TOWN OF COUPEVILLE
Coupeville, Washington

ORDINANCE NO. 751

AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON, AMENDING TITLE 16 OF THE COUPEVILLE TOWN CODE BY AMENDING CHAPTER 16.04 RELATING TO DEFINITIONS AND DUTIES TO ENFORCE, BY AMENDING CHAPTER 16.08 RELATING TO ALLOWED LAND USES, AND BY AMENDING CHAPTER 16.10 RELATING TO TRANSIENT ACCOMMODATIONS; AMENDING TITLE 5 BY ADDING A NEW CHAPTER 5.36 RELATING TO LICENSING OF BED AND BREAKFAST INNS AND BY ADDING A NEW CHAPTER 5.38 RELATING TO LICENSING OF SHORT-TERM RENTALS; REPEALING THE MORATORIUM ESTABLISHED BY ORDINANCE 745 AS EXTENDED BY ORDINANCE 749 AND ORDINANCE 753; AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Title 16 of the Coupeville Town Code (CTC) is intended to implement the Comprehensive Plan and generally serve the public health, safety and welfare of the Town of Coupeville; and

WHEREAS, Chapter 16.04 CTC contains general provisions for the regulation of land use and development for the Town of Coupeville, including definitions; and

WHEREAS, Chapter 16.08 contains zoning regulations for allowed land uses within the town, including transient accommodation uses such as hotels, motels, bed and breakfast inns, and guest houses, and Chapter 16.10 CTC contains regulations for the establishment and operation of transient accommodation land uses; and

WHEREAS, Title 5 CTC is intended to regulate certain business activities through business licensing; and

WHEREAS, regulations for transient accommodations have not been critically reviewed or updated for over 18 years; and

WHEREAS, in recent years the ease of advertising homes and portions of homes for transient accommodation use has increased due to the emergence and popularity of internet-based services serving the vacation rental market; and

WHEREAS, the increase in vacation rental uses may affect adjacent properties, residential neighborhoods, and the town overall in ways not previously contemplated or adequately addressed in the CTC; and

WHEREAS, the Town Council finds that lodging uses are important to the local economy and appropriate under certain conditions but that the rights of residential property

owners to use their property for commercial purposes should be subordinate to the rights of residents to enjoy the comfort and repose of residential neighborhoods; and

WHEREAS, policy priorities of the Town Council include preservation of the physical and social character of Coupeville and its neighborhoods and the preservation of residential areas for residential uses; and

WHEREAS, the Town Council has identified the cost and availability of housing for current and future residents as an ongoing issue for the community; and

WHEREAS, the Town Council is concerned that the current permitting requirements, and zoning regulations for transient accommodations, with particular reference to guest houses, may no longer be adequate to address land use compatibility issues associated with short-term rental properties. Further, the Town Council is concerned that the continued conversion of existing long-term housing to short-term rental properties under existing zoning regulations may result in impacts to the availability and cost of housing stock for long-term residents and to the preservation of neighborhoods and social networks that provide quality of life to residents of the community, and may not be in the community's interest or consistent with the public health, safety and welfare; and

WHEREAS, the Town Council established a six-month moratorium on the permitting and establishment of new guest houses with Ordinance 745 on June 12, 2018, to provide time to review and update, as necessary, the regulations; and

WHEREAS, the Town Council extended the moratorium on the permitting and establishment of new guest houses twice for six month periods with adoption of Ordinance 749 on December 11, 2018, and with adoption of Ordinance 753 on June 26, 2019, to provide additional time to review and update the regulations; and

WHEREAS, the Town Council finds it appropriate to review and update development regulations from time to time to ensure that such regulations are understandable, consistent with current federal and State law and the current and foreseeable circumstances of the Town, and enforceable; and

WHEREAS, the Coupeville Planning Commission, over the course of five open public meetings in 2018 and 2019, reviewed the current CTC provisions applicable to transient accommodation uses and provided opportunities for community input; and

WHEREAS, on April 16, 2019, the Planning Commission held a duly advertised public hearing on the proposed amendments to the CTC and all persons wishing to be heard were heard; and

WHEREAS, following the public hearing, the Planning Commission deliberated and took action to forward a recommendation to the Town Council on a package of amendments to the CTC; and

WHEREAS, the Town Council reviewed the Planning Commission's recommendations and determined that the proposed amendments regarding short-term rentals did not adequately address certain policy priorities, including preservation of housing stock available for long-term rental and preservation of the social character of the community; and

WHEREAS, the Town Council determined that bed and breakfast inns are consistent with a residential context where short-term rentals may have detrimental impacts on neighborhood social networks and to the cost and availability of long-term housing; and

WHEREAS, the Town Council directed certain revisions to the amendments recommended by the Planning Commission, including a prohibition on short-term rental uses within residential zones; and

WHEREAS, the Town Council discussed revised amendments to the regulations for transient accommodation uses in an open public meeting on July 23, 2019; and

WHEREAS, the Town Planner, acting as the Town's Responsible Official under the State Environmental Policy Act (SEPA), reviewed the proposed legislation and, on July 27, 2019, issued a threshold determination with a 15-day comment period; and

WHEREAS, on August 13, 2019, a duly advertised public hearing on the proposed amendments was held before the Town Council and all persons wishing to the heard were heard; and

WHEREAS, public notice of the SEPA threshold determination and the public hearings for the legislation contained herein were provided as required by law; and

WHEREAS, following the close of the public hearing, the Town Council reviewed public comments and other documents and information in the public record relevant to proposal; and

WHEREAS, the Town Council finds that these amendments are consistent with the Comprehensive Plan and in the interest of the public health, safety and welfare of Coupeville residents and property owners;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF COUPEVILLE:

Section 1. The recitals of this ordinance are hereby adopted as Findings of Fact.

Section 2. CTC Section 16.04.060 entitled "Definitions" is amended to read as follows:

16.04.060 - Definitions.

A. Interpretation Generally. General interpretation as used in this title:

1. Words in the present tense include the future tense;

2. Words in the singular number include the plural;

3. The word "person" may be taken for "persons," "association," "firm," "partnership" or "corporation";

4. The word "shall" is always mandatory. The words "may" or "should" are permissive;

5. The word "lot" includes the words "plot" or "parcel";

6. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

B. Specific Definitions:

"Accessory building or structure" means a building or structure, or part of a building or structure which is subordinate to, and customarily incidental to that of the main building or structure on the same lot.

"Accessory dwelling unit" means a building or portion of a building, containing provisions for sleeping, eating, cooking and sanitation for not more than one family, which is accessory to a single-family dwelling principal use.

"Adequate" means at or above the level of service standard specified in the current version of the Coupeville comprehensive plan.

"Administrator" means the town planner or his/her authorized agent, who is authorized to administer the provisions of this title.

"Adult business" means an establishment consisting, or including or having characteristics involving conduct or materials depicting, describing or relating to sexual activities or anatomical genital areas.

"Adult family home" means a residential care facility for six or fewer adults, and operated under a license as provided for in RCW 18.48.010.

"Adjacent" means the condition where a property shares a common border or portion of a border with another property or is across a public right-of-way or private access tract and would abut if the property lines are extended across the public right-of-way or private access tract.

Agriculture, Small-Scale. "Small-scale agriculture" means the tilling of soil, raising of crops, horticulture, viticulture, livestock, farming, poultry, dairying, and animal husbandry including all uses customarily incidental thereto.

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

"Applicant" means a person or entity that has applied for a project permit.

"Aquaculture" means the culture or farming for fish food, shellfish or other aquatic plants and animals but not including the harvesting of natural resources.

"Assisted care facility" means an establishment which provides living quarters and a variety of personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of an extended care facility.

"Automobile sales" means a place outside a building where four or more automobiles, used or new, are offered for sale.

"Basement" means that portion of a building partly underground and having at least one-half of its perimeter length more than five feet below the adjoining finished grade.

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

"Bed and breakfast inn" means a private residence, portion thereof, or accessory structure, where sleeping quarters are provided as transient accommodation and food service may be provided to guests ~~is provided~~ consistent with requirements and limitations ((~~provided~~))in this title((~~the zoning district in which it is located. The operator of the facility shall live on the premises~~)).

