
Section 1. Amendment of Section 16.04.060 Definitions.

Section 16.04.060 of the Municipal Code is hereby 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" (ADU) means a building or portion of a building, containing provisions for sleeping, eating, cooking and sanitation for not more than one household, which is accessory to a residential principal use.

1. "Detached ADU": A separate and standalone residential unit located on the same lot as the principal building.
2. "Attached ADU": A residential unit added as an addition to the principal residential building.
3. "Internal ADU": Conversion of existing space within the principal residential building into a separate living space that is a fully functional. These units must meet all building codes and shall be considered separate and independent residential units from the primary structure.

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

"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.

"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.

~~"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty (30) percent of the gross monthly income of a household:~~

- ~~1. For rental housing, sixty (60) percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or~~
- ~~2. For owner-occupied housing, eighty (80) percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.~~

Affordable Housing. "Affordable housing" means residential housing for which monthly housing costs, including applicable utilities, do not exceed thirty percent (30%) of a household's gross monthly income. For ownership housing, housing costs include mortgage principal and interest, mortgage insurance, property taxes, property insurance, and homeowner association dues. For rental housing, housing costs include rent and applicable utility allowances.

Affordable Housing, Income-Restricted. "Income-restricted affordable housing" means a dwelling unit restricted to occupancy by an income-eligible household and subject to rent or sales price limits such that monthly housing expenses do not exceed thirty percent (30%) of the applicable income limit. Income-restricted affordable housing shall be occupied by a low-income household, defined as a household with income at or below eighty percent (80%) of area median income (AMI), adjusted for household size, for the county in which the dwelling unit is located, unless otherwise specified by the applicable affordability tier.

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 consistent with requirements and limitations in this title.

"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~~ [their](#) 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.

~~"Class I group home" means a small residential facility that provides care, supervision, or treatment to a limited number of individuals in a non-institutional setting and are generally integrated into residential neighborhoods and offer services for people with special needs, such as individuals with physical or developmental disabilities, mental health conditions, or those recovering from substance abuse.~~

~~"Class II group home" means a residential facility that typically houses individuals who may have physical or developmental disabilities, mental health issues, or other special needs and are licensed and regulated by the Washington State Department of Social and Health Services (DSHS) or other appropriate agencies, depending on the specific population served.~~

"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.

"Common area" means portion of a unit lot subdivision or subdivision that are not owned by individual unit lot owners but are owned and maintained by a collective ownership entity.

"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 that is developed at a density greater than or equal to the underlying zone.

"Cottage housing development" means detached single-household dwelling in a cluster of 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 small household;
2. Each unit has the construction characteristics of a traditional "single-family" house;
3. Cottages are units in a condominium or common interest community and may share use of a community building that may include such common uses as 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;

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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, Child.](#) "[Child 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.

[Day Care Center, 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.

"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.

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

"Duplex" means a building containing exactly two 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 not more than one household. 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.

"Dwelling unit, multifamily." Multifamily dwelling unit means a room or suite of two or more rooms in a multiple-family or commercial building, occupied or suitable for occupancy as a residence for one household.

"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-household, 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 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.

[Group Home, Class I. "Class I Group Home" means a small residential facility that provides care, supervision, or treatment to a limited number of individuals in a non-institutional setting and are generally integrated into residential neighborhoods and offer services for people with special needs, such as individuals with physical or developmental disabilities, mental health conditions, or those recovering from substance abuse.](#)

[Group Home, Class II. "Class II Group Home" means a residential facility that typically houses individuals who may have physical or developmental disabilities, mental health issues, or other special needs and are licensed and regulated by the Washington State Department of Social and Health Services \(DSHS\) or other appropriate agencies, depending on the specific population served.](#)

"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 the 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.

"Homeowner's association" means a legal entity created to manage and maintain common areas and shared facilities.

"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.

"Household" means one or more persons living together in a single dwelling unit as a family, or the functional equivalent of a family, sharing common access to and use of the living, cooking, eating, and sanitation facilities within the dwelling unit. The persons comprising a household may include:

- ~~1~~ A family, which typically consists of one or more individuals related by blood, marriage, adoption, or legal guardianship.
- ~~2~~ For the purposes of this definition and notwithstanding 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.
- ~~3~~ Adult family homes, as defined herein, shall be included within this definition of family.
- ~~4~~ Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of "Household."

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, parent" means a lot or parcel from which unit lots are created within a unit lot subdivision.

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

"Lot, unit" or "child lot" means a legally defined portion of unit lot, subdivision intended for individual ownership or common ownership between unit lot owners.

"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.

"Middle housing" means buildings that are compatible in scale, form, and character with traditional "single-family" houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, townhouses, cottage housing, and accessory dwelling units.

"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 single building which contains four or more dwelling units or two or more residential dwelling units in a mixed-use building.

"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. Examples 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.

"Religious organization" is defined as the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

"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.

"Single household" means one dwelling unit serving as the principal use on one lot.

"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.

"Subdivision, unit lot" means the division of a parent lot into two or more unit lots within a development and approved through the unit lot subdivision process.

"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.

[Supportive Housing. "Supportive Housing" or "STEP Housing" means a collective term that includes emergency housing, emergency shelters, permanent supportive housing, and transitional housing in permanent structures.](#)

[Supportive Housing, Emergency Housing. "Emergency Housing" is defined, according to RCW 36.70A.030, as temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.](#)

[Supportive Housing, Emergency Shelter. "Emergency Shelter" is defined, according to RCW 36.70A.030, as a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.](#)

[Supportive Housing, Permanent Supportive Housing. "Permanent Supportive Housing" Permanent supportive housing \(PSH\) is defined, according to RCW 36.70A.030, as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical](#)

[health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.](#)

[Supportive Housing, Transitional Housing. "Transitional Housing" Transitional housing \(TH\) is defined, according to RCW 84.36.043, as a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.](#)

"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 three or more attached dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides and 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 (30) 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.

