ of landscaped area between the walkway and the building.

6. Street Trees
   a. A street tree shall be planted for every 40’ of frontage along the street and shall be located either within the right-of-way or along the frontage of the property within 10’ of the right-of-way.
   b. The street tree species must be demonstrated to be appropriate for the given location, that it will not damage infrastructure in the area (sidewalks, roadway, utility lines, etc..), unnecessarily block views from public or private property and demonstrate an ability to property maintain the tree.
   c. When selecting a street tree applicants shall consult with the Seattle Department of Transportation Street Tree list as a guide.

7. Site Design Techniques. Sites shall be designed to include, but not limited to, the following features:
   a. Landscape open areas created by building modulation.
   b. Retain natural vegetation and undisturbed open space.
   c. Use plants that require low amounts of water, including native drought-resistant species.
   d. Locate trees on storefront street frontages at appropriate spacing so that at maturity building signage and entrance are clearly visible from the street and sidewalk.
   e. Plant a mix of evergreen and deciduous plants to maintain year-round color and interest.
   f. Incorporate on-site natural objects such as rocks, boulders and tree stumps into landscape design where possible.
   g. Shrubs, grasses and other non-tree vegetation shall be included in the plan as appropriate to the site on a case-by-case basis.
h. Consider incorporating seating areas and public art into the landscape design

i. Consider planters, hanging baskets, window boxes or other landscape features along the street for sites that do not have landscape areas on-site

8. Planting Requirements

a. Intent. The intent of this section is to encourage the use of native species and recommend planting conditions adaptive to Whidbey Island

b. Requirements. Landscape designs shall conform to the following provisions:

i. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.

ii. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region.

iii. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.

iv. New tree plantings shall be a minimum of two inches in caliper if deciduous or six feet in height if evergreen. Soil planting types and depth shall be sufficient for tree planting.

v. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.

9. Tree Retention and Protection

a. A plan of all existing significant trees shall be provided with applications for development subject to these standards.

b. Projects shall be designed to avoid the removal of significant trees where feasible without diminishing allowed uses, densities and intensities or the function of the proposed development. Safety, Solar access for active and passive solar design, local food production will also be considered as part of review of the tree retention plan.

c. Projects may be required to preserve significant trees with a native growth protection area when the tree preservation is determined to be commensurate with the projects impact or voluntarily by the applicant.

d. No significant tree may be removed from any property without first obtaining authorization from the city planning official following consultation with the city forester. Any significant tree removed shall be replaced with an appropriate species. Consultation with neighbors is encouraged to avoid conflicts with views and infrastructure. A significant tree may be authorized for removal based on the following criteria:

i. The tree has been deemed hazardous by a certified arborist

ii. The tree is dead or dying. Confirmation from a certified arborist may be required.

iii. The property owner desires solar access for passive or active solar energy or for agricultural purposes

iv. View Preservation or retention – any tree removed must be replaced with two additional trees in suitable locations that will not block views from the subject property in the future unless determined by the planning official to
not be reasonable or feasible.

e-e. Trees within critical areas or buffers may not authorized for removal unless the tree(s) are deemed to be dead, dying or hazardous and approved by the planning official. Trees removed from critical areas must be replaced with an appropriate species.

10. Modifications. The planning official may approve modifications to the standards contained in this section to achieve the overall purpose and intent of this section.
property line.

B. No accessory building shall have a gross floor area greater than 900 square feet; provided, that:

1. On lots greater than one acre in size, the maximum gross floor area is 1,200 square feet; and

2. On lots five acres or greater in size within the RS15000 zone, the maximum gross floor area is 5,000 square feet, subject to each of the following requirements:

   a. Prior to the issuance of any building permit for an accessory building having a gross floor area greater than 1,200 square feet, a written covenant shall be executed by the owner(s) of the lot upon which accessory building is to be located, and recorded in the records of the Island County auditor. Such covenant shall legally describe an area within such lot, which is not greater than five acres in size, within which such accessory building and the principal building shall be located. Such covenant shall further provide that the size of the lot upon which such accessory building is to be located shall not be reduced to less than five acres for so long as that accessory building is situated on that lot. Such covenant shall further provide that the city may enforce the covenant on behalf of the public.

   b. Design approval pursuant to Chapter 18.34 shall be required prior to the construction or substantial modification of any accessory building having a gross floor area greater than 1,200 square feet.