"Binding site plan" means a drawing to a scale specified by local ordinance which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by Town regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (c) contains provisions making any development be in conformity with the site plan.

"Boarding or rooming house" means a dwelling in which not more than four roomers, lodgers and/or boarders are housed or fed.

"Building" means any structure having a roof for the shelter of persons or property, but excluding all forms of vehicles even though immobilized. When a use is required to be within a building, or where special authority granted pursuant to this title requires that a use shall be within an entirely enclosed building, then the term "building" means one so designed and constructed that all exterior walls of the structure shall be solid from the ground to the roof line, and shall contain no openings except for windows and doors which are designed so that they may be closed.

"Building area" means the portion of a lot within which a principal or accessory building or structure may be built, bounded by the minimum required setbacks.

"Building footprint" means the portion of a lot covered by a principal or accessory building, measure from the outside edge of all structural components greater than forty-two (42) inches in height.

Building, Nonconforming. "Nonconforming building" means a building which was lawful at the time the ordinance codified in this title became effective but which use, because of the passage of said ordinance, does not conform to the regulations of the district in which the building exists.

"Building official" means officer charged with enforcement and administration of the building codes or his or her regular authorized deputy.

"Bulk storage of flammable liquids" means flammable liquid stored in a tank or other container of over three hundred (300) gallons capacity.

"Capacity" means the maximum extent to which a concurrency facility or service provider can supply that facility or service without further expansion.

"Capacity, available" means facility or service capacity above and beyond the minimum levels of service established in the comprehensive plan.

"Capacity, notice of" means notification issued by the Coupeville town planner indicating that the anticipated need for concurrency facilities and services by a specific project permit can be accommodated within the available and planned capacity. The notice of capacity may be conditioned or have an expiration date.

"Capacity, planned" means capacity for a concurrency facility or service which does not yet exist, but for which construction, expansion or modification is identified as a capital improvement project in the capital facilities element of the comprehensive plan and scheduled to be completed within six years.

"Capital improvement" means any expenditure for physical facilities for government.

"Carport" means a structure to house or protect motor vehicles owned or operated by occupants of the main building and which is at least forty (40) percent of the total area of its sides, open to the weather.

"Certificate of occupancy" means a permit to occupy a premises issued by the building official after inspection has verified compliance with the requirements and provisions of this title and applicable building and fire codes.

"Certificate to plat" means a certificate prepared by a title company authorized by the laws of the state of Washington to write the same, showing the names of all persons having any record title interest in the land to be platted together with the nature of their respective interests therein.

"Clinic" means a building or portion of a building containing offices for providing medical, dental or psychiatric services for out-patient only.

"Closed record appeal" means an administrative appeal to the town council based on the existing record. No or limited new evidence or information is allowed to be submitted.

"Club" means an incorporated or unincorporated association of persons organized for a social, fraternal, athletic, educational, literary or charitable purpose. Property occupied by a club shall be deemed to be semiprivate in character and shall be subject to the regulations governing public buildings and places, excluding groups organized primarily to render a service which is normally considered a business.

"Commercial use" means an activity with goods, merchandise or services for sale or involving a rental fee.

"Commercial vehicle" means a motor vehicle used for purposes other than a family car, such as a taxi, delivery or service vehicle.

"Commission" means the planning commission of the Town of Coupeville.

"Comprehensive plan" means the adopted guide for land use development and for the design and location of public facilities which sets forth goals and policies for future development of the community.

"Concurrency facilities and services" means those public facilities and services for which a concurrency test is required in accordance with the provisions of this chapter. The list of concurrency facilities and services may be found in the capital facilities element of the comprehensive plan.

"Concurrency test" means an evaluation of a project permit which compares the anticipated impact on concurrency facilities and services against the available and planned capacity of the concurrency facilities and services.

"Conditional use permit" means a documental evidence of authority granted by the town council to locate a conditional use at a particular location.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to RCW 64.34.

"Condominium apartment" means the building or portion of a building arranged or designed to be occupied as three or more separate dwelling units where units are for purchase or lease.

"Congregate care retirement facility" means an establishment which provides self-contained efficiency living quarters and the option of a range of personal care and support offered on a congregate level, such as eating or leisure services. Limited health care may also be available to individuals who require periodic care.

"Contiguous property" means land adjoining and touching other property having the same owner regardless of whether or not portions of the property have separate tax lot numbers or were purchased at different times.

"Continuing care retirement facility" means a place or residence for several families or individuals in dwelling units or rooms, either rented, cooperative, or condominium, which may feature services to retired persons ranging from semi-independent living to extended care and support.

"Contract rezone" means a technique which attaches specific conditions in connection to a rezoning which binds both the contractor and the Town to terms not specifically spelled out in the zoning ordinance.

"Cottage" means a small, detached dwelling unit, not greater than one thousand (1,000) square feet in total floor area that is developed at a density greater than or equal to the underlying zone.

"Cottage housing development" means detached single-family housing in a cluster of no less than six nor no more than twelve (12) dwelling units around a central open space and has the following characteristics:

1. Each unit is of a size and function suitable for a single person or very small family;
2. Each unit has the construction characteristics of a single-family house;

3. Cottages are units in a condominium and may share use of a community building that may include such common uses as a single accessory living quarters, a party room, a tool shed, a workshop, a studio or similar types of uses. Separate covered common parking structures shall also be owned in common;

4. The site is designed with a coherent concept in mind, including: shared functional open space, off-street parking, access within the site and from the site, and consistent landscaping.

"Council" means the town council of the Town of Coupeville.

"Covenant" means a private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

"Critical areas" means the following areas and ecosystems: wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

"Cul-de-sac" means a street opening at one end and having a turn around at the other end.

"Day" means one calendar day for the purpose of counting days.

"Day care center" means a state-licensed facility, which may or may not be located in a residence, providing supervised care for thirteen (13) or more children for periods of less than twenty-four (24) hours.

"Dedication" means the deliberate appropriation of land or rights in land by its owner for the general or public use, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the Town of Coupeville.

"Density" means the number of permitted dwelling units allowed to exist on each acre of land or fraction thereof, in accordance with Section 16.16.070(C) of this title.

Duplex means a building containing exactly two dwelling units.

((~~" Dwelling" means any building that contains not more than two dwelling units. A single-family dwelling contains one dwelling unit. A duplex dwelling contains two dwelling units.~~))

((~~Dwelling, Multifamily. "Multifamily dwelling" means any building that contains three or more dwelling units.~~))

"Dwelling unit" means a building or portion of a building that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for ((~~nor~~))not more than one family. The term "dwelling unit" does not include rooms in a motel, hotel, bed and breakfast inn, rooming house, continuing care facility, adult family home, or group home((~~, nor does it include recreational vehicles or mobile homes~~)).

Dwelling Unit, Multifamily. "Multifamily dwelling unit" means a room or suite of two or more rooms in a multiple-family ((~~dwelling~~))or commercial building, occupied or suitable for occupancy as a residence for one family((~~ on a lease or rental basis (as distinguished from a transient occupancy basis)~~)).

"Easement" means a grant by the property owner to the public, a corporation, or persons of the use of a strip or parcel of land for a specific purpose and on or over which the owner will not place or erect any permanent improvements which would interfere with the free exercising of that right.

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

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

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

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

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

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

"Engineer" means a registered professional civil engineer authorized to practice engineering in the state of Washington.

"Extended care retirement facility" means a congregate care facility in which nursing, dietary and other personal services are furnished to convalescents, invalids, and aged persons but in which congregate care facilities are kept no persons suffering from an acute mental sickness or from a contagious or communicable disease and in which no persons are kept or served who normally would be admitted to a mental hospital.

"Facility and service provider" means the department, district or entity responsible for providing concurrency facilities and services identified in the comprehensive plan. Examples include, but are not limited to, the Town of Coupeville, Coupeville School District No. 204, Central Whidbey Fire and Rescue, Sno-Isle Regional Library District and the Port of Coupeville.