"Triplex" means a building containing exactly three dwelling units.

"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.

"Zone, single-family" means those zones where the traditional "single-family" detached residences are the predominant land use.

"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.

(Ord. 648 § 3 Exh. B (part), 2005; Ord. 614 § 4 Exh. D (part), 2001; Ord. 604 § 1, 2000; Ord. 586 § 2, 1999; Ord. 566 § 2 Exhs. A (part), B (part), 1998)

(Ord. No. 690, § 1, 4-26-2011; Ord. No. 692, § 2, 10-3-2011; Ord. No. 701, § 1, 3-27-2012; Ord. No. 751, § 2, 8-27-2019; Ord. No. 801, § 1(Exh. A), 5-27-2025)

Section 2. Amendment of Section 16.06.080 Enforcement and penalties.

Section 16.06.080 of the Municipal Code is hereby amended to read as follows:

16.06.080 Enforcement and penalties.

- A. Administrative Official. An administrative official designated by the mayor shall administer and enforce this title. ~~He or she~~ They may be provided with the assistance of such other persons as the town council deems necessary. If the administrative official shall find that any of the provisions of this chapter are being violated, ~~he or she~~ they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. ~~He or she~~ They shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- B. Permits and Inspection—Permits Required. No person, firm or corporation shall erect, construct, alter, enlarge, move, improve or convert any building in the Town or cause the same to be done, without obtaining a building permit from the building official. The building official shall maintain a record of all permits, and copies shall be furnished upon request to any person. Failure to obtain a permit shall be a violation of this chapter and punishable under subsection D of this section. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the building official, including existing or proposed building or alteration existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this chapter. The building official shall render ~~his or her~~ their decision within thirty (30) days of the filing of the application of a permit. However, this time limit may be extended by common consent and agreement signed by both the applicant and the building official. One copy of said plans shall be

returned to the applicant by the building official after ~~he or she~~ they shall either attach a permit or mark the plans as disapproved and attested to same by ~~his or her~~ their signature on such copy. The second copy of the plans, similarly marked, shall be retained by the building official.

- C. Complaints Regarding Violations. Whenever a violation occurs, any person may file a complaint in regard thereto. All such complaints shall be brought to the attention of the building official or town planner, who shall record such complaint and immediately investigate and report thereon to the mayor.
- D. Penalties for Violations. For any and every violation of the provisions of this chapter the owner, agent or contractor of a building or premises where such violations have been committed or shall exist, or any other person who maintains any building or premises in which any violation shall exist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not to exceed thirty (30) days, or both such fine and imprisonment. Each and every day that such violation continues shall be deemed a separate and distinct violation. Any building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of this chapter shall be declared to be unlawful and a public nuisance, and the mayor shall immediately commence action for the removal thereof, in the manner provided by law, and shall apply to such court or courts as may have jurisdiction to remove such building, structure or use. All remedies provided for herein shall be cumulative and not exclusive.

(Ord. 566 § 2 Exh. A (part), 1998)

Section 3. Amendment of Section 16.06.090 Concurrency management program.

Section 16.06.090 of the Municipal Code is hereby amended to read as follows:

16.06.090 Concurrency management program.

- A. Intent. The intent of this section is to establish a concurrency management program to ensure that public facilities and services for which a level of service (LOS) has been established keep pace with new development. Adequate LOS, as described in the capital facilities element of the Coupeville comprehensive plan, shall be maintained concurrent with, or within a reasonable time after, development, occupancy or use. A concurrency test will be required for those project permits which, subject to approval, will lead to an increase in the number of building lots, a significant increase in the intensity of land use and/or a major expansion of an existing land use. This chapter is not intended to require a concurrency test for the construction of single-family residences or accessory buildings on existing lots, for proposed changes in land use intensity which results in less, equal to or marginally higher intensity than the existing use, or for minor expansions of existing land uses.
- B. Concurrency Test. This section provides rules for reviewing and making a determination on available and planned capacity for individual project permits.
 - 1. Effective Date. Except as exempted by subsection D of this section, all project permits are subject to a concurrency test. The concurrency test will be conducted based on the effective date of the notice of completeness, as defined in Section 16.06.030(E). If no notice of completeness is required for the particular project permit, the effective date will be the date

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- of receipt of a complete application. The concurrency test shall be completed within thirty (30) days of the effective date of the application.
2. Review Responsibility. The concurrency test will be conducted by the town planner, in conjunction with other facility and service providers, during the timelines established for project review in Section 16.06.030 of this title.
 - a. The town planner shall coordinate the concurrency test by notifying all concurrency facility and service providers that the Town has received an application for a project permit which is subject to concurrency review, notifying applicants of the test results and notifying the facility and service providers of the final decision on the project permit. In addition, the town planner shall, in the first quarter of each year, notify facility and service providers of all exempt applications processed during the previous year which used capacity and of any expired project permit approvals or discontinued notices of capacity.
 - b. All facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity, and for conducting the concurrency test for their specific facility or service for all applications subject to concurrency review. Each provider is responsible for reserving the capacity needed for each application, for notifying the town planner of the results of each concurrency test, for annually reducing available capacity by the amount needed for exempt applications (as reported by the town planner), and for reinstating any unused capacity as set forth in subsection C of this section.
 - c. Each facility and service provider shall be responsible for reporting to the Town by June 30th of each year the total available and planned capacity for their particular facility or service.
 3. Basis for Capacity Analysis. When conducting a concurrency test, capacity shall be measured in the following manner:
 - a. Available capacity shall be the basis of the concurrency test for water supply, power, sanitary sewer, septic systems, stormwater management and fire flow.
 - b. Available and planned capacity shall be the basis of the concurrency test for streets, solid waste collection, public transit, fire protection, law enforcement, ambulance, library services, schools and parks.
 4. Conducting the Test. Project permits requiring a concurrency test shall be compared against the available and planned capacity to ensure that concurrency facilities and services will not be reduced below the level of service standard adopted in the comprehensive plan.
 - a. If the capacity of concurrency facilities and services is equal to or greater than the capacity required to serve the proposed project permit, the concurrency test is passed. A notice of capacity will be issued in accordance with subsection C of this section.
 - b. If the capacity of concurrency facilities and services is less than the capacity required to serve the proposed project permit, the concurrency test is not passed. The applicant may:

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1. Accept a ninety-day reservation of concurrency facilities and services for which there is adequate capacity, and modify the application to reduce the need for facilities and services for which there is not adequate capacity.
 2. Accept a ninety-day reservation of concurrency facilities and services for which there is adequate capacity, and demonstrate to the town's satisfaction that the proposed project will have a lower demand for capacity than similar projects and that available capacity is therefore adequate.
 3. Accept a ninety-day reservation of concurrency facilities and services for which there is adequate capacity, and arrange with the appropriate facility or service provider for the provision of additional capacity to serve the proposed project.
 4. Appeal the decision of the town planner to the town council, in accordance with Section 16.06.060(C) and subsection E of this section.
 5. [Accept the denial of an application based on insufficient capacity.](#)
- C. Notice of Capacity. If a proposed project permit passes the concurrency test, a notice of capacity shall be issued at the same time the project permit is issued, subject to any fees or performance of any condition required by a facility or service provider.
1. Applicability. A notice of capacity shall apply only to the specific location, land uses, densities, intensities and site plan described in the project permit application.
 2. Transferability. A notice of capacity is not transferable to other property, but may be transferred to subsequent owners of the property for which the project permit was approved. A transfer of ownership shall have no effect on the expiration date of the notice of capacity.
 3. Expiration and Extensions. A notice of capacity shall expire if the associated project permit expires or is revoked. The notice of capacity may be extended only if the associated project permit is granted an extension according to the terms and conditions of the permit. If the associated project permit does not have an expiration date, the notice of capacity shall be valid for three years from the date of issuance.
 4. Unused Capacity. Any capacity that is not used because the applicant or developer decides not to develop, decides to develop at a lower density or intensity than approved by the project permit, or the project permit or notice of capacity expires, shall be returned to available capacity.
- D. Exemptions. Certain project permits are exempt from the concurrency test described in this chapter, either because they have no impact on available capacity, or because their impact on available capacity is minor enough to manage on an annual basis.
1. No Impact. Project permits for development which create no additional impact on concurrency facilities and services for which a level of service standard has been adopted are exempt from the requirements, of this chapter. Examples include, but are not limited to, the following proposals.
 - a. An addition or accessory building or structure to an existing residential, commercial or public/quasi-public use with no change or increase in use or increase in the number of dwelling units.

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- b. Interior or exterior modifications to existing structures with no increase in the number of dwelling units.
 - c. Interior or exterior modifications to existing structures to accommodate a new use with the same or less intensity as the existing use.
 - d. A replacement structure with no change or increase in use or increase in the number of dwelling units.
 - e. Temporary structures.
 - f. Site improvements such as resurfacing, restriping, landscaping, lighting, or fencing.
 - g. Signs.
 - h. Demolitions.
 - i. Conditional use permits and variances which allow a new or additional use of an existing structure with no increase in land use intensity or number of dwelling units.
2. Exempt Project Permits. The following permits are exempt from the requirements of this chapter, but are subject to the annual reporting requirements to public facility and service providers described in subsection (B)(1) of this section.
 - a. Final plats.
 - b. Boundary line adjustments.
 - c. Building permits for single family residences.
 - d. Public works permits (right-of-way, clear and grade, stormwater).
 - e. Project permits for developments with complete applications submitted prior to the effective date of this chapter.
- E. Appeals. Concurrency test results may be appealed by the applicant or a citizen of Coupeville in accordance with the appeal procedures in Section 16.06.060 of this title. The basis for the appeal must be at least one of the following grounds:
1. A technical error;
 2. The applicant provided alternative data or a mitigation plan to meet LOS standards which was rejected by a facility or service provider;
 3. An unwarranted delay in vesting a complete application that allowed available capacity to be given to another applicant.

(Ord. 586 §§ 1, 3—6, 1999)

Section 4. Amendment of Section 16.08.040 ZONING DISTRICTS.

Section 16.08.040 of the Municipal Code is hereby 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's 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-household dwellings	Accessory structures less than 1,200 square feet*	Public/quasi-public facilities
Duplexes	Family day care centers	Golf courses
Small-scale agriculture	Produce stands	Riding stables
Public parks and playgrounds	Home occupations*	Day care centers
Production of forest products	Accessory dwelling units*	Accessory structures greater than 1,200 square feet*
Adult family homes*		Class II group homes*

~~Class I group homes*~~

~~Bed and breakfast inns*~~

~~*—Subject to special conditions and restrictions in Chapter 16.10.~~

<u>Principal Uses</u>	<u>Reference CTC</u>	<u>Accessory Uses</u>	<u>Reference CTC</u>	<u>Conditional Uses</u>	<u>Reference CTC</u>
<u>Adult family homes¹</u>	<u>16.10.130</u>	<u>Accessory dwelling units¹</u>	<u>16.10.040</u>	<u>Accessory structures greater than 1,000 square feet¹</u>	<u>16.10.090</u>
<u>Bed and breakfast inns¹</u>	<u>16.10.110</u>	<u>Accessory structures 1,000 square feet or less¹</u>	<u>16.10.090</u>	<u>Class II group homes¹</u>	<u>16.10.130</u>
<u>Child day care centers</u>		<u>Family day care centers</u>		<u>Golf courses</u>	
<u>Class I group homes¹</u>	<u>16.10.130</u>	<u>Home occupations¹</u>	<u>16.10.100</u>	<u>Public/quasi-public facilities</u>	
<u>Duplexes</u>		<u>Produce stands</u>		<u>Riding stables</u>	
<u>Permanent supportive & transitional housing¹</u>	<u>16.10.050</u>				

Production of forest products					
Public parks and playgrounds					
Small-scale agriculture					
Single-household dwellings					
¹ This use is 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's 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-household dwellings	Accessory structures less than 800 square feet*	Public/quasi-public facilities
Small-scale agriculture	Family day care centers	Day care centers
Public parks and playgrounds	Produce stands	Accessory structures greater than 800-square feet*
Duplexes	Home occupations*	Class II group homes*
Cottages*	Poultry raising	
Adult family homes*	Accessory dwelling units*	
Class I group homes*		
Bed and breakfast inns*		

* Subject to special conditions and restrictions in Chapter 16.10.

