1) Call to Order and Roll Call

2) Approval of the Minutes – November 6, 2013

3) Code Amendments
   a) Land Use Table
   b) Zoning District Standards
   c) Landscaping and Tree Retention

4) Design Review Overview Presentation

5) Adjourn

Next Regular Meeting: February 5, 2014
The meeting was call to order at 3:05PM

ATTENDANCE:
Members present: Thomas Gill, Roger Gage, Gail Fleming, Dominique Emerson, Sue Walsh, Aaron Simpson
Staff present: Jeff Arango, Cheryl Knighton

APPROVAL OF MINUTES

Minutes were approved with changes.

Code Amendments
Landscaping and Tree Standards

Jeff went over the proposed code amendment changes. He explained that the code needed to be changed to be more specific. Some discussion on taking out the 15,000 sq. ft. in 15.01.725 “B”. Everyone thinks that it should be removed from the section. Sue thinks there should be more “intent” added. Why are you taking out the trees etc? Possibly more guidelines added.

“City Forester” needs qualifications. What qualifies a person to be a “forester”?

Tree Retention. Some discussion on iv and depending on the situation there may not be enough room on someone’s property to replace one tree with two. Change v to be its own line to 6 and add a reference to critical areas and add wording to reflect structures and navigation.

Gail said she was wondering how people will know about this changes and the guidelines. Jeff explained there would be outreach and education to the public, hopefully through our website. He would also put a mitigation plan in place.

Some discussion on Heritage Trees. Is there a purpose within this code? Could there be an incentive to register a tree as such? Jeff will do some research.

Sue asked if there was a historical registration on the downtown area. Jeff said there is some data but not what he would like to see. Possibly take this task on next year.
**Land Use Table**

Jeff explained the definition of the letters in the table. He basically is cleaning up the language. Taking out duplicates. Added basic items like Public/cultural facilities. He tried to refine the category’s to make it simpler. There was much discussion on items to be added, combined or eliminated.

There was some discussion on residential parking on 1st street. And on what type of businesses should be on 1st street i.e. real estate offices, insurance offices.

Jeff talked a little about the reorganizing of the DRB and how he is slowly educating them on the changes he would like to make. He will give a more in depth presentation at the next meeting.

This is Thomas’ last meeting as a member, as he will be a council member. Roger nominated Sue as Chair. After some discussion it was thought that Sue and Dominique could co-chair the position. It was approved unanimously.

The walk about to look at trees was postponed to another time.

Meeting adjourned 4:50PM
To: Planning Advisory Board  
From: Jeff Arango, AICP – Director of Community Planning  
Date: November 27, 2013  

Re: Code Amendments

Land Use Table

Two land use tables are provided in the packet including a draft of the proposed allowed land uses and a table that identifies the existing allowed land uses. It become too difficult to read when the existing and proposed amendments were combined on a single chart. The more substantive amendments include:

1. Expand Multi-Family Opportunities – Currently the code prohibits multi-family development in the single-family residential neighborhoods although town houses and duplexes are allowed. Staff is proposing to amend the code to allow multi-family development in all residential zones based on existing allowed densities. This approach is consistent with the proposed Whole Langley Code draft that was ultimately rejected because rather the utilizing a units per acre density calculation the proposal allocated a total amount of habitable square footage that could be development in any number of units. The approach staff is proposing now would allow for greater flexibility and diversity in the type of residential development that may occur in the city. The development of multi-family development in the existing single-family zones would likely result in increased open space opportunities as multi-family development tends to be more compact and not require the same degree of infrastructure development. During the 2016 comprehensive planning process the city may consider increasing densities in certain areas of the city, but that is not being proposed at this time.

2. Cottage Housing – The existing code requires cottage housing proposals to be reviewed under the conditional use criteria, which increases the time and costs of permitting a development style that the community appears very supportive of. Rather than make it more difficult to develop a housing style that has worked well in the community the city should remove any unnecessary barriers. Therefore, cottage housing would be allowed as a permitted use rather than a conditional use under the current proposal. Cottage housing would still be subject to public notice and public hearings as well as design review to ensure an adequate public process.

3. Tourist Accommodations – Commercial – Removed this as a land use category with the understanding that renting an established residence would be considered to be consistent with a residential use and not require any additional approval from the city for rentals such as VRBO and Airbnb.

4. Churches and Schools – The existing code classifies churches and schools as the same type of land use, when in fact they function very differently. Staff has provided separate land use categories for churches and schools.

5. New Land Uses – New land use categories include a winery bar, cultural facilities and services (to replace the personal services category).

6. Eliminated Hazardous Waste Facility – A hazardous waste facility would not be appropriate in the city of Langley due to the city’s small size and predominance of residential development in proximity to all areas of the city.
7. **Retail in NB Zone** – Staff is proposing to allow retail as a permitted use in the NB Zone.

**Zoning District Standards**

Included in the packet are proposed amendments to the standards for each zoning district within Title 18 of the LMC. The amendments would eliminate the list of allowed land uses in each district and reference the proposed land use table.

**Height Modification**

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.

**Rename Central Business District to Downtown**

Staff is proposing to change the name of the Central Business Zoning District to Downtown Zoning District. The term "Downtown" is more reflective of how people commonly refer to the downtown area and easier to identify.

**Eliminate References to Binding Site Plans**

Binding site plans are an alternative way to subdivide land for commercial/industrial, mobile home parks or residential condominiums. The binding site plan process should be addressed in Title 17 of the LMC that addresses plats. The existing references to binding site plans in zoning district sections appear to reference a typical site plan process that does not involve the subdivision of land. The newly proposed site plan process will address these issues as binding site plans are typically a voluntary process selected by the application and not mandated by the city.

**Eliminate Central Business Public Overlay Zoning District**

The comprehensive plan future land use map has been amended to identify all properties within the boundaries of the central business district as for commercial use. Therefore, the properties that are currently zoned P-1 in the central business district may be rezoned to become part of the CB Zone thereby eliminating the need for the overlay zone. Staff will provide a draft-zoning map that identifies the change prior to the public hearing on these amendments.

**Landscaping and Tree Retention**

**City Forester**

Staff has added language stating the city forester must have demonstrated qualifications to fulfill the responsibilities of the position through education and/or professional experience.

**Tree Removal From Critical Areas**

Staff has made the changes discussed at the November 6, 2013 meeting under item 9d.

**Heritage Trees**

Staff has provided in the packet the heritage and landmark tree proposal drafted by the citizen committee in 2010 for discussion.
<table>
<thead>
<tr>
<th>Land Uses</th>
<th>CB</th>
<th>NB</th>
<th>P-1</th>
<th>Mixed-Residential</th>
<th>RS5000</th>
<th>RS7200</th>
<th>RS15000</th>
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<td>Adult family homes</td>
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<td>Bed and Breakfast Inns</td>
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<td>Bed and breakfast rooms and accommodations</td>
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<td>Churches and Schools</td>
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<td>Day Care Centers</td>
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<td>Home day care</td>
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<td>Home Occupations exceeding 600 square feet in accessory buildings</td>
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<td>Municipal facilities, such as watersheds, reservoirs</td>
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<td>Onsite hazardous waste treatment and storage facilities, provided, that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210, or its successor</td>
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<td>Other governmental facilities, such as fairgrounds;</td>
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<td>Outside storage and display</td>
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<td>Parking</td>
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<td>Personal Services, included self-service</td>
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<td>Private utilities that are regulated by the state, and therefore, quasi-public entities</td>
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<td>public and utility buildings and structures except</td>
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<td>Public Facilities</td>
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<td>Public parks and open space</td>
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<td>Public Schools and grounds, administrative offices and</td>
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<td>Radio transmitting/receiving and satellite receiving</td>
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<td>Residential Zone Offices</td>
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<td>Restaurant (exclusive of fast food)</td>
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<td>Single Family Dwellings</td>
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<td>Taverns</td>
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<td>Theaters</td>
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<td>Tourist Accommodations- commercial</td>
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<td>Type I and II home occupations</td>
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<td>Veterinary clinics for small animals</td>
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<td>Production of Goods</td>
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<td>Warehousing and Storage of goods</td>
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<td>Repair Services</td>
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<td>Sale of Goods *Limited</td>
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## CITY OF LANGLEY
### ZONING DISTRICTS
#### Proposed

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<thead>
<tr>
<th>Land Uses</th>
<th>CB</th>
<th>NB</th>
<th>P-1</th>
<th>Mixed-Residential</th>
<th>RS5000</th>
<th>RS7200</th>
<th>RS15000</th>
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<tbody>
<tr>
<td>Adult family homes</td>
<td>S</td>
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<td>X</td>
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<td>S</td>
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<tr>
<td>Bed and Breakfast Inns</td>
<td>P</td>
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<td>X</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
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<tr>
<td>Bed and Breakfast Rooms</td>
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<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Boardinghouses</td>
<td>X</td>
<td>CU</td>
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<td>CU</td>
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<td>CU</td>
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Chapter 18.06

RS5000 ZONE – RESIDENTIAL SINGLE-FAMILY

Sections:
18.06.010 Principal uses—Land Use
18.06.020 Secondary uses.
18.06.030 Conditional uses.
18.06.040 Minimum lot size.
18.06.050 Setbacks.
18.06.060 Maximum height.
18.06.080 Maximum lot coverage – RS5000.
18.06.085 Floor area limits.