"Family" means ((~~an individual or two~~))one or more persons related by blood, marriage, adoption or a group of not more than five persons((~~, excluding servants,~~)) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. For the purposes of this definition and not withstanding any other provision of this code, children with familial status

within the meaning of Title 42 United States Code Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code Section 3602(h) will not be counted as unrelated persons. Adult family homes, as defined herein, shall be included within this definition of family. Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of "family".

"Family day care center" means a state-licensed home which provides supervision for twelve (12) or fewer children for periods of less than twenty-four (24) hours.

"Final plat" means the final drawing of the subdivision and dedication prepared for filing of record with the Island County auditor, and containing all elements and requirements set forth in Chapter 16.16 of the Coupeville Town Code.

"Floor area" means the sum or the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the centerline or division walls. Floor area shall include: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines and enclosed porches. Floor area shall not include: accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways and open spaces.

Garage, Commercial. "Commercial garage" means a building or portion thereof designed and used for storage, repair or servicing of motor vehicles.

Garage, Private. "Private garage" means an accessory building or an accessory portion of the main building designed and/or used for noncommercial shelter or storage of vehicles.

"Gasoline service station" means any area of land, including the structure thereon, that is used for the sale of gasoline or other motor vehicles, oil, lubricants or auto accessories and other minor servicing.

"Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of the street side of a sidewalk, the above-ground level shall be measured at the sidewalks.

"Greenbelts or buffer parks" means a strip or parcel of land, privately restricted or publicly dedicated as open space for the purpose of protecting and enhancing the environment.

Greenhouse, Commercial. "Commercial greenhouse" means an establishment where flowers, shrubbery, vegetables, trees and other horticultural products are grown in the open and in an enclosed building for sale on a retail or wholesale basis.

"Group home" means a facility, including foster family homes, halfway houses and group homes, licensed by the state of Washington Department of Social and Health Services and maintained and operated for the care of juveniles, adults or both on a twenty-four (24) hour basis.

((~~"Guest house" means a single-family dwelling intended for short-term lodging for up to thirty (30) consecutive days, consistent with limitations provided in the zoning district in which it is located".~~))

"Guest room" means a separate room or suite that may be separately rented for transient accommodation sleeping quarters as part of a hotel, motel, or licensed bed and breakfast inn.

"Height" means the measurement from vertical datum to the highest point of the roof line. On any building constructed seaward of mean higher high water, the vertical datum shall be the elevation of the extreme high tide, as shown on the official United States tide table for the year in which the permit is issued.

"Historic buildings and structures" means those buildings and structures determined to be significant in the Building and Landscape Inventory (1995) prepared for the Ebey's Landing National Historical Reserve as updated by the Town and County. The Building and Landscape Inventory may be updated by the Town and County on an annual basis, following review by the trust board.

Home Occupation, Class I. "Class I home occupation" means an accessory and subordinate use carried out for gain or profit within a principal dwelling unit or building accessory to the principal dwelling unit. Class I home occupations have a negligible impact on the surrounding residential properties.

Home Occupation, Class II. "Class II home occupation" means an accessory and subordinate use carried out for gain or profit within a principal dwelling unit or a building accessory to the principal dwelling unit. Class II home occupations have a minor impact on the surrounding residential properties.

"Hospital" means a quasi-public establishment which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis and care, of individuals, suffering from illness, injury, deformity, or abnormality, or from any condition requiring obstetrical, medical or surgical services.

"Hotel" means a building, or portion thereof, in which guest rooms are provided and offered to the public for compensation as transient accommodation. A hotel is distinguished from a motel by the provision of common entrances, which lead to interior corridors giving access to guest rooms.

Industry, Light. "Light industry" means the manufacture and assembly of light and small items made from previously repaired materials and includes operations which do not create noise, smoke, odor, vibration or other objectionable nuisances to the extent that they are detrimental to surrounding uses.

"Junk yard" means a lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage, salvaging, handling or sale of parts of machinery or vehicles not in running condition. "Junk yard" includes an auto wrecking yard but does not include uses established entirely within an enclosed building.

"Landscape plan" means a component of a development plan on which is shown proposed landscape species, proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, existing and proposed topography, buffers and screening devices.

"Legal access" means access to a dedicated street or road which is connected to and a part of the legally dedicated improved transportation network of the Town.

"Level of service standard" means the minimum level of service specified for a particular concurrency facility or service in the current comprehensive plan.

"Local improvement district (LID)" means a special district whereby property owners representing a majority can make an improvement benefiting their neighborhood and distribute the costs equitably among all owners.

"Lot" means a single tract of land no matter how legally described, whether by metes and bounds and/or by lot or lots and block designations in a recorded plat, which at the time ((of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street.

"Lot area" means the total horizontal area within the boundary lines of a lot, excluding access easements.

"Lot combination" means the elimination of interior lot lines not involving the vacation of dedicated streets, easements or public areas

Lot, Conforming. "Conforming lot" means a fractional part of subdivided lands having fixed boundaries and being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts, parcels or combinations of tracts or parcels, meeting the requirements of Chapter 16.12 of the Coupeville Town Code.

Lot, Corner. "Corner lot" means a lot at the junction of and fronting on two or more intersecting streets.

"Lot coverage" means that portion of a lot covered by buildings or structures over forty-two (42) inches in height.

"Lot depth" is the mean dimension of the lot from the front street line to the rear line. The depth of such lot is measured on a line approximately perpendicular to the front street and midway between the side lines of such lot.

Lot, Interior. "Interior lot" means a lot that fronts on one street only.

"Lot line" means the fixed boundaries of a lot described by survey located on a plat filed for record.

Lot Line, Rear. "Rear lot line" means that boundary of a lot which is most parallel to the street lot line and does not intersect the front lot line. In the case of a triangular lot, a line twenty (20) feet in length within the lot parallel to and at the maximum distance from the street lot line.

Lot Line, Side. "Side lot line" means that boundary of a lot which is neither a street or rear lot line.

Lot Line, Street. "Street lot line" means that boundary of a lot measured along the edge of the right-of-way of a dedicated street, private street or access easement, which abuts that line. In the case of a corner lot, either line which meets the above description provided the other is considered to be a side lot line.

Lot, Nonconforming. "Nonconforming lot" means a lawfully subdivided lot which does not conform to the provisions of this title which pertain to the zoning district in which the lot is located.

Lot, Through. "Through lot" means a lot that fronts on two streets that do not intersect on the parcel's lot lines.

"Lot width" means the dimension of the lot line at the street or in an irregularly shaped lot the dimension across the lot at the building line, or in a corner lot the narrow dimension of the lot at a street or building line.

"Manufactured home" means a structure, transportable in one or more sections upon the public streets and highways on its own running gear, which, when erected on site, is designed to be connected to required utilities and utilized as a dwelling which is built to HUD standards and manufactured after June 15, 1976, and bears the insignia of Washington State Department of Labor and Industries.

"Manufactured home park" means any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating two or more manufactured homes for dwelling purposes.

"Marina" means a facility which provides boat launching, storage, supplies and services for boats.

"Medium-speed electric vehicle" means a self-propelled, electrically-powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than twenty-five (25) miles per hour but not more than thirty-five (35) miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

"Microbrewery" means an establishment or premises designed for the manufacture of beer, and using ten thousand (10,000) or less gallons of water during an average month.

"Mixed use" means a combination of residential and nonresidential uses within the same building or site as part of an integrated development with functional interrelationships and coherent physical design.

"Monument" means a permanent survey control point.

"Moorage" means a place to tie up or anchor a boat or vessel.

"Motel" means a building or buildings, or portions thereof, in which guest rooms are provided and offered to the public for compensation as transient accommodation. A motel is distinguished from a hotel by the provision of a separate outside entrance to each guest room.

"Multifamily" means a building or group of buildings, all of which contain three or more dwelling units or any residential dwelling or dwellings in a mixed-use development.

"Museum" means a building or room used primarily for preserving and exhibiting artistic, cultural, historical or scientific objects, and is operated by a non-profit, tax exempt organization.