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
Adult family homes ¹	16.10.130	Accessory dwelling units ¹	16.10.040	Accessory structures greater than 1,000 square feet ¹	16.10.090
Bed and breakfast inns ¹	16.10.110	Accessory structures 1,000 square feet or less ¹	16.10.090	Class II group homes ¹	16.10.130
Child day care centers		Family day care centers		Public/quasi-public facilities	
Class I group homes ¹	16.10.130	Home occupations ¹	16.10.100		

Cottages ¹	16.10.080	Produce stands			
Duplexes					
Permanent supportive & transitional housing ¹	16.10.050				
Public parks and playgrounds					
Single-household dwellings					
¹ This use is subject to special conditions and restrictions in Chapter 16.10.					

C. Medium Density Residential District (MDR). This zoning district implements the medium density residential use designation on the comprehensive plan's 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-household 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* | Class II group homes* |
| Duplexes | Accessory dwelling units* | |
| Cottages* | | |
| Triplexes | | |
| * Subject to special conditions and restrictions in Chapter 16.10. | | |

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
Adult family homes ¹	16.10.130	Accessory dwelling units ¹	16.10.040	Class II group homes ¹	16.10.130
Bed and breakfast inns ¹	16.10.110	Accessory structures 1,000 square feet or less ¹	16.10.090	Public/quasi-public facilities	
Child day care centers		Family day care centers		Private schools	
Class I group homes ¹	16.10.130	Home occupations ¹	16.10.100		
Cottages ¹	16.10.080				
Duplexes					

Permanent supportive & transitional housing¹	16.10.050				
Single-household dwellings					
Triplexes					
¹ This use is subject to special conditions and restrictions in Chapter 16.10.					

D. High Density Residential District (HDR). This zoning district implements the high density residential use designation on the comprehensive plan's 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

Duplexes

Triplexes*

Cottages*

Multifamily dwellings

Townhomes*

Accessory Uses

Accessory buildings and structures less than 800 square feet*

Family day care centers

Home occupations*

Bed and breakfast inns*

Conditional Uses

Public/quasi-public facilities

Manufactured housing parks*

Professional offices

Day care centers

*-Subject to special conditions and restrictions in Chapter 16.10.

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
Cottages¹	16.10.080	Accessory buildings and structures 1,000 square feet or less¹	16.10.090	Public/quasi-public facilities	
Child day care centers		Family day care centers		Manufactured home parks¹	16.08.040.E , 16.10.120
Duplexes		Home occupations¹	16.10.100	Professional offices	
Multifamily dwellings²		Bed and breakfast inns¹	16.10.110		
Permanent supportive & transitional housing¹	16.10.050				
Townhouses²					
Triplexes					
¹ This use is subject to special conditions and restrictions in Chapter 16.10.					

² Maximum Density. Except as provided for elsewhere in this title, the maximum density for multifamily dwellings is one dwelling unit for each two thousand (2,000) square feet of gross lot area.

~~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.~~

E. **Manufactured Home Park Overlay (MHP).** This overlay zone is intended to promote the retention of manufactured home parks as a source of affordable detached single-family and senior housing. This classification is assigned to certain existing manufactured home parks. The Manufactured Home Park zoning classification limits development to manufactured home parks unless and until a comprehensive plan and zoning amendment for another type of land use is requested, considered, and adopted. Allowed uses within the manufactured Home Park Overlay are as follows:

<u>Principal Uses</u>	<u>Reference CTC</u>	<u>Accessory Uses</u>	<u>Reference CTC</u>	<u>Conditional Uses</u>	<u>Reference CTC</u>
<u>Manufactured home parks¹</u>	<u>16.10.120</u>	<u>Accessory buildings and structures 1,000 square feet or less¹</u>	<u>16.10.090</u>	<u>Accessory buildings and structures greater than 1,000 square feet¹</u>	<u>16.10.090</u>
		<u>Family day care centers</u>		<u>Public/quasi-public facilities</u>	
		<u>Home occupations¹</u>	<u>16.10.100</u>		
		<u>Mobile and/or manufactured homes, in manufactured home parks</u>			

¹ This use is subject to special conditions and restrictions in Chapter 16.10.

(Ord. 614 § 4 Exh. D (part), 2001; Ord. 566 § 2 Exhs. A (part), B (part), 1998)

(Ord. No. 751, § 4, 8-27-2019; Ord. No. 801, § 1(Exh. A), 5-27-2025)

Section 5. Amendment of Section 16.08.050 ZONING DISTRICTS.