18.06.010 Principal Land uses.
Principal uses in the RS5000 zone are:
A. Single-family dwellings;
B. Duplexes on lots of 7,200 square feet or larger (subject to design review per Chapter 18.34); provided, that the use must be served by the city’s water and sewer systems;
C. Townhouse dwellings (subject to design guidelines per Section 18.22.230 and design review per Chapter 18.34). See Title 13 for connection requirements. (Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)

Table XXX identifies the allowed land uses in the R5000 District.

18.06.020 Secondary uses.
Secondary uses in the RS5000 zone are:
A. Accessory buildings;
B. Home day care;
C. Type I and II home occupations;
D. Foster homes;
E. Bed and breakfast rooms (as long as the rooms are located within the building containing the principal use);
F. Guest houses;
G. In-home family day care;
H. Accessory dwelling units;
I. Adult family homes;

18.06.030 Conditional uses.
Conditional uses (subject to design review) in the RS5000 zone are:
A. Day care centers;
B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;
C. Boardinghouses;
D. Public facilities;
E. 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 15 feet in height;
F. Social service facilities;
G. Libraries and museums;
H. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;
I. Nursing and convalescent centers;
J. Senior retirement centers;
K. Cottage housing;
L. Clustered residential development;
M. Type III home occupations;

18.06.040
Minimum lot size.
Minimum lot size in the RS5000 zone is 5,000 square feet; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. (Ord. 733, 1997; Ord. 623B, 1992; Ord. 527, 1989)

18.06.050
Setbacks.
Setbacks in the RS5000 zone are:
A. Street or front: 20 feet;
B. Side yard: five feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues, shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 788, 2000; Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.06.060
Maximum height.
A. Maximum height in the RS5000 zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.
B. Except as otherwise provided herein, the maximum height for accessory structures is 15 feet. On lots one-half acre or larger in size, the height may be increased up to the height of the principal building; provided, that there shall be one foot of additional yard setback for each added foot of additional height above 15 feet.
C. The height of accessory structures that include an accessory dwelling unit or guest house may be built to a height of 24 feet or 80 percent of the height of the principal structure, whichever is greater.

D. The following setback requirements shall apply to detached accessory dwelling units:
   1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.
   2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.
   3. The setback requirements in subsections (D)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in Section 18.06.050 for accessory structures shall apply on lots over one-half acre in size.
   4. For all detached accessory dwelling units, only the standard setbacks provided in Section 18.06.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback. (Ord. 965 § 2, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.06.080

Maximum lot coverage – RS5000.

The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:
   A. Lots 10,000 square feet or less: 40 percent;
   B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;
   C. Lots over one acre: 25 percent. (Ord. 771, 1999; Ord. 699, 1995; Ord. 617, 1992)

18.06.085

Floor area limits.

The maximum floor area limit is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. The maximum floor area limits are calculated as follows:
   Lot/parcel area to be used in the calculations shall be performed in conjunction with Section 18.06.040.
   A. Single-family residences: 40 percent of the first 5,000 square feet of lot/parcel area; 25 percent of additional lot/parcel area over 5,000 and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet.
   B. Duplex residences: 50 percent of the first 5,000 square feet of lot/parcel area; 35 percent of additional lot/parcel area over 5,000 square feet and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet. (Ord. 799, 2001)
Chapter 18.07

RS7200 ZONE – RESIDENTIAL SINGLE-FAMILY

Sections:
18.07.010 Principal Land uses.
18.07.020 Secondary uses.
18.07.030 Conditional uses.
18.07.040 Minimum lot size.
18.07.050 Setbacks.
18.07.060 Maximum height.
18.07.080 Maximum lot coverage.
18.07.085 Floor area limits.
18.07.100 Lot clustering.

18.07.010 Principal Land uses.
Principal uses in the RS7200 zone are:
A. Single-family dwellings;
B. Duplexes on lots of 7,200 square feet or larger (subject to design review per Chapter 18.34); provided, that the use must be served by the city’s water and sewer systems. See Title 13 for connection requirements;
C. Townhouse dwellings (subject to design guidelines per Section 18.22.230 and design review per Chapter 18.34). See Title 13 for water and sewer connection requirements. (Ord. 820, 2002; Ord. 696, 1995; Ord. 527, 1989)
Table XXX identifies the allowed land uses in the R5000 District.

18.07.020 Secondary uses.
Secondary uses in the RS7200 zone are:
A. Accessory buildings;
B. Home day care;
C. Type I and II home occupations;
D. Foster homes;
E. Bed and breakfast rooms (as long as the rooms are located within the building containing the principal use);
F. Guest houses;
G. In-home family day care;
H. Accessory dwelling units;
I. Adult family homes;

18.07.030 Conditional uses.
Conditional uses (subject to design review) in the RS7200 zone are:
A. Day care centers;
B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;
C. Boardinghouses;
D. Public facilities;
E. 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 15 feet in height;
F. Social service facilities;
G. Libraries and museums;
H. Nursing homes;
I. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;
J. Senior retirement facilities;
K. Cottage housing;
L. Clustered residential development;
M. Type III home occupations;

18.07.040 Minimum lot size.
Minimum lot size in the RS7200 zone is 7,200 square feet; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. (Ord. 733, 1997; Ord. 623B, 1992; Ord. 527, 1989)

18.07.050 Setbacks.
Setbacks in the RS7200 zone are:
A. Street or front: 20 feet;
B. Side yard: five feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.07.060 Maximum height.
A. Maximum height in the RS7200 zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.
B. Except as otherwise provided herein, the maximum height for accessory structures is 15 feet. On lots one-half acre or larger in size, the height may be increased up to the height of the
principal building; provided, that there shall be one foot of additional yard setback for each added foot of additional height above 15 feet.

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

D. The following setback requirements shall apply to detached accessory dwelling units:
   1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.
   2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.
   3. The setback requirements in subsections (D)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in Section 18.07.050 for accessory structures shall apply on lots over one-half acre in size.
   4. For all detached accessory dwelling units, only the standard setbacks provided in Section 18.07.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback. (Ord. 965 § 3, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.07.080

Maximum lot coverage.

The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:

A. Lots 10,000 square feet or less: 40 percent;
B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;
C. Lots over one acre: 25 percent. (Ord. 771, 1999; Ord. 733, 1997; Ord. 617, 1992)

18.07.085

Floor area limits.

The maximum floor area limit is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. The maximum floor area limits are calculated as follows:

Lot/parcel area to be used in the calculations shall be performed in conjunction with Section 18.07.040.

A. Single-family residences: 40 percent of the first 5,000 square feet of lot/parcel area; 25 percent of additional lot/parcel area over 5,000 and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet.
B. Duplex residences: 50 percent of the first 5,000 square feet of lot/parcel area; 35 percent of additional lot/parcel area over 5,000 square feet and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet. (Ord. 799, 2001)

18.07.100

Lot clustering.

On parcels over two acres in size, a density bonus of 25 percent is allowed in conjunction with lot clustering, subject to the following: 50 percent or more of the site is reserved for permanent open space. (Ord. 778, 2000)
Chapter 18.08

RS15000 ZONE – RESIDENTIAL SINGLE-FAMILY

Sections:
18.08.010 Principal Land uses.
18.08.020 Secondary uses.
18.08.030 Conditional uses.
18.08.040 Minimum lot size.
18.08.050 Setbacks.
18.08.060 Maximum height.
18.08.070 Lot clustering.
18.08.085 Floor area limits.
18.08.090 Maximum lot coverage.