"Neighborhood electric vehicle" means a self-propelled, electrically-powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty (20) miles per hour and not more than twenty-five (25) miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

"Non-electric vehicle" means any motor vehicle that does not meet the definition of "electric vehicle."

"Nursery school" means a school or organized program for the care and instruction of preschool aged children whether public or private and whether operated for profit or not.

"Off-street parking" means parking facilities for motor vehicles on other than a public street, right-of-way or alley.

"Open record public hearing" means a hearing that creates a record on proposed land use actions through testimony and submission of evidence and information. An open record public hearing may be held on an appeal if no previous hearing has been held on the proposed action.

"Open space" means any part of a lot unobstructed from the ground upward including areas dedicated to the public or deeded to a nonprofit corporation under the laws of the state that has the power to control and funds to maintain said open area.

"Outdoor display" means an open air area used for the display or sale of goods or materials that are being actively marketed for sale, rent or lease. Plant materials kept in open air for sale, rent or lease shall not be considered outdoor display.

"Outdoor storage" means the keeping of goods and materials that are not actively marketed for sale, rent, or lease in an open air or non-walled building or membrane structure in the same place for more than twenty-four (24) hours, excluding the storage of debris or junk.

"Overlay zone" means a set of zoning requirements that are described in the ordinance text, are mapped, and then subsequently imposed in addition to those of the underlying zoning district. The requirements of the overlay zone shall take precedence over similar requirements in the underlying zoning district.

"Owner" means the person or persons, corporation, or other legal entity, holding title to land, or as vendees under land contract, or holding other title or interest in land whether said interest be equitable, legal, joint, reputed, recorded or otherwise.

"Parcel" means an area of land shown as a unit or as continuous units on the last preceding county real property tax roll.

"Parking space" means a space within or outside a building used to temporarily park a motor vehicle and having access to a public street or alley.

"Person" means and includes individual, individuals, association, firm, partnership or corporation.

"Planned unit development (PUD)" means a development which is designed and developed as a single entity for a number of dwelling units, the plan for which clusters buildings, provides common open space density increases, and land uses.

"Planning commission" means the planning commission of the Town of Coupeville.

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

"Plug-in hybrid electric vehicle (PHEV)" means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric

motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

"Preliminary short subdivision approval" means approval of the basic design features of a short subdivision, authorizing the preparation and submittal of a short plat for final approval by the Town and recording with the Island County auditor.

"Preliminary subdivision approval" means approval of the basic design features of a subdivision, authorizing the preparation and submittal of a plat for final approval by the Town and recording with the Island County auditor.

"Premises" means a structure or object and grounds to its property lines.

"Preschool" means a school, public or private, whether operated for profit or not, giving preschool instruction to children under the age of seven years.

"Professional office" means an office maintained and used as a place of business, such as doctors, dentists, engineers, attorneys, architects, accountants and other persons providing services.

"Project permit" means any land use or environmental permit or license required from the Town of Coupeville for a project action, as defined in 36.70B.020(4) RCW.

"Public facility" means parks, government buildings, schools, libraries, utility buildings and structures and other capital improvements provided and maintained by public funds for public purposes.

"Public improvements" means street grading or graveling, permanent street and corner monuments, street pavement, curbs and sidewalks, pedestrian ways, water mains, storm and sanitary sewers.

"Public meeting" means an informal opportunity provided prior to a final decision by the planning commission, Ebey's Reserve Historic Preservation Commission (HPC), or town council to obtain public or agency comments on proposed land use actions or in the case of the HPC on the issuance of a certificate of appropriateness. A public meeting does not include an open record hearing, although the proceedings may be recorded and a report or recommendation may be included in the project application file.

"Public services" means schools, police and fire protection, maintenance of utilities, parks and other services, provided with public funds for public use.

"Public utility" means a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, sanitary sewer and storm sewer systems for persons and freight.

"Quasi-public facility" means a facility operated by a nonprofit private community, educational, religious, charitable, medical institution or service organization having the primary purpose of serving the general public. Examples include religious institutions, churches, private schools and museums.

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

Recreation Facility, Commercial. "Commercial recreation facility" means a building or property designed and equipped for the conduct of sports and leisure-time activities which is operated as a business and open to the public or members for a fee.

Recreation Facility, Public. "Public recreation facility" means a facility providing for relaxation, play or amusement operated as a public benefit and not to make a profit. Examines include an assembly or recreation hall, park, playground or playfield, swimming pools or athletic, boat and golf club.

"Recreational vehicle park" means an area or tract of land used or designed to accommodate two or more trailers, or recreational vehicles used for travel, vacation, or recreational purposes, occupied in any one place for thirty (30) days or less.

"Residential development" means the development of land and/or the construction or erection of dwelling units for the purpose of residential occupancy.

"Restaurant" means an establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, Drive-up. "Drive-up restaurant" means an establishment where food and drink are prepared and served, and consumed either within the principal building or picked up at an outside window and consumed off the premises.

"Resubdivision" means the redelineation of an existing lot, block, tract or parcel of a previously recorded subdivision involving the change of property lines and/or, after vacation, the altering of dedicated streets, easements or public areas.

"Retail sales and service" means establishments engaged in selling goods, merchandise or services to the general public for personal or household consumption.

"Rezone" means a change in classifications of an area from one zoning district to another.

"Riding stables" means any establishment where horses are kept for riding, driving or stabling for compensation or as an accessory use in the operation of a club, association, ranch or similar establishment.

"Right-of-way" means a strip of land dedicated or acquired for use as a road, path or for utility lines.

"Runoff, storm or surface water" means the amount of rain or other water which flows in excess of the amount absorbed by the ground.

"Sanitary sewage system" means the system which collects sewage from the plumbing systems of buildings and carries it to a sewage treatment plant.

"Scale" means representing proportionate size, amount and/or level of intensity.

"Setback" means the lot area between the lot lines and the building area.

Setback, Rear. "Rear setback" means the lot area extending from forty-two (42) inches above the general ground level at the rear lot line to the building line and including the full width of the lot to its side lot lines.

Setback, Side. "Side setback" means the lot area extending from eighteen (18) inches above the general level at the front setback to the rear setback and from the building line to the side lot line.

Setback, Street. "Street setback" means the lot area extending from forty-two (42) inches above the general ground level at the principal and secondary street lot lines to the building line and including the full width of the lot to its side lot lines.

"Shore defense work" means the structures or modifications for the purpose of retarding shore erosion from wave or current action, encouraging deposition of beach materials, preventing shoreline overflow and retaining uplands.

"Shorelines" means all the water areas of the Town of Coupeville, more specifically Penn Cove, including those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water line which are subject to the Shoreline Management Act.

"Short plat" means the map or representation of a short subdivision.

"Short subdivision" means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

"Short-term rental" means a complete dwelling unit used for transient accommodation.

"Single-family" means one dwelling unit serving as the principal use on one lot. The term excludes manufactured/mobile homes lacking Washington State certification of compliance with a U.S. Department of Housing and Urban development standards, recreational vehicles, tents, and other forms of portable or temporary housing.

"Site plan" means a detailed map, diagram or other physical means of communicating pictorially the arrangement of structures, streets, open spaces, landscaping or other features of a proposed development.

"Storm and surface water drainage system" means the method used to collect and carry rain or surface water in such a way as to prevent flooding.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of the building included between the upper surface of the topmost floor and the ceiling or roof above.

"Street" means a way of travel more than twenty (20) feet wide which has been dedicated or deeded to the public for public use.

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in height, retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

"Subdivider, proprietor or developer" means a person, firm, municipality, association, partnership, corporation or combination of any of these which may hold any recorded or

unrecorded ownership interest in land being subdivided. The proprietor is also commonly referred to as the owner.

"Subdivision" means the division or redivision of land into five or more lots, tracts, parcels, sites or other divisions for the purpose, whether immediate or future, of sale, lease, or other conveyance or development.

"Surveyor" means either a land surveyor or a civil engineer who is registered in the state of Washington as a registered professional surveyor or engineer.