Section 16.08.050 of the Municipal Code is hereby 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 traditional "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 Commercial Center (HCC). This zoning district implements, in part, the commercial designation on the comprehensive plan's 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 Commercial Center 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	Accessory dwelling units for single household residential use of a designated historic home	Outdoor storage and display
Bed and breakfast inns*		Microbreweries
Single household residences east of Main Street		New single household residential buildings that are not accessory structures
Short term rentals, except that short term rentals west of North Main Street shall be part of a mixed use development and the short term rental is not allowed at street level*		
Marine fueling station		
Marine research facilities		
Marine repair and sales		
Moorage facility/marina		
Single household residential use of a designated historic home		

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
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Bed and breakfast inns¹	16.10.110	Accessory dwelling units^{1, 5}	16.10.040	Child day care centers	
Clubs, lodges, and fraternal organizations		Accessory structures 800 square feet or less¹	16.10.090	Emergency housing & shelters¹	16.10.050
Marina / Moorage facility		Home occupations¹	16.10.100	Family day care centers	
Marine fueling station		Parking facilities		Hotels¹	16.10.110
Marine repair and sales		Single-household dwellings⁴		Microbreweries	
Marine-related sales and service				Multifamily⁶	
Marine research facilities				Parking facilities	
Mixed-use building⁴					
Personal services				Permanent supportive & transitional Housing¹	16.10.050
Professional offices²				Outdoor storage and display	
Restaurants²				Public/quasi-public facilities	
Retail sales and service²				Single-household dwelling⁴	
Single-household dwellings⁴					
Short-term rentals^{1, 3}	16.10.110				

¹ This use is subject to special conditions and restrictions in [Chapter 16.10](#).

² This use shall not include drive-through or drive-up service components.

³ Short-term rentals shall be in a mixed-use building and not at street level, unless it is located east of [North Main Street](#).

⁴ New residential development shall require a conditional use permit, except when:

- [Located east of North Main Street;](#)
- [Located within an existing designated historic dwelling; or](#)
- [Not located at street-level within a mixed-use building.](#)

⁵ Accessory dwelling units are permitted only with designated historic single-household dwellings or single-household dwellings east of [North Main Street](#).

⁶ Multifamily dwellings require a conditional use permit and are permitted only east of [North Main Street](#).

B. Town Commercial (TC). This zoning district implements, in part, the commercial designation on the comprehensive plan's future land use map. It encompasses most of 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	Accessory dwelling units for single-household residential use of a designated historic home	Outdoor storage and display
Professional services		Commercial recreation
Microbreweries		Hotels*
Clubs, lodges, and fraternal organizations		Single household residences that are not designated historic homes or accessory structures
Bed and breakfast inns*		
Short term rentals*		
Single household residential use of designated a historic home		
Multifamily residential*		
Mixed use structures*		
* Subject to special conditions and restrictions in Chapter 16.10.		

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
Bed and breakfast inns¹	16.10.110	Accessory dwelling units^{1, 4}	16.10.040	Commercial recreation	
Child day care centers		Accessory structures 800 square feet or less¹	16.10.090	Emergency housing & shelters¹	16.10.050
Clubs, lodges, and fraternal organizations		Home occupations¹	16.10.100	Hotels¹	16.10.110
Microbreweries		Parking facilities⁵	16.12.070	Multifamily³	

Mixed-use building³		Single-household dwellings³		Outdoor storage and display	
Multifamily³				Parking facilities⁵	16.12.070
Professional offices				Permanent supportive & transitional Housing¹	16.10.050
Professional services				Public/quasi-public facilities	
Restaurants²				Single-household dwellings³	
Retail sales and service					
Single-household dwellings³					
Short-term rentals¹	16.10.110				
Theaters					
¹ This use is subject to special conditions and restrictions in Chapter 16.10.					
² This use shall not include drive-through or drive-up service components.					
³ New residential development shall require a conditional use permit, except when: <ul style="list-style-type: none"> • Located within an existing designated historic dwelling; or • Not located at street-level within a mixed-use building. 					
⁴ Accessory dwelling units are permitted only with designated historic single-household dwellings.					
⁵ Parking facilities associated with a principal use are permitted as an accessory use. Standalone parking facilities require a conditional use permit.					

A. General Commercial (GC). This zoning district implements, in part, the commercial designation on the comprehensive plan's 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~~ ensure 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
Personal services		Tattoo parlors
		Parking facilities

Microbreweries
 Clubs, lodges, and fraternal organizations
 Gasoline service stations
 Bed and breakfast inns*
 Short-term rentals*
 Mixed-use structures*

-Outdoor storage and display
 -Commercial recreation

 -Heliports, helistops
 -Automobile sales
 -Automobile repair
 -Drive-up businesses
 -Veterinary clinics
 -Hotels*
 -Mini-storage warehouses
 -Single-household residences that are not designated historic homes or accessory structures

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
Bed and breakfast inns¹	16.10.110	Accessory structures 800 square feet or less¹	16.10.090	Adult businesses	
Clubs, lodges, and fraternal organizations		Parking facilities⁴	16.12.070	Automobile repair	
Gasoline service stations		Residential development³		Automobile sales	
Microbreweries				Commercial recreation	
Mixed-use structures				Drive-up businesses	
Personal services				Emergency housing & shelters¹	16.10.050
Professional offices				Heliports, helistops	
Restaurants²				Hotels¹	16.10.110
Retail sales and service				Light industrial	
Short-term rentals¹	16.10.110			Mini-storage warehouses	
Theaters				Motels¹	16.10.110
				Outdoor storage and display	
				Parking facilities⁴	16.12.070
				Permanent supportive &	16.10.050

				transitional Housing¹	
				Public/quasi-public facilities	
				Single-household dwellings³	
				Tattoo parlors	
				Veterinary clinics	

¹ This use is subject to special conditions and restrictions in Chapter 16.10.

² This use shall not include drive-through or drive-up service components.

³ New residential development shall require a conditional use permit, except when it is not located at street-level within a mixed-use building.

⁴ Parking facilities associated with a principal use are permitted as an accessory use. Standalone parking facilities require a conditional use permit.

(Ord. 596 § 1, 2000; Ord. 566 § 2 Exhs. A (part), B (part), 1998; Ord. No. 677, § 4, 10-13-2009; Ord. No. 690, § 1, 4-26-2011; Ord. No. 751, § 5, 8-27-2019; Ord. No. 801, § 1(Exh. A), 5-27-2025)

Section 6. Amendment of Section 16.08.060 ZONING DISTRICTS.