18.08.010 Principal Land uses.
Principal uses in the RS15000 zone are:
A. Single-family dwellings.
B. Duplexes (subject to design review per Chapter 18.34); provided, that the use must be served by the city's water and sewer systems. See Title 13 for connection requirements.
C. Townhouse dwellings (subject to design guidelines per Section 18.22.230 and design review per Chapter 18.34). (Ord. 820, 2002; Ord. 699, 1995; Ord. 527, 1989)
Table XXX identifies the allowed land uses in the R5000 District.

18.08.020 Secondary uses.
Secondary uses in the RS15000 zone are:
A. Accessory buildings;
B. Home day-care;
C. Type I and II home occupations;
D. Foster homes;
E. Bed and breakfast rooms (as long as the rooms are located within the building containing the principal use);
F. Guest houses;
G. In-home family day care;
H. Accessory dwelling units;
I. Adult family homes;

18.08.030 Conditional uses.
Conditional uses (subject to design review) in the RS15000 zone are:
A. Day care centers;
B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;
C. Nursing homes;
D. Public facilities;
E. 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 15 feet in height;
F. Boardinghouses;
G. Radio transmitting/receiving and satellite signal receiving antennas over 3.39 feet in diameter;
H. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;
I. Senior retirement facilities;
J. Cottage housing;
K. Clustered residential development;
L. Type III home occupations;
M. Residential zone offices;
N. Retreat/conference center;
O. Computer/Internet/software and related technology uses.

1. For these uses and the use under subsection (N) of this section, impacts such as traffic, noise, dust, odor, radiation and glare shall be subject to mitigation so as to be compatible with the surrounding residential area.

2. The minimum lot size for this use and subsection (N) of this section is five acres. (Ord. 875, 2006; Ord. 798, 2001; Ord. 771, 1999; Ord. 754, 1997; Ord. 699, 1995; Ord. 696, 1995; Ord. 583, 1990; Ord. 527, 1989)

18.08.040
Minimum lot size.
Minimum lot size in the RS15000 zone is 15,000 square feet; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. (Ord. 733, 1997; Ord. 623B, 1992; Ord. 527, 1989)

18.08.050
Setbacks.
Setbacks in the RS15000 zone are:
A. Street or front: 20 feet;
B. Side yard: 10 feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 788, 2000; Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)
18.08.060  
**Maximum height.**

A. Maximum height in the RS15000 zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.

B. Except as otherwise provided herein, the maximum height for accessory structures is 15 feet. On lots one-half acre or larger in size, the height may be increased up to the height of the principal building; provided, that there shall be one foot of additional yard setback for each added foot of additional height above 15 feet.

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

D. The following setback requirements shall apply to detached accessory dwelling units:
1. Along the front yard of the accessory structure, a setback of one foot from the front facade of the principal structure for every foot of height above 15 feet is required.
2. A setback of one foot from the front facade of the principal structure for every foot of height above the principal structure is also required.
3. The setback requirements in subsections (D)(1) and (2) of this section shall not apply on lots over one-half acre in size. The standard height and setback requirements provided in Section 18.08.050 for accessory structures shall apply on lots over one-half acre in size.
4. For all detached accessory dwelling units, only the standard setbacks provided in Section 18.08.050 shall apply if the distance between the accessory dwelling unit and the principal structure is a minimum of twice the side yard setback. (Ord. 965 § 4, 2012; Ord. 820, 2002; Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.08.070  
**Lot clustering.**

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

18.08.085  
**Floor area limits.**

The maximum floor area limit is the maximum amount of habitable floor area that may be constructed in a principal building on a legal lot or parcel. Floor area limits are applicable to all floors above grade and one-half of the total floor area of a daylight basement. The maximum floor area limits are calculated as follows:

Lot/parcel area to be used in the calculations shall be performed in conjunction with Section 18.08.040.

A. Single-family residences: 40 percent of the first 5,000 square feet of lot/parcel area; 25 percent of additional lot/parcel area over 5,000 and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet.

B. Duplex residences: 50 percent of the first 5,000 square feet of lot/parcel area; 35 percent of additional lot/parcel area over 5,000 square feet and up to 15,000 square feet; 10 percent of additional lot/parcel area over 15,000 square feet. (Ord. 799, 2001)

18.08.090  
**Maximum lot coverage.**

The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials
that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:

A. Lots 10,000 square feet or less: 40 percent;
B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;
C. Lots over one acre: 25 percent. (Ord. 771, 1999; Ord. 733, 1997; Ord. 617, 1992)
Chapter 18.10
FAIRGROUNDS OVERLAY DISTRICT

Sections:
18.10.010 Purpose and intent.
18.10.020 Relationship to P-1 zoning district.
18.10.030 Geographic applicability.
18.10.040 Principal uses.
18.10.050 Conditional uses.
18.10.060 Supplemental use standards.

18.10.010 Purpose and intent.
For consistency with the comprehensive plan and to recognize and support the historic role of the Island County Fair, the intent of this chapter is to establish a range of permitted uses and standards governing those uses that might otherwise not be permitted within the P-1 underlying zoning district. (Ord. 914, 2008)

18.10.020 Relationship to P-1 zoning district.
The fairgrounds overlay district shall be considered an overlay to the underlying P-1 zoning district. Development within the fairgrounds overlay district shall meet the requirements both of this chapter and Chapter 18.19, P-1 Zone – Public Use. (Ord. 914, 2008)

18.10.030 Geographic applicability.
The provisions of this chapter shall apply solely to the area identified on the official zoning map, constituting that area owned by Island County and operated by the Island County Fair Association. (Ord. 914, 2008)

18.10.040 Principal uses.
The following uses are permitted as principal uses within the fairgrounds overlay district. Refer to Section 18.10.060 for the list of supplemental use standards that govern some of these principal uses. All proposed new uses or changes of use require city review and approval prior to commencing such uses.

A. Administrative and business support services (see Section 18.10.060(A)).
B. Carnival and amusement rides.
C. Child care (see Section 18.10.060(B)).
D. Circuses (see Section 18.10.060(C)).
E. Commercial product sales, testing and demonstration (see Section 18.10.060(L)).
F. Camping (day or overnight).
G. Disaster or emergency response staging areas (see Section 18.10.060(H)).
H. Structure and vehicle maintenance related to the fairgrounds.
I. Fairs, festivals, rodeos, bazaars, garage sales, flea markets or similar events.
J. Automated teller machines during events.
K. Food and beverage services, including banquets, catering and concessions (see Section 18.10.060(D)).
L. Hostels or similar hospitality service.
M. Human health and welfare services (see Section 18.10.060(E)).
N. Live entertainment (see Section 18.10.060(F)).
O. Livestock, pet or other animal or agricultural exhibitions, shows, competitions, training or sales.
P. Meetings, conferences or symposia.
Q. Outdoor recreation, picnics or social events.
R. Political events, public meetings or occupational training.
S. Recreational vehicle or tent camping.
T. Religious, educational, charitable or community events.
U. Straw and manure holding facilities.
V. Telecommunications facilities.
W. Theatrical productions, filming or photographic shoots.
X. Therapeutic riding.
Y. Trade and consumer shows.
Z. Temporary warehousing, storage or distribution (see Section 18.10.060(G)).
AA. Recycling or composting activities.
BB. Community based agriculture.
CC. Health or dance classes. (Ord. 914, 2008)

18.10.050 Conditional uses.
(See Section 18.10.060(I).) The following uses are permitted as conditional uses within the fairgrounds overlay district, pursuant to the issuance of a conditional use permit.
A. Major events where the available onsite parking is not adequate to serve the event.
B. Expansion of the existing camping area. (Ord. 914, 2008)

18.10.060 Supplemental use standards.
Where applicable, the following supplemental use standards shall apply to applications within the fairgrounds overlay district:
A. Administrative and business support service uses must be associated either with the Island County Fair or with a regular user of the fairgrounds.
B. Child care uses must be operated by either a nonprofit group or a public agency.
C. Circus uses are limited to three events per calendar year for three days maximum duration.
D. Food and beverage service uses must be associated with an event sponsored by an approved principal use.
E. Human health and welfare services are limited to those conducted by a public agency.
F. Live entertainment events not associated with the Island County Fair are permitted only with a city of Langley special event permit and may be conditioned with respect to lighting, hours of operation, noise levels, site policing or other event activities.
G. Temporary warehousing, storage and distribution uses shall be limited to less than one year of consecutive duration. All such uses must be located within buildings that are typically in use by the Island County Fair during fair time.
H. Disaster or emergency response staging uses may include such temporary activities such as a public address system, heliport, communication equipment, command center and temporary housing.
I. Applications for conditional uses must specify the location, duration and scale of the proposed use.