Structure, Temporary. "Temporary structure" means a structure not having or requiring permanent attachment to the ground.

"Tattoo parlor" means an establishment providing tattooing services.

"Topographic map" means a map showing contour elevation lines and other significant physical and cultural features.

"Townhouse" means a building containing two or more dwelling units which share one or more common walls with other dwelling units-and with each dwelling unit occupying individually owned parcel of land with no side yards between adjacent townhouses.

"Tract" means an area of land which has been defined, but has not been designated by lot and block numbers.

"Transient accommodation" means a dwelling unit or sleeping unit provided for monetary compensation for periods of thirty or fewer consecutive days.

"Travel trailer, recreation vehicle" means a recreational vehicle which is designed to be transported on public streets or highways and not designed for use as a permanent residence.

"Upland" means beach and land forms landward of a water body.

"Useable area" means that portion of a lot or parcel physically suited for supporting buildings. Land not considered useable area includes, but is not limited to, tidelands, shorelines, bluffs, unstable slopes, wetlands, areas of poor drainage, access easements to back lots, and areas devoted solely to utility purposes such as stormwater retention ponds. The extent of usable area of a lot or parcel shall be determined by the town planner.

"Use" means the purpose which land or buildings or structures now serve, or for which they are occupied, maintained, arranged, designed or intended.

Use, Accessory. "Accessory use" means a use of property or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building, and located on the same lot with the principal use.

Use, Conditional. "Conditional use" means a use permitted in one or more zones but which, because of characteristics peculiar to such use or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones. A conditional use is a form of special exception.

Use, Nonconforming. "Nonconforming use" means a use which lawfully occupies a building or land at the time the ordinance codified in this title became effective, and which does not conform with the use regulations of the zoning district in which it is located.

Use, Principal. "Principal use" means the primary or predominant use to which the property or building is or may be devoted, and to which all other uses on the same lot are accessory.

Use, Prohibited. "Prohibited use" means any use not specifically enumerated as a principal, accessory or conditional use in specific zones or areas.

"Vacation" means the act of making legally void any right-of-way, easement, public area, or other public interest.

"Variance" means an adjustment in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges.

"Vertical datum" means the base elevation used for measuring height. It is calculated by adding the lowest elevation within five feet of an exterior wall to the highest elevation within five feet of an exterior wall on the same building, then dividing the result by two. The highest and lowest points shall be located on the historical or original grade, as determined by the building official.

"Veterinary clinic/hospital" means a building or premises for the medical or surgical treatment of animals or pets, including the indoor boarding of hospitalized animals, but excluding the boarding of animals not subjected to medical or surgical treatment.

Waste, Hazardous. "Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), except for moderate risk waste as defined in RCW 70.105.010(17).

Waste, Hazardous—Off-Site Treatment and Storage Facility. "Off-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous wastes generated on properties other than those on which the off-site facilities are located.

Waste, Hazardous—On-Site Treatment and Storage Facility. "On-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous wastes generated on the same property.

Waste, Hazardous—Storage of. "Storage of hazardous waste" means the holding of hazardous waste for a temporary period as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

Waste, Hazardous—Treatment of. "Treatment of hazardous waste" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

Yard, Service. "Service yard" means an open area, usually paved, with access to a street or alley, to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock or people.

"Zoning" means a police power measure in which the community is divided into districts or zones within which permitted and special uses are established as are governing regulations for lot size, bulk and other development standards.

"Zoning district" means a defined area of Coupeville within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title.

Section 3. A new section 16.04.100 is added to Chapter 16.04 to read as follows:

16.04.100 – No special duty created.

A. It is the purpose of this title to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. No provision or term used in this title is intended to impose any duty upon the Town or any of its officers, agents, or employees for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

B. Nothing contained in this title is intended to be nor shall be construed to create or form the basis for any liability on the part of the Town or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this title or be a reason or a consequence of any inspection, notice, or order, in connection with the implementation or enforcement of this title, or by reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this title, or by reason of any action of the Town related in any manner to enforcement of this title by its officers, agents or employees.

Section 4. CTC Section 16.08.040 entitled "Residential zoning districts" is amended to read as follows:

16.08.040 - Residential zoning districts.

It is the intent of the four primary residential zoning districts in Coupeville to provide housing options for all social and economic segments of the community, to provide for efficient public and private utility services, to promote efficient traffic patterns, to preserve and protect historic sites and structures, to recognize historic development patterns and to reflect the intent of the Coupeville comprehensive plan. The specific intents of each predominantly residential zoning districts are described below:

A. Residential Reserve District (RR). This zoning district implements the residential reserve use designation on the comprehensive plan future land use map. It is intended to allow for very low density residential, agricultural, horticultural and floricultural uses, encouraging the retention of open space and rural character. It is intended further to maintain large areas free of impervious surfaces in order to increase the potential for natural infiltration of rainfall and the retention of natural drainage water patterns, minimizing the need for stormwater facilities

and increasing the protection of groundwater resources. Allowed uses within the residential reserve district are as follows:

Principal Uses	Accessory Uses	Conditional Uses
Single-family dwellings	Accessory structures less than 1,200 square feet*	Public/quasi-public facilities
Small-scale agriculture	Family day care centers	Golf courses
Public parks and playgrounds	Produce stands	Riding stables
Production of forest products	Home occupations*	((~~Bed and breakfast inns (not to exceed 6 guest rooms)~~))
Adult family homes*	Accessory dwelling units*	Day care centers
Class I group homes*		Accessory structures greater than 1,200 square feet*
Bed and breakfast inns*		((~~Guest houses~~))
		Class II group homes*

* Subject to special conditions and restrictions in Chapter 16.10.

B. Low Density Residential District (LDR). This zoning district implements the low density residential use designation on the comprehensive plan future land use map. It is intended to provide for rural lifestyles, promote open space and minimize impervious surfaces, and to provide a buffer to separate agricultural areas from the suburban and urban residential uses. Allowed uses within the low density residential district are as follows:

Principal Uses	Accessory Uses	Conditional Uses
Single-family dwellings	Accessory structures less than 800 Square feet*	Public/quasi-public facilities
Small-scale agriculture	Family day care Centers	((~~Bed and breakfast inns (not to exceed 2 guest rooms)~~))
Public parks and playgrounds	Produce stands	Day care centers
Adult family homes*	Home occupations*	Accessory structures greater than 800 square feet*
Class I group homes*	Poultry raising	((~~Guest houses~~))
Bed and breakfast inns*	Accessory dwelling units*	Class II group homes*

* Subject to special conditions and restrictions in Chapter 16.10.

C. Medium Density Residential District (RM-9600). This zoning district implements the medium density residential use designation on the comprehensive plan future land use map. These areas provide a stable environment for residential development, adequate public services to serve residential development and prohibit uses that would violate the single-family nature of the neighborhood. Allowed uses within the medium density residential district are as follows:

Principal Uses	Accessory Uses	Conditional Uses
Single-family dwellings	Accessory structures less than 800 square feet*	Public/quasi-public facilities
Adult family homes*	Family day care centers	Private schools
Class I group homes*	Private greenhouses*	Day care centers
Bed and breakfast inns*	Home occupations*	Duplexes((~~on lots greater than 15,000 square feet~~))*
	Accessory dwelling units*	((~~Bed and breakfast inns (not to exceed 2 guest rooms)~~))
		((~~Guest houses~~))
		Class II group homes*

* Subject to special conditions and restrictions in Chapter 16.10.

D. High Density Residential District (RH). This zoning district implements the high density residential use designation on the comprehensive plan future land use map. It is intended to provide areas for higher density residential uses near commercial services and located to permit efficient delivery of public services. Allowed uses within the high density residential district are as follows:

Principal Uses	Accessory Uses	Conditional Uses
Single-family dwellings	Accessory structures ((~~L~~))less than 800 square feet*	Public/quasi-public facilities
Duplex dwellings*	Family day care centers	Manufactured housing parks*
Multifamily dwellings	Home occupations*	Professional offices
Bed and breakfast inns*(((~~not to exceed 2 guest rooms~~)))		Day care centers
Adult family homes*		Accessory structures greater than 800 square feet*
Class I and II group homes*		Continuing care retirement facilities*

* Subject to special conditions and restrictions in Chapter 16.10.