Section 16.08.060 of the Municipal Code is hereby amended to read as follows:

16.08.060 Civic – Public/quasi-public zoning district.

It is the intent of this district to provide adequate land for uses which serve governmental functions, provide a wider community purpose or for areas designated as open space or future park development. Collectively, these uses serve the cultural, educational, recreational, religious, transportation and public service needs of the community. Allowed uses within the public/quasi-public zoning district are as follows:

Principal Uses	Accessory Uses	Conditional Uses
Public facilities	Accessory structures Less than 800 square feet	Accessory structures greater than 800 square feet
Quasi-public facilities	Restaurant (no drive-up services)	
	Parking facilities	
	Retail sales	

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
Public facilities		Accessory structures 800 square feet or less¹	16.10.090	Accessory buildings and structures greater than 800 square feet¹	16.10.090

Quasi-public facilities		Parking facilities ²	16.12.070	Emergency housing & shelters ¹	16.10.050
		Restaurants ³		Parking facilities ³	16.12.070
		Retail sales		Permanent supportive & transitional Housing ¹	16.10.050
				Duplexes ^{1, 4}	16.10.050
				Multifamily dwellings ^{1, 4}	16.10.050
				Townhomes ^{1, 4}	16.10.050
				Triplexes ^{1, 4}	16.10.050
¹ This use is subject to special conditions and restrictions in Chapter 16.10.					
² Parking facilities associated with a principal use are permitted as an accessory use. Standalone parking facilities require a conditional use permit.					
³ This use shall not include drive-through or drive-up service components.					
⁴ Development under this use designation shall be limited to one hundred percent (100%) affordable housing for households earning eighty percent (80%) or less of area median income (AMI), supportive housing, or a combination of both.					

(Ord. 566 § 2 Exhs. A (part), B (part), 1998)

Section 7. Amendment of Section 16.08.070 ZONING DISTRICTS.

Section 16.08.070 of the Municipal Code is hereby amended to read as follows:

16.08.070 ~~Reserved~~ Civic – Parks and Open Space.

It is the intent of this district to provide adequate lands for areas designated as open space or future park development. These uses serve the recreational and transportation needs of the community. Allowed uses within the Parks and Open Space district are as follows:

Principal Uses	Reference CTC	Accessory Uses	Reference CTC	Conditional Uses	Reference CTC
Public facilities		Accessory structures 1,000 square feet or less ¹	16.10.090	Accessory buildings and structures greater than 1,000 square feet ¹	16.10.090
Quasi-public facilities					
Parking facilities	16.12.070				

¹ This use is subject to special conditions and restrictions in Chapter 16.10.

Editor's note(s)—Ord. No. 692, § 7, adopted Oct. 3, 2011, repealed § 16.08.070 in its entirety, which pertained to historic restoration overlay district and derived from Ord. 566 § 2 Ex. A (part), 1998.

Section 8. Addition of a New Section 16.10.050 to the Municipal Code.

A new section, Section 16.10.050, is hereby added to Title 16 of the Municipal Code to read as follows:

16.10.050 ~~Reserved~~ Supportive Housing.

A. Purpose and Intent.

1. The purpose of these regulations is to provide clear and reasonable standards for the safe operation and appropriate siting of supportive housing, so as to protect public health and safety for both facility residents and the broader community, while being consistent with Washington State law and the Town's Comprehensive Plan.
2. This chapter is intended to:
 - a. Ensure compliance with the Washington State Growth Management Act and other laws.
 - b. Support implementation of Coupeville's comprehensive plan.
 - c. Support the development of emergency housing, emergency shelters, permanent supportive housing, and transitional housing consistent with best practices for these development types to help address local housing needs.
 - d. Establish standards that are clear, predictable, and unduly burdensome.

B. Applicability

1. Supportive housing is regulated as a residential use unless otherwise specifically provided in this title.
2. Permanent supportive housing shall be permitted in zoning districts where residential dwelling units or hotels are permitted, consistent with Washington state law.
3. Transitional housing shall be permitted in zoning districts where residential dwelling units or hotels are permitted, consistent with Washington state law.
4. Emergency housing shall be permitted in zoning districts where hotels are permitted, consistent with Washington state law.
5. Emergency shelters shall be permitted in zoning districts where hotels are permitted, consistent with Washington state law.
6. Supportive housing shall not be subject to spacing requirements, caps, or concentration limits unless such requirements apply equally to other residential uses in the same zoning district.
7. This section does not include regulations for special needs lodging and care facilities regulated by CTC 16.10.100.

C. Permit Process

1. Supportive housing shall not be subject to design, development, or operating standards, conditions, or requirements that are more restrictive than those imposed on other residential or lodging uses of a similar type and scale within the same zoning district. Development regulations referenced herein are those contained in CTC Title 16 – Development Regulations.
2. Supportive housing shall be subject only to those development permits and environmental review processes that apply to other residential or lodging uses of a similar type and scale within the same zoning district, unless otherwise required by state law.
3. Supportive housing shall not require a conditional use permit, special use permit, or public hearing unless such process is required for other residential uses of the same type in the same zoning district.

D. General Requirements

1. Facility Operations

- a. The sponsor or managing agency shall comply with all federal, state, and local laws and regulations.
- b. All supportive housing developments shall comply with all applicable building, fire, health, and safety regulations.