J. All uses within the fairgrounds overlay district that generate Washington State sales tax must apply for a city of Langley business license and report all taxable sales.

K. Each use must comply with applicable building and fire codes as they apply to building or grounds in which the use is located. The building official must approve all occupancies.

L. Commercial sales, product testing and/or demonstration shall be limited to five such events per year and three days per event. (Ord. 914, 2008)
Chapter 18.11

WHARF STREET OVERLAY DISTRICT

Sections:
18.11.010 Purpose and intent.
18.11.020 Relationship to underlying zoning districts.
18.11.030 Geographic applicability.
18.11.040 Context-sensitive standards.

18.11.010 Purpose and intent.

For consistency with the comprehensive plan and to recognize and enhance the historic importance of the Wharf Street area to the economic and social vitality of the greater Langley community, the intent of this chapter is to establish context-sensitive regulations that are intended to complement those regulations already in place in the underlying zoning districts. Paramount considerations in establishing the Wharf Street overlay district are honoring the historic developmental footprint, protecting vital critical areas and recognizing spatial and access constraints. (Ord. 923, 2009)

18.11.020 Relationship to underlying zoning districts.

The Wharf Street overlay district shall be considered an overlay to the underlying zoning districts within the area of geographic applicability. Development within the Wharf Street overlay district shall meet the requirements both of this chapter and of the underlying zoning district. In the event of any conflict between the provisions for the underlying zoning district or the provisions of this chapter, the provisions of this chapter shall prevail. (Ord. 923, 2009)

18.11.030 Geographic applicability.

The provisions of this chapter shall apply solely to the area identified on the official zoning map as the Wharf Street overlay district. (Ord. 923, 2009)

18.11.040 Context-sensitive standards.

To fulfill the purpose and intent of this chapter, the following use and development standards shall apply within the Wharf Street overlay district. To assist in the implementation of these context-sensitive standards, the document entitled “Wharf Street Form-Based Design Approach,” hereby adopted and made a part of this chapter by this reference, shall define the appropriate design context for all applications for development within the Wharf Street overlay district.

A. Ground Floor Residential Use. While a mix of commercial and residential uses consistent with the central business zoning district is preferred within the Wharf Street overlay district, ground floor residential use is permitted to the following extent:
   1. Properties South of Phil Simon Park. Up to 100 percent of the ground floor may be occupied by primary or secondary residential uses.
   2. Properties North of Phil Simon Park. Up to 75 percent of the ground floor may be occupied by primary or secondary residential uses.
B. Toe of Slope Setback. In recognition of the historic use of that area at the toe of the Cascade bluff that is subject to the toe of slope setback established at Section 16.20.045(C)(1)(a), the following standards shall apply within the Wharf Street overlay district:

1. Except as modified by subsection (B)(2) of this section, the setback shall be the toe of the slope.
2. For proposals that seek to implement the retaining wall concept as described and defined in the “Wharf Street Form-Based Design Approach,” the setback shall be 20 feet from the toe of the retaining wall.
3. All proposals to develop within 50 feet of the toe of the slope shall be required to prepare and submit a geotechnical report that analyzes potential slope impacts and proposes a design that protects the long-term stability of the Cascade bluff.

C. Parking Requirements. The following standards shall supplement and, in the case of conflict, replace like standards contained in Section 18.22.130:

1. Each application for development or change of use must submit a parking plan that explains how parking to serve the proposal will be accommodated.
2. Every proposed residential unit must be associated with at least one onsite parking space dedicated for use by that unit. For every four units developed in a single complex, one additional onsite parking space must be provided.
3. Each parking plan submitted shall provide specific proposals for reducing the amount of area used for parking within the district. Options such as tandem parking, reduced parking space dimensions, offsite parking, shared parking, homeowner association adopted restrictions on vehicle size or quantity or other creative options will be considered.

D. Building Height. Building heights within the Wharf Street overlay district shall be measured from the base flood elevation (BFE). (Ord. 923, 2009)
Chapter 18.12

RM ZONE – MIXED RESIDENTIAL

Sections:
18.12.010 Principal Land uses.
18.12.030 Conditional uses.
18.12.040 Minimum lot size.
18.12.050 Maximum density.
18.12.060 Maximum lot coverage – Multifamily.
18.12.070 Maximum height.
18.12.080 Setbacks.
18.12.100 Maximum lot coverage – Single-family.

18.12.010 Principal uses.

Principal uses in the RM zone are:
A. Multifamily development (subject to design review);
B. Duplexes (subject to design review per Chapter 18.34); provided, that the use must be served by the city’s water and sewer system. See Title 13 for connection requirements. (Ord. 820, 2002; Ord. 788, 2000; Ord. 699, 1995; Ord. 696, 1995; Ord. 527, 1989)

Table XXX identifies the allowed land uses in the R5000 District.
In addition to the standards in Table XXX the following standards apply:
A. Single-Family Dwellings existing as of January 1, 2014 shall be considered permitted uses.


Secondary uses in the RM zone are:
A. Accessory buildings;
B. Home day care;
C. Home occupations;
D. Foster homes;
E. In-home family day care;
F. Adult family homes;

18.12.030 Conditional uses.

Conditional uses (subject to design review, Chapter 18.34, and performance standards, Chapter 18.25) in the RM zone are:
A. Day care centers;
B. Churches and schools (new schools and additions exceeding 30 percent of the existing floor space; other school improvements are not subject to conditional use permit) and other places of instruction;
C. Boardinghouses;
D. Public facilities;
E. 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 15 feet in height;
F. Radio transmitting/receiving and satellite signal receiving antennas over 3.39 feet in diameter;
G. Nursing homes;
H. Bed and breakfast room(s) not located in the building of principal use (which must be located on the same parcel as the building of principal use) and bed and breakfast inns;
I. Senior retirement facilities;
J. Cottage housing;

18.12.040
Minimum lot size.
Minimum lot size in the RM zone is 5,000 square feet. (Ord. 527, 1989)

18.12.050
Maximum density.
Maximum density in the RM zone is 15 dwelling units per acre; provided, that submerged lands and all but 25 percent of sensitive areas shall be deducted before calculating the development density for the property. Sensitive area buffers are to be included in calculating the development density for the property. (Ord. 733, 1997; Ord. 696, 1995; Ord. 623B, 1992; Ord. 527, 1989)

18.12.060
Maximum lot coverage – Multifamily.
The maximum lot coverage in the RM zone shall be:
A. Fifty percent; or
B. Sixty percent if parking is within the principal building.
The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands, but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. (Ord. 733, 1997; Ord. 696, 1995; Ord. 527, 1989)

18.12.070
Maximum height.
A. Maximum height in the RM zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet.
B. The maximum height for accessory structures is 15 feet. On lots one-half acre or larger in size, the height may be increased up to the height of the principal building; provided, that there shall be one foot of additional yard setback for each added foot of additional height above 15 feet. (Ord. 699, 1995; Ord. 617, 1992; Ord. 527, 1989)

18.12.080
Setbacks.
Setbacks in the RM zone are:
A. Street: 20 feet;
B. Side yard: five feet on each side except that for multifamily development the side yards shall be 10 feet on each side;
C. Rear yard: 25 feet;
D. Where a lot abuts a public or private alley, the setback for a principal building shall be 25 feet from the centerline of the alley; for accessory structures, exclusive of accessory dwelling units, the setback shall be 10 feet from the center of the alleyway; for accessory dwelling units, the setback shall be not less than five feet from the rear property line; and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. Certain parts of the structure or building including, without limitation, cornices, canopies, sun shades, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section (see also Section 18.22.030 for further reference). (Ord. 788, 2000; Ord. 771, 1999; Ord. 569, 1990; Ord. 527, 1989)