Maximum Density. Except as provided for elsewhere in this title, the maximum density for multifamily dwellings is one dwelling unit for each four thousand (4,000) square feet of gross lot area.

Section 5. CTC Section 16.08.050 entitled "Commercial zoning districts" is amended to read as follows:

16.08.050 - Commercial zoning districts.

It is the intent of the three primary commercial zoning districts to provide for areas of predominantly commercial land uses in appropriate areas of Coupeville, to assure that commercial development is harmonious in size and scale to the community and adjacent buildings, to provide for efficient vehicular and pedestrian traffic, to preserve the Town's historic, rural character, including but not limited to the residential use of a designated historic building that was originally constructed as a single family home, and to reflect the intent of the Coupeville comprehensive plan. The specific intent and allowed uses within each predominantly commercial zoning district are described below:

A. Historic/Limited Commercial District (HLC). This zoning district implements in part the commercial designation on the comprehensive plan future land use map. This zoning district is reserved for the historic Front Street area between Alexander and Haller Streets (north of Coveland and Ninth Streets), including the Coupeville Wharf, and is intended to accommodate water-oriented uses, along with small-scale commercial uses which are compatible in size, scale and visual character with the district's historic character. Mixed use, adaptive reuse and preservation within a pedestrian scale environment are hallmarks of this district. Allowed uses within the historic/limited commercial zoning district are as follows:

Principal Uses	Accessory Uses	Conditional Uses
Retail sales and service (no drive-up service)	Accessory structures less than 800 square feet*	Public/quasi-public facilities
Professional offices (no drive-up service)	Family day care centers	Day care centers
Restaurants (no drive-up service)	Home occupations*	Multifamily dwellings east of Main Street
Marine-related sales and service	Not at street-level residential west of Main Street (mixed use)	Parking facilities
Personal services	Parking facilities	Hotels*
Clubs, lodges, and fraternal organizations		Outdoor storage and display

Bed and breakfast inns*		Microbreweries
Single-family residences east of Main Street		
((~~Guesthouses~~))Short-term rentals, except that ((~~guesthouses~~))short-term rentals west of North Main Street ((~~must~~))shall be part of a mixed use development and the ((~~guesthouse~~))short-term rental is not allowed at street level*		New single-family residential buildings that are not accessory structures
Marine fueling station		
Marine research facilities		
Marine repair and sales		
Moorage facility/marina		
Single-family residential use of a designated historic home		

* Subject to special conditions and restrictions in Chapter 16.10.

B. Town Commercial (TC). This zoning district implements in part the commercial designation on the comprehensive plan future land use map. It encompasses most the commercial areas outside of the Front Street historic area, including North and South Main Street, Coveland Street, and Birch Street NE. It is intended to provide for a wide range of commercial uses that are proportional in scale and compatible in character with historic uses in the Town, and that cater to both vehicular and nonmotorized access. More intensive, larger or automobile-dependent commercial land uses are not appropriate for this district. Allowed uses within the town commercial zoning district are as follows, provided that only professional offices are allowed as principal uses adjacent to SR 20:

Principal Uses	Accessory Uses	Conditional Uses
Retail sales and service	Accessory structures less than 800 square feet*	Public/quasi-public facilities
Professional offices	Parking facilities	Day care centers
Restaurants (no drive-up service)	Not at street-level residential (mixed use)	Parking facilities
Theaters		Multifamily dwellings

Professional services		Outdoor storage and display
Microbreweries		Commercial recreation
Clubs, lodges, and fraternal organizations		Hotels*
Bed and breakfast inns*		Single-family residences that are not designated historic homes or accessory structures
((~~Guesthouses~~))Short-term rentals*		Duplex residences*
Single-family residential use of designated a historic home		

* Subject to special conditions and restrictions in Chapter 16.10.

C. General Commercial (GC). This zoning district implements in part the commercial designation on the comprehensive plan future land use map. It is reserved for specific locations in Coupeville where commercial uses which are larger in scale, more automobile-oriented or more likely to impact neighboring properties may be sited without detracting unduly from the Town's historic character. The conditional use permit process is used to insure that all measurable impacts from these uses are identified and, if possible, mitigated through specific performance conditions. Allowed uses within the general commercial zoning district are as follows, provided that only professional offices are allowed as principal uses adjacent to SR 20:

Principal Uses	Accessory Uses	Conditional Uses
Retail sales and service	Accessory structures less than 800 square feet*	Public/quasi-public facilities
Professional offices	Parking facilities	Motels*
Restaurants (no drive-up service)	Not at street-level residential (mixed use)	Light industrial
Theaters		Adult businesses
		Tattoo parlors
Personal services		Parking facilities
Microbreweries		Outdoor storage and display
Clubs, lodges, and fraternal organizations		Commercial recreation

Gasoline service stations		Heliports, helistops
Bed and breakfast inns*		Automobile sales
((~~Guesthouses~~))Short-term rentals*		Automobile repair
Single-family residential use of a designated historic home		Drive-up businesses
		Veterinary clinics
		Hotels*
		Mini-storage warehouses
		Single-family residences that are not designated historic homes or accessory structures

* Subject to special conditions and restrictions in Chapter 16.10.

Section 6. CTC Section 16.10.080 entitled "Transient accommodation" is amended to read as follows:

16.10.080 - Transient accommodation.

This section provides supplemental standards for ((~~locating~~))hotels, motels, bed and breakfast inns, ((~~or guest houses~~))and short-term rentals in ((~~those~~))zoning districts where these uses are permitted as principal or conditional uses. ((~~"Transient accommodation" is defined as the rental of any building or portion thereof for the purpose of providing lodging for compensation for periods of thirty (30) days or less.~~))

A. Hotels and Motels. Hotels are conditional uses within all commercial zoning districts (HLC, TC and GC)((~~and m~~)). Motels are conditional uses within the general commercial (GC) zoning district only. ((~~T~~))Where allowed, the following supplemental standards shall apply:

1. The number of allowed guest rooms is limited to one for every one thousand five hundred (1,500) square feet of useable area or ten (10) guest rooms, whichever is the smaller number.

2. Cooking facilities((~~, as defined in the Uniform Building Code,~~)) are permitted in up to twenty-five (25) percent of the allowed number of guest rooms or suites. Except microwave ovens and coffee makers, cooking facilities of any type are prohibited in all other guest rooms.

B. Bed and Breakfast Inns. Bed and breakfast inns are principal uses in all((~~the high-density~~)) residential districts (RR, LDR, RM 9,600 and RH) and in all commercial zoning districts (HLC, TC and GC)((~~and conditional uses within all single-family residential zoning districts (RR, LDR and RM-9600)~~)). ((~~T~~))Where allowed, the following supplemental standards shall apply:

1. ((~~Each~~))No bed and breakfast inn shall operate or be advertised without ((~~have~~))having ((~~an approved~~))obtained a ((~~certificate of occupancy~~))bed and breakfast inn license in accordance with Chapter 5.36((~~issued by the Town of Coupeville~~)). Evidence of operation includes, but is not limited to, advertising, online calendars showing availability, guest testimony, online reviews, rental agreements or receipts.
2. All guest rooms shall be within quarters approved for habitation by the Building Official or designee.
3. The owner/manager of the bed and breakfast inn shall reside ((~~at the inn when it is open for business~~))on-site when guests are present.
4. The number of guest rooms shall be limited to no more than two in the RR, LDR, RM-9600 and RH zoning districts((~~, and to no more than six in the RR zoning district~~)), and to no more than eight in the HLC, TC and GC zoning districts.
5. Guest rooms ((~~at bed and breakfast inns~~))and accessory buildings within which guest rooms are located shall be devoid of cooking facilities of any type except microwave ovens and coffee makers.
6. ((~~In addition to the parking requirements for single-family residences~~))Where Chapter 16.12 requires off-street parking for the associated residence, one additional off-street parking space shall be ((~~required~~))provided for each guest room and full-time equivalent employee not resident at the inn.((~~Parking for guests or nonresident employees is not permitted in the public right-of-way.~~))
7. In residential zones, onsite meals and beverages may be served to room guests((~~and their guests~~)) only. Food service, if provided, shall comply with Island County Health Department rules and permitting.
8. One non-exempt sign per bed and breakfast inn is permitted, subject to ((~~the commercial sign requirements in this title~~))Chapter 16.28.
9. Accessory uses, buildings and structures associated with ((~~the~~))bed and breakfast inns located in the HR, RM-9600, LDR and RR zoning districts shall be limited to those ((~~found~~))customarily associated with((~~at~~)) single-family residences and subject to the regulations of the zoning district.
10. The operation of a bed and breakfast inn within or adjacent to residential districts shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes.
11. Bed and breakfast inns shall comply with requirements of adopted building codes for smoke and carbon monoxide detectors and egress windows in all guest rooms. The operator shall maintain a functioning fire extinguisher with a minimum 2A-10BC rating located on a means of egress route, as approved by the building official or designee. The means of egress route shall be posted in each guest room in a readily visible location.

C. ((~~Guest Houses. Guest houses~~))Short-term rentals. Short-term rentals are principal uses within all commercial zoning districts (HLC, TC and GC)~~and conditional uses within single-family residential zoning districts (RR, LDR and RM-9600~~). ((~~T~~))Where allowed, the following supplemental standards shall apply:

1. ((~~Each guest house shall have an approved certificate of occupancy issued by the Town of Coupeville.~~)) No short-term rental shall operate or be advertised without having obtained a short-term rental license in accordance with Chapter 5.38. Evidence of operation includes, but is not limited to, advertising, online calendars showing availability, guest testimony, online reviews, rental agreements or receipts.

2. Short-term rentals that were legally established prior to December 1, 2019, in any residential zone may continue as nonconforming uses, subject to all other applicable requirements, until the short-term rental use is determined discontinued for a period of one year or abandoned. Failure to submit a complete application for a short-term rental license for two consecutive calendar years shall constitute prima facie evidence of intent to abandon. In all cases, it shall be the property owner's responsibility to provide evidence of legal establishment and continued use.

3((~~2~~)). ((~~Guest houses are permitted as single-family dwellings only.~~))Where consistent with all applicable regulations and permitting and licensing requirements, a short-term rental may occupy any dwelling unit approved for habitation by the Building Official or designee.

4((~~3~~)). ((~~One nonilluminated sign may be erected, subject to the design and review standards contained in~~))Signage shall be subject to the provisions of Chapter 16.28((~~of this title~~)).

((~~4. Accessory uses, buildings and structures associated with the guest house located in the RM-9600, LDR and RR zoning districts shall be limited to those found customarily at single-family residences.~~))

5. Outdoor amplified sound is prohibited.

6. Adjacent to any residentially zoned property, use of a short-term rental for meetings, hosted parties, weddings, commercial functions, or similar events is prohibited.

7. Recycling and refuse containers shall be provided and screened from the public right-of-way. Refuse collection through the town's contract waste hauler is required.

8. A local contact shall be designated who is able to respond twenty-four hours a day, seven days a week, to any complaints or issues at the property licensed as a short-term rental. The local contact shall reside on Whidbey Island within twenty road miles of the town limits while guests are in residence at the short-term rental. The name and contact information for the local contact shall be posted in a conspicuous location within the short-term rental. The local contact shall contact the town planner by email within twenty-four hours following any public complaint with a description of the complaint, contact information for the complainant, and the resolution.

9. Short-term rentals shall comply with requirements of adopted building codes for smoke and carbon monoxide detectors and egress windows in all sleeping rooms. The operator shall maintain a functioning fire extinguisher with a minimum 2A-10BC rating located on a means of egress route, as approved by the building official or designee. The means of egress route shall be posted in each guest room in a readily visible location.

10. A copy of the rental agreement listing all applicable standards shall be posted in prominent place within the short-term rental. Rental agreements shall include, at a minimum:

a. Contact information for the local contact.

b. A copy of the short-term rental license and all applicable standards and conditions.

c. The number of guests and vehicles. Neither shall exceed the maximum number in the short-term rental license.

d. Notice that quiet hours are from 10:00 p.m. to 7:00 a.m.

Section 7. A new Chapter 5.36 CTC is added to Title 5 CTC to read as follows:

Chapter 5.36 – BED AND BREAKFAST INN LICENSE

5.36.010 - Purpose. The purpose of this chapter is:

A. To provide for the establishment of bed and breakfast inns in residential and commercial districts;

B. To ensure that all bed and breakfast inns operate under and comply with the same local requirements;

C. To ensure compatibility with residential neighborhood contexts, where applicable;

D. To preserve Coupeville's community and neighborhood character; and

E. To promote the public health, safety, and welfare.

5.36.020 - Definitions.
As used in this chapter:

"Bed and breakfast inn" means a private residence, portion thereof, or accessory structure, where sleeping quarters are provided as transient accommodation and food service may be provided to guests consistent with requirements and limitations provided in this title.

"Advertise" means communication that provides notice of the availability of or induces or encourages any person to rent a guest room or guest rooms in a facility meeting the definition of bed and breakfast inn in any building in the Town of Coupeville.

"Applicant" means any person, firm, partnership, association, joint venture, corporation or an entity, combination of entities or consortium who seeks or seek approval of a bed and breakfast inn license under the authority of this chapter.

"Guest" means a person renting a room as transient accommodation within a bed and breakfast inn.

"Guest room" means a separate room or suite that may be separately rented for transient accommodation sleeping quarters within a bed and breakfast inn.

"Licensee" means the person to whom a bed and breakfast inn license is issued.

"Operator" means the party identified on the application, or on file with the Town, as responsible for daily operation of the bed and breakfast inn.

"Owner" means the person holding fee title to the real property that is the subject of the bed and breakfast inn license.

"Transient accommodation" means a dwelling unit or sleeping unit provided for monetary compensation for periods of thirty or fewer consecutive days.

5.36.030 – Bed and breakfast inn—License required.

No person, firm or corporation shall advertise or operate a bed and breakfast inn without having first obtained a bed and breakfast inn license from the town. Evidence of operation includes, but is not limited to, advertising, online calendars showing availability, guest testimony, online reviews, rental agreements or receipts. Licenses shall have a term of one year and shall be posted in a conspicuous location accessible by guests within the bed and breakfast inn. Licenses shall be issued to the operator and shall not be transferrable.

5.36.040 - Bed and breakfast inn—license and renewal application—review—conditions.

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

1. Owner's signature;
2. Applicant's signature;
4. Current Washington State business license number;
5. Declaration that the operator shall reside on-site when guests are present;
6. 24-hour contact information for the operator;
7. Number of guest rooms;
8. Site plan showing required parking for residents and guests;
9. Floor plan showing guest rooms and the egress route;
10. Island County health department approval, if food is served;
11. Island County health department approval, if the dwelling unit is served by an on-site septic system;
12. Proof of a building/fire inspection within five years prior to application. If the town has not inspected the building within five years or if documentation is not available, an inspection shall be required prior to issuance or renewal of a license. Where an inspection is not required, a life-safety self-assessment demonstrating compliance with the licensing requirements shall be submitted on forms provided by the town planner;
13. For license renewals, responses to complaints related to the operation of the bed and breakfast inn raised by neighboring residents and property owners during the preceding year;
14. A signed letter from an officer of the condominium association approving the use of the condominium unit as a bed and breakfast inn, if the residential unit is part of a condominium; and
15. Application fees per the current fee resolution.

Supplemental information may be required by the town to ensure the facility and its operation comply with applicable regulations and provide for public health, safety, and welfare.

B. The town planner shall review the application and, if determined to comply with all zoning and licensing requirements, shall issue or renew a bed and breakfast license, which may include reasonable conditions of approval to ensure that the purposes of this chapter are achieved. If approved, notice of such approval shall be provided to adjacent property owners. If denied, the reasons for denial shall be stated in writing.