E. Additional Requirements for Emergency Housing and Emergency Shelters

In addition to the requirements under Section 16.11.040, for indoor emergency shelters and indoor emergency housing, the Town may require the sponsor or managing agency to submit a written certification to the Town, verifying that the following applicable requirements have been met for the period between approval of the development permit and issuance of the certificate of occupancy:

1. Provided the name, if any, of the facility and the name and headquarters address of the managing entity;
2. Provided a description of any other programs operating in the building and copies of the applicable licenses and certifications held by the program;
3. Notified residents within 500 feet of the indoor emergency shelter or indoor emergency housing;
4. Conducted more than one community meeting;
5. Designated at least one point of contact authorized to make decisions and take corrective action in the case of an emergency, and provided at least one telephone number to be used in emergencies; and
6. Provided documentation of the sponsor's or managing agency's operational policies or procedures for:
 - a. Promoting and addressing health and safety inside the building and in areas immediately adjacent to the building;

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- b. [Admissions, including a description of the populations the project will serve and potential sources of referral;](#)
 - c. [Program exit or transfer;](#)
 - d. [Handling complaints and grievances from occupants;](#)
 - e. [Health, fire, safety, and occupancy; and](#)
 - f. [Staffing to provide services and resources to the population being served comparable to standard or customary practices for the particular type of housing being provided. The staffing policy or procedure may include, but is not limited to, the number of staff or volunteers present during daytime and nighttime operations, staff or volunteer training, and other processes to provide services and resources to the populations being served.](#)

Note(s)—See editor's note at § 16.10.040.

Section 9. Addition of a New Section 16.10.060 to the Municipal Code.

A new section, Section 16.10.060, is hereby added to Title 16 of the Municipal Code to read as follows:

16.10.060 ~~Reserved~~ [Temporary Homeless Encampments.](#)

- A. [Purpose. The purpose of this section is to establish a clear, objective, and nondiscretionary framework for temporary homeless hosting by religious organizations, consistent with state law \(RCW 35.21.915\), while ensuring protection of public health and safety and facilitating coordination with service providers.](#)
- B. [Applicability](#)
 - 1. [This section applies to outdoor encampments, indoor overnight shelters, temporary small house sites, and vehicle resident safe parking programs hosted by a religious organization on property it owns or controls.](#)
 - 2. [Such uses are permitted subject to compliance with this section and shall be reviewed through an administrative approval process.](#)
 - 3. [The Town shall not impose requirements beyond those necessary to protect public health and safety, nor impose any regulation that substantially burdens the decisions or actions of a religious organization as protected by state or federal law.](#)
- C. [Definitions. For purposes of this section, the following definitions apply:](#)
 - 1. [“Managing agency” means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.](#)
 - 2. [“Outdoor encampment” means any temporary tent or structure encampment, or both.](#)

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3. “Temporary means” not permanently affixed to land and not utilizing permanent underground utilities.
- D. Administrative Approval Required
1. A religious organization seeking to host shall submit a registration and application to the Planning Department.
 2. The Community Planning Director shall approve the application if it demonstrates compliance with the objective requirements of this section.
 3. The Town shall not deny an application that meets the requirements of this section.
- E. Application Requirements. Application materials shall be used solely to verify compliance with objective standards. The application shall include information sufficient to demonstrate compliance with public health and safety standards, including:
1. Site plan showing layout, access, and emergency access;
 2. Sanitation and waste disposal provisions;
 3. Fire safety and emergency procedures;
 4. Proposed duration and schedule;
 5. Code of conduct;
 6. Documentation of the required public meeting; and
 7. Identification of a managing agency, if applicable.
- F. Memorandum of Understanding
1. The Town shall require a MOU between the Town, the religious organization, and any managing agency.
 2. The MOU shall be limited to provisions necessary to protect public health and safety and shall not substantially burden the hosting activity.
 3. At a minimum, the MOU shall address:
 - a. Access to public health and safety services;
 - b. Access to social services on-site;
 - c. A written code of conduct;
 - d. Communication and complaint procedures; and
 - e. Fire safety and emergency protocols.
- G. Public Meeting Requirement
1. Prior to establishment, the religious organization shall host a public meeting open to the community, unless the hosting is in response to a declared emergency.
 2. Notice shall be provided to the Town at least one week, if possible, but no later than ninety-six (96) hours in advance, including time, place, and purpose.

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3. [The Town shall provide public notice using at least two methods authorized by RCW 35.21.915.](#)

H. [Health and Safety Standards.](#)

1. [The Town shall require compliance with objective health and safety standards to the extent necessary to protect public health and safety.](#)
2. [Requirements shall be reasonably tailored to the size, type, and intensity of the hosting activity and shall not impose conditions that substantially burden the hosting.](#)
3. [Required standards may include, as applicable:](#)
 - a. [Adequate sanitation, including waste disposal, restroom access, and potable water;](#)
 - b. [Fire and life safety measures, including safe means of ingress and egress, emergency access, and, where necessary, based on site-specific conditions, fire safety plans, inspections, or fire watch provisions as determined by the applicable fire authority;](#)
 - c. [Site layout and spacing sufficient to maintain emergency access and reduce fire and safety risks;](#)
 - d. [Measures to ensure safe pedestrian and vehicle circulation within and around the site;](#)
 - e. [Sex offender background checks may be required by the Town to be conducted by local law enforcement, for all adult residents and adult participants associated with the hosting program, consistent with RCW 35.21.915. The religious organization retains authority, consistent with state law, to determine participation and continued presence on the property; and](#)
 - f. [Participation in the Washington homeless client management information system as required by state law.](#)
4. [The Town shall not require improvements or infrastructure that would render the hosting activity effectively permanent or that are not necessary to address a documented public health or safety concern.](#)

I. [Safe Parking. Safe parking programs shall be permitted and regulated consistent with RCW 35.21.915, including:](#)

1. [Allowance of no less than one safe parking space per ten existing parking spaces;](#)
2. [Provision of restroom access; and](#)
3. [Maintenance of required parking unless modified through the MOU.](#)

J. [Duration and Timing](#)

1. [Hosting durations shall be regulated consistent with RCW 35.21.915. Hosting durations at a particular site shall be:](#)
 - a. [Fewer than six months total within a calendar year;](#)

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- b. [Fewer than four consecutive months for an outdoor encampment;](#)
 - c. [A separation period of up to three months between outdoor encampments at the same site.](#)

K. [Compliance and Enforcement](#)

- 1. [A hosting site shall remain in compliance with this section and the MOU.](#)
- 2. [The Town may require corrective action where there is a documented violation affecting public health or safety.](#)
- 3. [The Town may suspend operations only where necessary to address an imminent danger.](#)
- 4. [The Town shall provide written notice and a reasonable opportunity to cure violations, unless an immediate threat exists.](#)

L. [Fees. Permit or application fees shall not exceed the actual cost of review and may be reduced or waived.](#)

M. [Non-Discrimination. Any hosting program receiving public funding shall comply with applicable non-discrimination laws.](#)

N. [Liability. The Town and its officials shall retain all applicable immunities provided under state law for actions related to the approval and operation of hosting sites.](#)

Editor's note(s)—Ord. No 801, § 1(Exh. A), adopted May 27, 2025, renumbered the former § 16.10.060, which pertains to accessory uses, as § 16.10.090. The historical notation has been retained with the amended provisions for reference purposes.