18.12.100

Maximum lot coverage – Single-family.
(Only applies to single-family existing as of May 17, 1995.) The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:
A. Lots 10,000 square feet or less: 40 percent;
B. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 square feet and 30 percent for all area over 10,000 square feet;
C. Lots over one acre: 25 percent. (Ord. 771, 1999; Ord. 733, 1997; Ord. 617, 1992)
Chapter 18.13
CENTRAL BUSINESS PUBLIC OVERLAY DISTRICT

Sections:
18.13.010 — Purpose and intent.
18.13.020 — Relationship to P-1 zoning district.
18.13.030 — Geographic applicability.
18.13.040 — Principal uses.
18.13.050 — Secondary uses.
18.13.060 — Setbacks.
18.13.070 — Maximum density.
18.13.080 — Maximum lot coverage.
18.13.090 — Maximum height.
18.13.010
Purpose and intent.
The purpose of this chapter is to recognize the unique qualities of properties within the P-1 zoning district in the area otherwise known as the central business district in order to allow for a wider range of uses than is otherwise allowed under the P-1 district while also ensuring that public uses remain as permitted uses within the P-1 zoning district. (Ord. 972, 2012)

18.13.020
Relationship to P-1 zoning district.
The central business public overlay district shall be an overlay to the underlying P-1 zoning district. Development within the central business public overlay district shall meet the requirements both of this chapter and Chapter 18.19, P-1 Zone—Public Use, except in instances described below where the central business public overlay district supersedes the P-1 zone standards. (Ord. 972, 2012)

18.13.030
Geographic applicability.
The provisions of this chapter shall apply solely to the area identified on the official zoning map, as being within the central business public overlay zone. (Ord. 972, 2012)

18.13.040
Principal uses.
The following uses are permitted as principal uses within the central business public overlay district in addition to the uses specifically authorized as permitted uses in the P-1 district. All proposed new uses or changes of use require city review and approval prior to commencing such uses:
A. Retail and wholesale sales;
B. Personal services, including self-service;
C. Offices;
D. Medical-dental clinics;
E. Restaurants and taverns;
F. Social and recreational facilities;
G. Hotels, motels, and bed and breakfast rooms and inns;
H. Accessory structures and uses;
I. Parking facilities;
J. Theaters; and
K. Tourist accommodations—commercial. (Ord. 972, 2012)

18.13.050
Secondary uses.
Secondary uses in the central business public overlay district are:
A. Dwelling units in principal buildings; provided, that commercial uses shall occupy the first and/or street level of the building;
B. Consumer goods repair;
C. In-home family day care;
D. Adult family homes;
E. Wireless communication antenna arrays. (Ord. 972, 2012)

18.13.060
Setbacks.
The setback requirements below shall apply to all P-1 zoned property within the central business public overlay district. The standard setback requirements in the P-1 district shall not apply.

A. Street: none;
B. Side yard: none except when abutting a residential zone, which shall then be five feet;
C. Rear yard: none except when abutting a residential zone, which shall then be 25 feet;
D. Where a lot abuts an alley, the setback shall be 10 feet from the center of the alleyway, and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 972, 2012)

18.13.070
Maximum density.
There is no density limit in the central business district public overlay zone for residential development located above commercial development. (Ord. 972, 2012)

18.13.080
Maximum lot coverage.
There is no limit for maximum lot coverage in the central business public overlay zone, except as required by Section 18.16.080. (Ord. 972, 2012)

18.13.090
Maximum height.
The maximum height in the central business public overlay zone shall be the maximum height permitted in the underlying P-1 zoning district. (Ord. 972, 2012)
Chapter 18.16

DT Zone – DOWNTOWN CB-ZONE — CENTRAL BUSINESS

Sections:
18.16.010 Principal Land uses.
18.16.020 Secondary uses.
18.16.030 Conditional uses.
18.16.040 Minimum lot size.
18.16.050 Maximum density.
18.16.060 Maximum lot coverage.
18.16.070 Maximum height.
18.16.075 Height modification.
18.16.080 Setbacks.
18.16.085 Commercial uses adjacent to residential zoning.
18.16.090 Binding site plan.
18.16.100 Requirement to connect to city water and sewer systems.

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;
F. Social and recreational facilities;
G. Hotels, motels, and bed and breakfast rooms and inns;
H. Accessory structures and uses;
I. Parking facilities;
J. Theaters; and
K. Tourist accommodations — commercial. (Ord. 733, 1997; Ord. 527, 1989)
Table XXX identifies the allowed land uses in the R5000 District.

18.16.020 Secondary uses.
Secondary uses in the CB zone are:
A. Dwelling units in principal buildings; provided, that commercial uses shall occupy the first and/or street level of the building;
B. Consumer goods repair;
C. Onsite hazardous waste treatment and storage facilities; provided, that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210, or its successor;
D. In-home family day care;
E. Adult family homes;
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 15 feet in height. (Ord. 754, 1997; Ord. 527, 1989)

18.16.040 Minimum lot size.
There is no minimum lot size in the CB zone. (Ord. 527, 1989)

18.16.050 Maximum density.
There is no density limit in the CB zone for residential development located above commercial; provided, that any land area containing wetlands and/or streams shall be deducted before calculating the development density for the property. (Ord. 696, 1995; Ord. 623B, 1992; Ord. 527, 1989)

18.16.060 Maximum lot coverage.
There is no limit for maximum lot coverage in the CB zone, except as required per Section 18.16.080. (Ord. 527, 1989)

18.16.070 Maximum height.
A. The maximum height in the CB zone is 30 feet; provided, that the height may be built to 35 feet with a pitched roof if the lowest part of the pitch begins no higher than 30 feet; provided further, that the height limit on the north side of First Street shall be 25 feet with the height measured from the center of the side(s) of the building fronting on First Street extended to the centerline of the First Street right-of-way; provided further, that on steeply sloping lots fronting on First Street, development shall step down the bluff and, thereby, better fit with the site terrain and be more compatible with the adjacent Seawall Park. The city’s design review process will determine consistency with these requirements for each development application.

B. The building height governing the two blocks between Second and Fourth Streets on Cascade Avenue shall be 25 feet. In this area height will be measured from the center point of the side(s) of the building fronting Cascade Avenue extended to the centerline of the Cascade Avenue right-of-way. If the building is set back significantly down-slope (i.e., to the west) the total height may be up to 35 feet, but not to exceed the above-measured 25-foot elevation over Cascade Avenue. (Ord. 670, 1994; Ord. 650, 1993; Ord. 646, 1993; Ord. 566, 1990; Ord. 527, 1989)

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 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.

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<tr>
<th>Floor</th>
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<th>Number of Floors Above</th>
<th>Square Footage Augmentation</th>
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</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.

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)

18.16.080  
**Setbacks.**

Setbacks in the CB zone are:

A. Street: none;
B. Side yard: none except when abutting a residential zone, which shall then be five feet;
C. Rear yard: none except when abutting a residential zone, which shall then be 25 feet;
D. Where a lot abuts an alley, the setback shall be 10 feet from the center of the alleyway, and in no case shall a structure be erected closer than two feet to the alley right-of-way;
E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 569, 1990; Ord. 527, 1989)

18.16.085  
**Commercial uses adjacent to residential zoning.**

The following special standards apply in cases where development is proposed immediately adjacent to property that is zoned residential. All other standards applicable to development in this zone and not in conflict with the following also apply:

A. Uses: Taverns and cocktail lounges and outdoor and/or amplified music are prohibited.
B. Setbacks: front, 10 feet; side, five feet; rear, 25 feet.
C. Height: The height limit shall be the same as the adjacent residential zone height limit.
D. Location of parking: shall be located on the side of the property opposite from the residential 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.
E. Building design: The building development shall be compatible in scale and character with the residential buildings in the vicinity.
F. Applicability: In cases where the development involves more than one parcel, the above regulations shall apply to the 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 30 feet that are adjacent to the residential zoned area. (Ord. 771, 1999; Ord. 696, 1995)

18.16.090  
**Binding site plan.**

A binding site plan is required for commercial development in instances where only a portion of the contiguous property which is zoned commercial and in one ownership is proposed to be developed or where multiple developments are proposed on contiguous property in one ownership and shall include:

A. All information required on a preliminary plat;
B. The location of all proposed structures;
C. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common horticultural name, the installed and mature height of all vegetation;
D. Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;
E. Inscriptions or attachments setting forth the limitations and conditions of development; and
F. The provisions ensuring the development will be in conformance with the site plan as approved. (Ord. 565, 1990; Ord. 527, 1989)

18.16.100

Requirement to connect to city water and sewer systems.