   c. For the purposes of establishing lot area, submerged lands and all but 25 percent of sensitive areas do not qualify in making the calculation of lot area.

   d. No more than two accessory buildings, which have gross floor areas greater than 1,200 square feet, may be constructed upon any lot, and both of said buildings shall be located within the five-acre area provided for in subsection (B)(2)(a) of this section.

   e. An accessory building having a gross floor area greater than 1,200 square feet shall be subject to administrative review and approval pursuant to Section 18.36.025(B). (Amended during 2013 reformat; Ord. 834, 2003; Ord. 733, 1997; Ord. 620, 1992; Ord. 817, 1992; Ord. 527, 1989)

18.22.055 Water conservation.

All new construction shall have toilets, which flush no more than one and one-half gallons per flush, low-flow shower heads (no more than two gallons per minute), and no more than three gallons per minute flow on faucets. Connection to the city water system shall not be approved until proof of compliance with these requirements is furnished to the city. (Ord. 527, 1989)

18.22.060 Home occupations.

A. Intent.

1. Home occupations are accepted and encouraged as a welcome addition to the local economy of Langley; provided, that:

   a. The home occupation's impact on the residential character of its neighborhood is kept within limits stated in the following code; and
b. The home occupation complies with the city's building, zoning, and other codes.

2. This intent shall govern the interpretation of this code.

B. Structure of the Home Occupation Code.

1. Classification of home occupations falls into three ordered types: Type I, low-impact, totally residence-contained occupations; Type II, some impact due primarily to customer/client visitation; and Type III, conditional use permit required.

2. The three types represent increasing levels of impact on the neighborhood. Occupations which do not clearly fall into a lower level of classification will use the rules of the next higher level.

C. Application Process.

1. Every owner and/or operator of a home occupation that meets the requirements for a business license (Chapter 5.04) must complete a home-occupation application and return that application and its fee to the planning official.

2. The planning official will inform the applicant within 14 days if the application is complete and if an inspection by the building official and/or the planning official is required and will make arrangements with the applicant for that inspection.

3. The building official will determine if the proposed application requires building permits for alterations, additions or changes in use of the residence or accessory structure. All home occupations require the approval of the building official.

4. If no inspection or additional permits are required and the application is otherwise complete the planning official will classify the home occupation as Type I and issue a home-occupation permit.

5. If an inspection is required, the planning official will determine the type based on the application and inspection, and follow the process appropriate to that type described later in this chapter.

D. Appeals.

1. A resident of a neighborhood who feels that a neighbor’s home occupation is affecting them inappropriately can bring their concerns to the planning official of the city for resolution according to this code and the procedures in Chapter 18.36.

2. Residents with home occupations not satisfied with the classification or resolution determined by the planning official may appeal according to the procedures in Chapter 18.36.

E. General Provisions.

1. All home occupations shall be conducted entirely within the principal residence and/or accessory buildings on the subject parcel;

2. The residential portion shall be occupied by the owner(s), operator(s) and/or employee(s) of the home occupation(s);

3. A maximum of 49 percent of the habitable floor area of the principal residence, as defined in Section 18.01.040, shall be used primarily for the home occupation(s);
4. Home occupation(s) may be located in an accessory building; provided, that the total square footage used primarily for the home occupation(s) in all buildings on the subject parcel not exceed a maximum of 49 percent of the habitable floor area of the principal residence;

5. The home occupation activity shall not generate noise, vibration, smoke, dust, odor, heat, glare, light, electrical interference, or externally visible signs of activity that exceed levels customarily associated with residential use;

6. There shall be no outside storage of materials;

7. Retail sales, unless conducted by mail order or through the Internet, shall be limited to items produced on site and shall be occasional and incidental to home occupation use;

8. One nonilluminated sign, not to exceed two square feet, is allowed for Types II and III, provided it is made of natural materials, is attached flush to the principal or accessory building in which the home occupation is located, and satisfies the provisions of Chapter 18.35;

9. Some businesses have both a home component and an offsite component. That portion of the business that occurs in the home must meet the home occupation guidelines;

10. The interior design and structure of the principal residential building shall be such that the whole building could easily be converted to purely residential use if the home occupation were to cease at that location;

11. The exterior appearance of the principal residential building and accessory structures shall be residential in character and consistent with the surrounding neighborhood;

12. All home occupations require a city of Langley business license (Chapter 5.04);

13. "Workers" include employees, contract workers, volunteers, and anyone who is more than incidentally involved in the business activity at the home occupation location.