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

5.36.050 – Suspension or revocation of license—Criteria and appeal.

A. The town planner may suspend or revoke a bed and breakfast license when the licensee, officer or partner thereof, or another person with legal interest in the license:
   1. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the town that may affect or relate to the licensed business;
   2. Fails to comply with any condition of approval of an issued license;
   3. Has obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
   4. Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;
   5. Makes a misrepresentation or fails to disclose a material fact to the town related to any of the required conditions for a bed and breakfast inn license;
   6 Violates any zoning, building, life, public safety, or health regulation, or other material regulation of the town with respect to the premises in which the business is located; or
   7. Is indebted or obligated to the town for past due fees or taxes.

B. When the town planner determines that there is a reasonable basis for suspending or revoking a license issued under this chapter, he/she shall notify the licensee of the town's intention to suspend or revoke such license by regular and certified mail to the address appearing on the most recent bed and breakfast inn license application. The notice shall state the reason for the suspension or revocation, the date that the suspension or revocation will become effective, and the appeal process. Suspension or revocation of the license shall become effective fourteen days after the date the notice is mailed unless the licensee, within such fourteen-day period, files an appeal of the action with the town clerk treasure, together with the appeal fee per the current fee resolution. The licensee shall state why the criteria in part A do not apply

to his/her/its business or what errors are alleged on the part of the town in determining one or more criteria are met. Appeals shall be heard by the hearing examiner, whose decision shall be the final administrative remedy.

C. If a license is suspended or revoked, all operation of the bed and breakfast inn use shall cease upon the effective date of the suspension or revocation unless the administrative appeal process has been initiated, in which case the suspension or revocation shall be stayed during the pendency of the appeal. A suspended license shall not be reinstated until the town planner determines, in writing, that the basis of the suspension, together with any new conditions applied to the license, have been adequately addressed. If revoked, no new bed and breakfast inn license shall be issued for the site for remaining term of the revoked license.

5.36.060 - Violation—Penalty.

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

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

C. A business failing to obtain or maintain a currently valid license and operating a bed and breakfast inn within the town is hereby declared to be a public nuisance. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter or as may be allowed by law.

Section 8. A new Chapter 5.38 CTC is added to Title 5 CTC to read as follows:

Chapter 5.38 – SHORT TERM RENTAL LICENSE

5.38.010 - Purpose. The purpose of this chapter is:

A. To provide for the establishment and operation of short-term rental uses in commercial districts;

B. To ensure that all short-term rental uses operate under and comply with the same local requirements.

C. To ensure compatibility with residential neighborhood contexts, where applicable;

D. To preserve Coupeville's community and neighborhood character; and

E. To promote the public health, safety, and welfare.

5.38.020 - Definitions.

As used in this chapter:

"Advertise" means communication that provides notice of the availability of a short-term rental or induces or encourages any person to rent a short-term rental in the Town of Coupeville.

"Applicant" means any person, firm, partnership, association, joint venture, corporation or an entity, combination of entities or consortium who seeks or seek approval of a short-term rental license under the authority of this chapter.

"Guest" means any person registered by rental agreement to reside on site during the rental period up to the maximum number identified in the short-term rental license.

"Licensee" means the person to whom a short-term rental license is issued.

"Local contact" means a person identified by the owner who is available twenty-four hours a day, seven days a week, to be present on the property within one hour to respond to any complaint involving the short-term rental at all times the property is rented or used on a transient basis.

"Owner" means the person holding fee title to the real property that is the subject of the short-term rental license.

"Short-term rental" means a dwelling unit used for transient accommodation.

"Transient accommodation" means a dwelling unit or sleeping unit provided for monetary compensation for periods of thirty or fewer consecutive days.

5.38.030 – Short-term rental—License required.

No person, firm or corporation shall advertise or operate a short term rental without having first obtained a short-term rental license from the town. Evidence of operation includes, but is not limited to, advertising, online calendars showing availability, guest testimony, online reviews, rental agreements or receipts. Licenses shall have an effective term of one year. Licenses shall be issued to the owner and shall not be transferrable. Prior issuance of a license to a property or property owner shall not guarantee renewal of a current license or granting of a future license to the same property owner or property.

5.38.040 - Short-term rental—license and renewal application—review—conditions.

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

1. Property owner's signature;
2. Current Washington State business license number;
3. Contact information for the designated local contact;
4. Number of sleeping rooms and maximum number of guests;
5. Site plan showing required parking spaces;
6. Floor plan showing sleeping rooms and the egress route;
7. Copy of the rental agreement form;
8. Proof of building/fire inspection within five years prior to application. If the town has not inspected the building within five years or if documentation is not available, an inspection shall be required prior to issuance or renewal of a license. Where an inspection is not required, a life-safety self-assessment demonstrating compliance with the licensing requirements shall be submitted on forms provided by the town planner;

9. For license renewals, the licensee shall identify any notice of violation or concern including any compliance order or citation issued by the town, or any concern or complaint identified by a neighbor, related to the short-term rental use during the licensing period and shall document how the violation or concern has been addressed;

10. A signed letter from a current, authorized officer of the condominium association approving the use of the condominium unit as a short-term rental if the residential unit is part of a condominium; and

11. Application fees per the current fee resolution.

Supplemental information may be required by the town to ensure the facility and its operation comply with applicable regulations and provide for public health, safety, and welfare.

B. The town planner shall review the application for a new license and, if determined to comply with all conditions and licensing requirements, shall issue a short-term rental license, which may include reasonable conditions of approval to ensure that the purposes of this chapter are achieved. For renewing licenses, if the town planner determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, and welfare, the town planner may determine that the permit is ineligible for approval of renewal. If approved, such approval shall be provided to adjacent property owners. If denied, the reasons for denial shall be stated in writing.

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

5.38.050 – Suspension or revocation of license—Criteria and appeal.

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

1. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the town that may affect or relate to the licensed business

2. Fails to comply with any condition of approval of an issued license.

3. Fails to timely or appropriately respond to complaints raised by neighbors or the town.

4. Has obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;

5. Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;

6. Makes a misrepresentation or fails to disclose a material fact to the town related to any of the required conditions for a short-term rental license;

7 Violates any zoning, building, life or public safety, or health regulation or other material regulation of the town with respect to the premises in which the business is located; or

8. Is indebted or obligated to the town for past due fees or taxes.

B. When the town planner determines there is a reasonable basis for suspending or revoking a license issued under this chapter, he/she shall notify the licensee of the town's intention to suspend or revoke such license by regular and certified mail to the address appearing on the most recent short-term rental license application. The notice shall state the reason for the suspension or revocation, the date that the suspension or revocation will become effective, and the appeal process. Suspension or revocation of the license shall become effective fourteen days after the date the notice is mailed unless the licensee, within such fourteen-day period, files an appeal of the action with the town clerk treasure, together with the appeal fee per the current fee resolution. The licensee shall state why the criteria in part A do not apply to his/her business or what errors are alleged on the part of the town in determining one or more criteria are met. All appeals of suspension or revocation of an issued short-term rental license shall be consolidated and heard by the hearing examiner, who may affirm or reverse the original decision and may revise conditions of approval. The hearing examiner's decision shall be the final administrative remedy.

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

5.38.060 - Violation—Penalty.

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

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

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

Section 9. Termination and Repeal of Moratorium. Ordinance 745, Ordinance 749, and Ordinance 753 are each hereby repealed for the reason that they are replaced by this ordinance. The effective date of said repealer shall be the effective date of this ordinance.

Section 10. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 11. Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall take effect and be in full force on December 1, 2019.

ADOPTED by the Town Council and **APPROVED** by the Mayor this 27 day of August 2019.

TOWN OF COUPEVILLE

By _____
Molly Hughes, Mayor

ATTEST:

By _____
Kelly Beech, Clerk-Treasurer

APPROVED AS TO FORM:

By _____
Grant Weed, Town Attorney

Date of Publication: August 31, 2019