All development in this zone is required to be served by the city’s public water and sewer systems. See Title 13 for connection requirements. (Ord. 820, 2002; Ord. 696, 1995)
Chapter 18.18

NB ZONE – NEIGHBORHOOD BUSINESS

Sections:
18.18.010  Principal Land uses.
18.18.020  Secondary uses.
18.18.030  Conditional uses.
18.18.040  Minimum lot size.
18.18.050  Maximum density.
18.18.060  Maximum height.
18.18.065  Maximum lot coverage.
18.18.070  Setbacks.
18.18.080  Binding site plan.
18.18.090  Requirement to connect to city water and sewage systems.

18.18.010  Principal Land uses.
Principal uses in the NB zone are:
A. Two-family dwellings (duplexes);
B. Bed and breakfast rooms and inns;
C. Hotels and motels;
D. Offices;
E. Restaurants, exclusive of fast food and drive-in;
F. Personal services;
G. Nurseries;
H. Day care centers;
I. Health clubs;
J. Multifamily dwellings;
K. Home day care;
L. In buildings that were legally in existence prior to January 25, 1989, the following uses and conditions apply:
   1. Production of goods;
   2. Warehousing and storage of goods (not including self-storage);
   3. Repair services;
   4. The sale of goods is limited to:
      a. Those goods produced and/or assembled on site and where other goods for sale do not occupy more than 10 percent of the gross floor area of the business; or
      b. Where retail sales is a limited element (hours and/or scope of activity) of the operation;
   5. In furtherance of implementing the city comprehensive plan policy to “preserve and enhance the distinctive entrances to the city that set an inviting tone for the city,” the following criteria shall apply:
      a. All activities shall be screened from the view of the adjacent residences and shall be screened to the maximum extent possible from adjacent public streets; and
      b. All activities shall be conducted within an enclosed building;
M. Tourist accommodations—commercial;
Table XXX identifies the allowed land uses in the NB District.

18.18.020 Secondary uses.
Secondary uses in the NB zone are:
A. Accessory uses and structures;
B. Home occupations;
C. Foster homes;
D. Home day care;
E. Guest Houses. Guest houses are added as a secondary use under this section but only if the principal use of the subject property under this chapter is a single-family dwelling;
F. In-home family day care;
G. Adult family homes;

18.18.030 Conditional uses.
Conditional uses in the NB zone are:
A. Churches and schools;
B. Boardinghouses;
C. Public facilities;
D. Radio transmitting/receiving and satellite receiving antennas over 3.28 feet in diameter;
E. Social service facilities;
F. Libraries and museums;
G. Nursing homes;
H. Veterinary clinics for small animals;
I. Antennas or parabolic antennas or similar devices used for the transmission or reception of radio frequency signals through electromagnetic energy over 3.28 feet (one meter) in diameter or more than 15 feet in height;
J. Home occupations exceeding 600 square feet in accessory buildings;
K. Senior retirement facilities. (Ord. 846, 2004; Ord. 771, 1999; Ord. 754, 1997; Ord. 527, 1989)

18.18.040 Minimum lot size.
Minimum lot size in the NB zone is 5,000 square feet. (Ord. 527, 1989)

18.18.050 Maximum density.
Maximum density for residential development in the NB zone is 15 dwelling units per acre; and further, any land area containing wetlands and/or streams shall be deducted before calculating the development density for the property. (Ord. 696, 1995)

18.18.060 Maximum height.
Maximum height in the NB zone is 25 feet; provided, that the height may be built to 30 feet with a pitched roof if the lowest part of the pitch begins no higher than 25 feet. (Ord. 527, 1989)
18.18.065  
**Maximum lot coverage.**

A. There is no limit for maximum lot coverage in the NB zone, except as required per Section 18.18.070 and as set forth in subsection (B) of this section.

B. Single-Family Use Only. The maximum lot coverage is the maximum percentage of surface (exclusive of sensitive areas and submerged lands but including required buffers) that may be covered with materials that will not allow percolation of water into underlying soils. The maximum lot coverage percentages are as follows:
   1. Lots 10,000 square feet or less: 40 percent;
   2. Lots 10,000 to 43,560 square feet (one acre): 40 percent for the first 10,000 and 30 percent for all area over 10,000 square feet;
   3. Lots over one acre: 25 percent. (Ord. 771, 1999)

18.18.070  
**Setbacks.**

Setbacks in the NB zone are:

A. Street: none except 20 feet when abutting a residential zone;

B. Side yard: none except when abutting a residential zone, where the setback shall be five feet and shall include a sight-obscuring screen which may be either a solid fence or vegetation which reaches a height of eight feet at maturity;

C. Rear yard: none except when abutting a residential zone, where the setback shall be 25 feet;

D. Where a lot abuts a public or private alley, the setback shall be 10 feet from the center of the alleyway, and in no case shall a structure be erected closer than two feet to the alley right-of-way;

E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 788, 2000; Ord. 569, 1990; Ord. 527, 1989)

18.18.080  
**Binding site plan.**

A binding site plan is required for commercial development in instances where only a portion of the contiguous property which is zoned commercial and in one ownership is proposed to be developed or where multiple developments are proposed on contiguous property in one ownership and shall include:

A. All information required on a preliminary plat;

B. The location of all proposed structures;

C. A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name and taxonomic designation, the installed and mature height of all vegetation;

D. Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

E. Inscriptions or attachments setting forth the limitations and conditions of development; and

F. The provisions insuring the development will be in conformance with the site plan. (Ord. 527, 1989)
18.18.090

**Requirement to connect to city water and sewage systems.**

All development in this zone is required to be served by the city’s public water system and sewage system, except as otherwise addressed in the city code. See Title 13 for connection requirements. (Ord. 820, 2002; Ord. 771, 1999; Ord. 527, 1989)
Chapter 18.19

P-1 ZONE – PUBLIC USE

Sections:
18.19.010 Principal Land uses.
18.19.020 Secondary uses.
18.19.030 Conditional uses.
18.19.040 Minimum lot size.
18.19.050 Maximum height.
18.19.060 Setbacks.
18.19.070 Design review.

18.19.010 Principal uses.
Principal uses in the P-1 zone are:
A. Municipal facilities, such as watersheds, reservoirs, sewage treatment plants, police and fire stations, and City Hall/offices;
B. Public schools and grounds, administrative offices and related facilities;
C. Public parks and open space areas;
D. Other governmental facilities, such as fairgrounds;
E. Private utilities that are regulated by the state, and therefore, quasi-public entities. (Ord. 733, 1996)
Table XXX identifies the allowed land uses in the P-1 District.

18.19.020 Secondary uses.
Secondary uses in the P-1 zone are:
A. Facilities for caretakers or on-duty employees;
B. Parking;
C. Wireless communication antenna arrays. (Ord. 754, 1997; Ord. 562, 1990)

18.19.030 Conditional uses.
Conditional uses in the P-1 zone are:
A. 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 15 feet in height.
B. Campgrounds, subject to providing a visual screen from adjacent properties and roadways; service by the city water and sewer systems, including dumping facilities for recreational vehicles; minimum 10-foot separation between recreational vehicles or tents; and limits on stays to no more than 30 consecutive days within a 60-day period. (Ord. 820, 2002; Ord. 754, 1997)

18.19.040 Minimum lot size.
There is no minimum lot size in the P-1 zone, except as may be dictated by the setback requirements as set forth in Section 18.19.060. (Ord. 562, 1990)
18.19.050
  **Maximum height.**
  Maximum height in the P-1 zone is 35 feet, as defined in Section 18.01.040. (Ord. 562, 1990)

18.19.060
  **Setbacks.**
  Setbacks in the P-1 zone are:
  A. Streets.
     1. Arterial streets: 50 feet;
     2. Other streets: 25 feet;
  B. Side yard: 20 feet;
  C. Rear yard: 25 feet;
  D. P-1 Zone Abutting Residential, Mixed Residential or Commercial Zone(s).
     1. Where a P-1 zone abuts a lot which is zoned residential, there shall be a minimum setback from the common lot line of 50 feet with a minimum of the first 20 feet from the common lot line landscaped;
     2. Where a P-1 zone abuts a lot(s) zoned mixed residential or commercial, there shall be a minimum landscaped setback of 20 feet from the common lot line;
  E. All parts of the structure or building including, without limitation, cornices, eaves, canopies, sun shades, gutters, chimneys and flues shall be considered in calculating the location of the structure or building in determining compliance with the setback requirements of this section. (Ord. 569, 1990; Ord. 562, 1990)