F. Type I Provisions. The following provisions shall apply to all Type I home occupations in all zone districts:

1. No nonresident workers are permitted;

2. Regular customer/client meetings are not part of the home occupation;

3. There is no signage for the home occupation;

4. There is no limit to the number of Type I home occupations per residence; provided, that all, when considered as a total, meet the general provisions listed in subsections (E) and (F) of this section;

5. The average number of deliveries and collections to and from the home occupation address per week will not exceed three;

6. May be inspected by the building official prior to the commencement of business activities at the discretion of the building official and/or the planning official.

G. Type II Provisions. Type II occupations are those which have some impact on the neighborhood,
primarily in the form of traffic increases. The following provisions shall apply to all Type II home occupations in all zone districts:

1. Businesses conducted one-on-one with clients or customers and generating traffic of not more than one client per hour. One off-street parking space for visitors and customers must be available during hours of operation;

2. Customer/client contact shall be limited to the hours between 8:00 a.m. and 9:00 p.m.;

3. No more than one worker who is not resident at the home occupation location shall work at any given time at the home occupation;

4. Deliveries and collections to and from the home occupation address shall be limited to two per day. Average daily vehicle trips (ADT) generated by the home occupation address shall be limited to 16;

5. Must be inspected by the building official prior to commencement of business activities.

H. Type III Home Occupations.

1. Home occupations that are not classifiable as Type I or Type II shall fall under Type III. For example, any home occupation with any of the following characteristics will be classified as Type III:

   a. More than one nonresident worker works at any given time at the home occupation location. The number of workers a Type III home occupation may have is not limited except as may be necessary to meet building code occupancy requirements;

   b. Generates more traffic than a Type II home occupation;

   c. Include frequent instructional classes with between five and 10 participants.

2. Type III occupations require conditional use permit approval and administrative review by the planning official after six months of operation and annually thereafter to ensure compliance with the CUP conditions. The following provisions apply to Type III home occupations:

   a. Up to two off-street parking spaces may be required in addition to those needed for residence. A parking plan shall be approved as part of the conditional use permit and routine on-street parking may be disallowed;

   b. Deliveries and collections to and from the home occupation address shall be limited to two per day; average daily vehicle trips (ADT) generated by the home occupation address shall be limited to 20;

   c. Must be inspected by the building official prior to commencement of business activities;

   d. Type III home occupations may require review by the city’s design review board to ensure that the residential character of buildings and of the neighborhood is maintained;

   e. Permits granted under the conditional use process are not transferable to another individual or to another location.
I. Businesses Not Permitted. Not all businesses are permitted as home occupations. The following businesses are examples of those not accepted as legitimate home occupations in residential zones under this section:

1. Automobile or heavy equipment repair services;
2. Businesses that require more than one service vehicle such as trucks, backhoes, cranes, bulldozers, and so forth;
3. Short- and long-term lodging facilities;
4. Group care facilities;
5. Medical, dental, and veterinary offices;
6. Rental of space for storage;
7. Restaurants;
8. Firearm sales and services;

18.22.065 Residential-zone offices.

A. To foster creative use of land and promote diversity of productive activity within the city, buildings designed for up to 100 percent commercial use may be allowed in proposed residential subdivisions that will exceed 25 lots. Such commercial structures must meet the following requirements:

1. The number of these commercial buildings shall not exceed 15 percent of the buildings in any new development;
2. The lots on which these commercial buildings will be placed must be identified as part of the subdivision proposal;
3. The buildings must be building-code compliant for their intended commercial use;
4. The design, structure, and placement of the building shall be such that the whole building could be converted to purely residential use;
5. The same setback, height, lot coverage, floor area, and other design requirements which apply to residential buildings in this zone shall also apply to these commercial structures;
6. The exterior appearance of the building must be consistent with the surrounding neighborhood.

B. The commercial use of all or part of such a building requires conditional use permit approval and administrative review by the planning official after six months of operation and annually thereafter to ensure compliance with the CUP conditions. The commercial use must meet the following requirements:

1. The building must be inspected by the building official prior to commencement of business