18.19.070
  **Design review.**
  Development in the P-1 zone is subject to design review in accordance with the procedure contained in Chapter 18.34. (Ord. 562, 1990)

18.22.070
  **Bed and breakfast rooms.**
  The following provisions apply to bed and breakfast rooms:
  A. Not more than two rooms on the premises are utilized for bed and breakfast rooms;
  B. Parking spaces for all guest vehicles shall be provided on the premises except in the central business zone pursuant to Section 18.22.130(E)(12);
  C. Only one business sign, having an area not more than four square feet, shall be located on the premises (except in the commercial zones);
  D. No bed and breakfast room shall be rented to more than two persons;
  E. The construction of the building in which the bed and breakfast room is situated and the operation of the bed and breakfast room shall comply with all applicable rules, regulations, ordinances, statutes and orders of the federal, state and municipal governments, or other duly constituted public authority, including, without limitation, local and state health and fire regulations, local business license, and building code requirements;
  F. No other business, service or commercial activity is conducted or provided on the premises, except in one of the business-commercial zones;
G. Bed and breakfast room(s) in the building of principal use are subject to administrative review by the city planning official. Notice shall be given to the owners of the property adjacent to the property that is the subject of the application. The notification shall be given in a manner designed to give the property owners notice of the application and sufficient time to comment on the application. The city planning official’s review shall include but not be limited to:

1. A determination that city regulations applicable to bed and breakfast rooms have been satisfied;
2. A determination that the bed and breakfast proposal contained in the application is compatible with the permitted uses in the residential zone.

The city planning official may attach such conditions to his/her recommendation that are reasonably required to ensure that the use of the rooms as bed and breakfast rooms will not be significantly detrimental to the public health, safety and welfare, will not diminish the value of nearby property, or will not disturb persons in the use of their property. (Ord. 583, 1990; Ord. 527, 1989)

18.22.180 Cottage housing.
The following regulations apply to cottage housing developments (CHDs):
A. Density and Minimum Lot Area.
   1. In CHDs the permitted density shall be one dwelling unit per two 2,904 square feet of lot area (15 units per acre).
   2. The minimum lot area for a CHD shall be 11,616 square feet.
   3. On a lot to be used for a CHD, an existing detached single-family residential or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.
B. Height Limit and Roof Pitch.
   1. The height limit permitted for structures in CHDs shall be 18 feet.
   2. The ridge of pitched roofs with a minimum slope of six to 12 may extend up to 25 feet. All parts of the roof above 18 feet shall be pitched.
C. Lot Coverage and Floor Area.
   1. The maximum lot coverage permitted for principal and accessory structures in CHD shall not exceed 40 percent.
   2. The maximum first floor or main floor area for an individual principal structure in a CHD shall be as follows:
      a. For at least 50 percent of the units, floor area shall not exceed 650 square feet;
      b. For no more than 50 percent of the units, the floor area may be up to 800 square feet.
   3. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 975 square feet, whichever is less.
D. Yards.
   1. Front Yards. The front yard shall be an average of 10 feet and at no point shall be less than five feet.
   2. Rear Yards. The minimum rear yard shall be 10 feet.
   3. Side Yards. The minimum required side yard shall be five feet.
E. Required Open Space.
   1. A minimum of 400 square feet per unit of common open space is required.
2. At least 50 percent of the cottage unit shall abut the common open space, all of the cottage units shall be within 60 feet walking distance of the common open space, and the common open space shall have cottages abutting at least two sides.

F. Parking.
   1. One and one-quarter spaces per dwelling unit shall be required.
   2. Location.
      a. Parking shall be on the CHD property.
      b. Parking may be in or under a structure or outside a structure; provided, that:
         (1) The parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping.
         (2) Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by an alley or private driveway.
         (3) Parking may not be located in the front yard.
         (4) Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line, which is not a street side lot line.

G. Design Review. Cottage housing developments are subject to design review per the requirements set forth in Chapter 18.34. (Ord. 788, 2000; Ord. 771, 1999; Ord. 733, 1997; Ord. 699, 1995)

H. Zoning Districts. Cottage housing developments are only permitted in the residential zoning districts.
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” – already have a definition in title 18.

“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.
Trees within critical areas or buffers may not be 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.
xx.010 Landmark / Heritage trees .. Purpose and Qualification

A. Purpose

The Landmark and Heritage tree designations are each intended to recognize the significance of certain particular trees to the citizens of Langley. While “landmark” status is dependent upon a tree’s size, the “heritage” designation may be established through satisfying any of several criteria. The specific requirements and protections applied to a Heritage tree must be established through individual agreements between the City and the tree’s owner. Protection of landmark trees shall be accomplished through penalties for their unauthorized removal, and by requiring tree protection plans as part of any development proposal for properties holding landmark trees that may be affected by development.

Whether on private or public property, these Landmark and Heritage trees may be protected throughout their useful lives because of their contribution to the environment and to City character.

B. Landmark Trees ... Qualification

Landmark trees are considered to be of unusual importance to the character of their immediate site, to the surrounding landscape, and to the Langley community as a whole because of their size. It is this characteristic, measured by the tree’s diameter at breast height, that qualifies trees for protection under this classification. No other qualification, process of nomination, procedure or characteristic other than size is required before a tree becomes a “landmark tree” subject to the provisions of this ordinance.

Qualification standards for landmark trees are established according to the tree’s species, as follows:

.. Native Conifers
   yew  10” dbh  Taxus brevifolia
   cedar  42” dbh  Thuja plicata
   all other  36” dbh

   [ such as douglas fir, western hemlock, western white pine, Sitka spruce ]

.. Native Broadleaved
   maple  30” dbh  Acer macrophyllum
   cottonwood  42” dbh  Populus balsamifera trichocarpa
   madrone  24” dbh  Arbutus menziesii

.. all others  30” dbh

   [ whether native or exotic, conifer or broadleaved; such as maples, pines, sequoia, oaks ]
C. Heritage Trees ... Qualification

The nomination of a Heritage tree will require the consent of the tree’s property owner, or owners. Forms for nominating a tree as a Heritage tree will be maintained by the City’s public works department.

1. Nominations for Heritage tree designation shall be reviewed by the Parks and Open Space Committee. To qualify as a Heritage tree, one or more of the following criteria must be met:

a. The tree has significance associated with a historical person, place or event;
b. The tree has attained significant size in height, diameter, or canopy spread for its species;
c. The tree has unique or uncommon aesthetic qualities for its species;
d. The tree is prominently visible to the public, along a major road or near a public place;
e. The tree possesses rare horticulture value.

2. In addition to the above criteria, to qualify as a Heritage tree the tree must not constitute a hazard or obstruction.

3. The Parks and Open Space Committee shall consider all nominations for Heritage tree designation at an open public meeting.


a. A property owner may propose to the city that a tree located on his or her private property be designated as a Heritage tree. Any city resident may propose to the city that a tree located on public property be designated as a Heritage tree. No tree may be designated without the approval of the owner(s) of the property on which the tree, or any portion of the tree’s branches or canopy, is located.
   b. Upon receipt of a proposed designation and the approval of the property owner, the Parks and Open Space Committee at an open public meeting shall consider whether the tree satisfies the criteria for being a Heritage tree. The Committee shall make a final decision on the proposal within 30 calendar days of the meeting at which the nomination was considered.
   c. If the Committee approves the proposed designation, it shall be memorialized in a covenant signed by the City and the property owner(s) in a form acceptable to the city attorney. The covenant shall require that the tree be maintained by the property owner(s) in a manner that is consistent with the provisions of this chapter. The covenant shall also describe the City’s role in providing reasonable technical advice in caring for the tree per subsection (4)(d) of this section. The covenant shall be recorded by the county auditor. The city shall pay recording fees. The covenant and designation shall be effective from the date of recording until such time as approval by the City has been granted for the cutting of the tree.
   d. Upon request of a property owner, the City shall provide reasonable advice and consultation on maintenance of any Heritage tree without charge to the property owner.

xx.020 Pruning or removal of Heritage trees.

A. Heritage Tree Pruning or Removal
1. Any pruning of a Heritage tree shall be done according to current ANSI [American National Standards Institute] A300 Pruning Standards. No permit will be required for property owners to conduct minor pruning of designated Heritage trees, in which no more than 20% of the tree’s crown is removed within a three year period.

2. Criteria for Extensive Pruning or Removal of a Heritage Tree

The applicant must demonstrate that extensive tree pruning or removal is necessary for one of the following reasons:

a. The tree, or a portion of the tree proposed for removal, meets the definition of a hazard tree;
b. The tree, or a portion of the tree proposed for removal, is dead or dying;
c. That the retention of the tree will have a material, adverse and unavoidable impact on the reasonable use of the property.

B. Heritage Tree Pruning or Removal – Procedure

1. Extensive pruning or removal of Heritage trees, in which more than 20% of the tree’s crown is removed, requires approval by the City. A request to conduct extensive pruning or tree removal shall first be referred to the Parks and Open Space Committee for a recommendation. The committee shall forward a recommendation to the City.

2. The City shall review the recommendation of the Committee and may also seek the advice of a qualified professional (certified arborist or other qualified tree professional) in reaching its decision.

xx.030 Protection and Removal of Landmark trees.

A. Landmark trees development review

1. When development is proposed for property which contains a landmark tree, and the planning official determines that the proposed development may affect a landmark tree, the property owner must have a tree preservation plan prepared by a qualified professional demonstrating how the landmark tree will be protected and preserved. All landmark trees shall be preserved unless the Planning Director determines that the tree may be removed based on the criteria for Landmark tree removal found in Subsection (B) below.

2. A tree preservation plan shall be composed at minimum of the following:
   a. A site plan indicating the location of landmark trees;
   b. The methods to be used to preserve the landmark trees;
   c. If a landmark tree is proposed for removal, a narrative statement outlining the reasons why the landmark tree should be removed from the inventory;
d. Whenever removals are proposed, a mitigation plan indicating the replacement trees or additional new trees to be placed on the site. The mitigation plan should demonstrate, to the extent possible, that the character of the site will not substantially change as the result of development.

3. Site design adjustments may be allowed in some cases, as follows:
   a. The planning official may grant a variance to front, side, and/or rear yard setback standards by up to 20% to retain a landmark tree(s). The adjustment shall be the minimum necessary to accomplish preservation of trees on site and shall not conflict with the City Adopted Building Code or other adopted ordinances or conditions placed on the property.
   b. The planning official may grant a 10% variance to the lot size and/or a 10% variance to the lot width and/or lot depth standards in approving a short plat or other land division if necessary to retain landmark trees. The planning official may accept a preliminary plat application and recommend approval to the hearing body of a plat that provides for similar variance to lot size, width and depth standards if necessary to retain landmark trees.

B. Obligation to Maintain and Preserve Landmark Trees

Any person who owns, controls, has custody or possession of any real property within the City shall use reasonable efforts and care to maintain and preserve all that property’s Landmark trees in a state of good health. Additionally, any person who conducts any grading, excavation, demolition or construction activity within the City shall do so in such a manner as to not threaten the health, viability, or cause the removal of any landmark tree. Failure to do so shall constitute a violation of this chapter.

C. Obligation to Maintain and Preserve Heritage Trees

In addition to any specific obligations and penalties which may be included in the covenants between the City and the owner of a Heritage Tree, the penalties and remedies within this chapter will apply to any removal or negligent damage to a Heritage Tree, unless the tree’s owner has previously concluded an agreement with the City relieving them of this chapter’s obligations.

D. Removal of a landmark tree

Except for the provisions in Section xxx LMC concerning emergency actions, no person may cut or remove a landmark tree without obtaining approval from the Planning Director. The tree removal permit shall be approved if one of the below criteria is satisfied:

1. Retention of the tree would make reasonable use of the property allowed under the current zoning impossible.

2. The tree is hazardous, diseased or storm damaged and poses a threat to the health, safety or welfare of the public.
3. The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

**xx.040 Enforcement and Penalties**

**A. Authority**

It shall be the duty of the Planning Official to administer the provisions of this chapter. The Planning Official shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this Chapter.

**B. Enforcement--Remedies for Violation**

In addition to all other remedies and penalties set forth in this code or otherwise provided by law, the following remedies shall be available to the City for violation of this chapter:

1. If a violation occurs during development, the City may issue a stop work order suspending and prohibiting further activity on the property until a mitigation plan has been filed with and approved by the Planning Official, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for protection of any remaining trees on the property, and shall provide for replacement of each tree removed or heavily damaged, on either the property or at locations approved by the Planning Official and, if replacement is to occur on public property, by the Director of Public Works. The replacement ratio shall be 200% of that required where tree removal is permitted pursuant to the provisions of this chapter.

2. If a violation occurs in the absence of development, or while an application for a building or development permit is pending, the Planning Official may issue a temporary moratorium on development of the property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the Planning Official shall be imposed as a condition of any subsequent permits for development on the property.

3. In addition to the costs directly associated with site restoration or direct mitigation, the City may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a penalty in an amount not to exceed five thousand dollars ($5,000.00) per violation. Where the violation has resulted in removal of a tree, the penalty shall be in an amount not to exceed five thousand dollars ($5,000.00) per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the City. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

**C. Stop Work Orders / Permit Revocation**
1. The Planning Official shall suspend work or revoke a permit, as appropriate, if the Planning Official finds that:

   a. The work is not authorized by a valid permit;
   b. Inaccurate information was used to obtain the permit; or
   c. The permittee is not complying with the terms of the permit or approved plans.

2. The Planning Official shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project.

D. Restoration

1. Violators of this chapter or of a permit issued under its provisions shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Planning Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).

2. Recognizing that full and immediate restoration is often not possible, in determining the financial responsibility of violators the City will first determine the financial value that has, as a result of the violation, been lost through the damage to trees, other plants and landscape features. In those cases where this amount is greater, due to the higher value of a mature landscape, than the cost of implementing a restoration plan, the amount of value lost above the restoration plan’s cost shall be paid to the City’s Urban Forestry account.

3. Determinations of value lost will be based on the City appraised value of trees and other plants improperly removed or damaged, using the latest edition of Guide for Plant Appraisal (International Society of Arboriculture, Council of Tree and Landscape Appraisers).

4. The City may utilize the services of a certified arborist or other resource management professional in determining the value lost through damage, whether a restoration plan has been properly designed or implemented, or when a plan may be considered to have been completed with no further need for City monitoring. The expense of these consultations or reviews will be born by the violator.

E. Prohibition of Further Approvals

The city shall not accept, process, or approve any application for a subdivision or any other development permit for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Planning Official and by payment of any penalty imposed for the violation.

F. Civil Penalty

1. A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to
comply with a stop work order issued under this chapter shall also be subject to a civil penalty as set forth in the table below. Each day that a permit violation continues shall constitute a separate violation. In addition, each unlawfully destroyed tree shall constitute a separate violation.

2. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.

3. The amount of the penalty shall be assessed in accordance with Table XX.040-1.

Table XX.040-1
Civil Penalties for Violations

<table>
<thead>
<tr>
<th>Types of Landmark / Heritage Tree Ordinance Violations</th>
<th>Allowable Fines per Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of tree(s) shown to be removed on preliminarily-approved plans, but prior to final tree plan approval or issuance of a city tree removal permit</td>
<td>Minimum $50 per tree, Maximum $200 per tree</td>
</tr>
<tr>
<td>Removal of tree(s) shown to be retained on preliminarily-approved plans, but prior to final tree plan approval or issuance of a city tree removal permit or removal of tree(s) shown to be retained on final approved tree plan</td>
<td>Minimum $250 per tree, Maximum $750 per tree</td>
</tr>
<tr>
<td>Continued illegal removal of tree(s) following stop work order or receipt of other information from city that the tree removal activity is not permitted</td>
<td>$1,000 per day</td>
</tr>
<tr>
<td>Removal of tree(s) without applying for or obtaining a city permit or approval</td>
<td>Minimum $500 per tree, Maximum $5,000 per tree</td>
</tr>
</tbody>
</table>

4. Notice of a civil penalty shall be given by the delivery of a notice in writing, by certified mail with
return receipt requested, or by personal service. The notice shall describe the nature and date of the violation, and order the acts constituting the violation to cease and desist, and, when appropriate, require necessary corrective action within a specified time.