Section 10. Addition of a New Section 16.10.070 to the Municipal Code.

A new section, Section 16.10.070, is hereby added to Title 16 of the Municipal Code to read as follows:

16.10.070 ~~Reserved~~ [Income-Restricted Affordable Housing.](#)

- A. [Purpose and Intent. The purpose of this section is to establish standards for the provision, affordability, and long-term preservation of income-restricted affordable housing. These standards are intended to ensure that affordable housing units remain available to income-eligible households and are administered in a consistent and enforceable manner.](#)
- B. [Applicability.](#)
 - 1. [The provisions of this section shall apply to all development projects proposing or required to provide income-restricted affordable housing pursuant to this title, including projects utilizing density bonuses, development incentives, zoning incentives, or other Town programs requiring affordable housing.](#)
 - 2. [Where a project is approved under an affordability tier or incentive program established by this title, all income-restricted affordable housing units shall comply with the](#)

requirements of this section and any additional standards applicable to the approving program.

C. Affordable Housing Standards

1. Income and Affordability Requirements

- a. Income-restricted affordable housing units shall meet the income thresholds corresponding to the affordability tier under which the project is approved.
- b. Monthly housing expenses shall not exceed thirty percent (30%) of the applicable income limit.
 - i. For owner-occupied housing, housing expenses include mortgage principal and interest, mortgage insurance, property taxes, property insurance, and homeowner association dues.
 - ii. For rental housing, housing expenses include rent and applicable utility allowances.

2. Duration of Affordability. Income-restricted affordable housing units shall remain income-restricted for a minimum period of fifty (50) years from the date of initial occupancy, unless a longer period is required by another funding source, regulatory agreement, or condition of approval.

3. Affordability Covenant

- a. Prior to issuance of a building permit, the applicant shall record an affordability covenant with the Island County Auditor's Office, at the applicant's expense, to ensure compliance with the provisions of this section for the required affordability period.
- b. The covenant shall run with the land and be binding upon the applicant, property owner, heirs, successors, assigns, and any subsequent owner of the property.
- c. The covenant shall address, at a minimum:
 - i. The required level and duration of affordability;
 - ii. Income eligibility and occupant qualification requirements;
 - iii. Rent or sale price limitations, as applicable;
 - iv. Reporting, monitoring, and compliance requirements; and
 - v. Any additional provisions necessary to ensure the continued provision and preservation of income-restricted affordable housing.

D. Administration and Compliance

- 1. The Town may require documentation sufficient to demonstrate compliance with the requirements of this section, including income verification, rent schedules, resale restrictions, occupancy records, or other materials necessary to confirm ongoing affordability.

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2. Failure to comply with the provisions of this section or an affordability covenant may constitute a violation of this code and be subject to enforcement pursuant to applicable Town procedures.

Editor's note(s)—Ord. No 801, § 1(Exh. A), adopted May 27, 2025, renumbered the former § 16.10.070, which pertains to home occupations, as § 16.10.100. The historical notation has been retained with the amended provisions for reference purposes.

Section 11. Addition of a New Section 16.10.075 to the Municipal Code.

A new section, Section 16.10.075, is hereby added to Title 16 of the Municipal Code to read as follows:

16.10.075 – Density Bonus and Affordable Housing Incentives

- A. Purpose. The purpose of this section is to encourage the development of long-term affordable housing by providing density bonuses and regulatory incentives in exchange for the provision of income-restricted housing. This section is intended to:
 1. Implement RCW 36.70A.545 by ensuring a guaranteed density bonus for qualifying affordable housing developments on property owned or controlled by religious organizations;
 2. Implement a voluntary affordable housing incentive program; and
 3. Increase housing supply consistent with state law and local housing needs.
- B. Applicability
 1. Density bonuses and incentives under this section shall apply to residential development in the MDR zoning district. Applications in other zoning districts where residential uses are permitted may be considered only where specifically authorized by this title or approved through a site-specific development agreement or planned development process.
 2. Projects utilizing this section shall comply with the Affordable Housing Standards in CTC 16.10.070.
 3. Projects not utilizing this section shall be reviewed solely under the base zoning and development standards and shall not be subject to the requirements of this section.
- C. Definitions. For the purposes of this section:
 1. “Low-income household” is defined as a household with income at or below 80 percent of area median income (AMI), adjusted for household size.
 2. “Very low-income household” is defined as a household with income at or below 50 percent of AMI, adjusted for household size.
- D. Base Density and Bonus Structure

1. Development utilizing this section shall be permitted to exceed MDR base zoning density through the following bonus structure:

Affordability Level	Minimum Set-Aside	Maximum number of units allowed per square foot of lot area.
50% AMI	20% of units at ≤50% AMI	1 dwelling / 2,400 sq ft
80% AMI	50% of units at ≤80% AMI	1 dwelling / 2,400 sq ft

2. Density bonuses shall be calculated based on the maximum density otherwise permitted by the underlying zoning district.
 3. Fractional units of 0.5 or greater shall be rounded up to the nearest whole number.
- E. Development Standards Modifications. Projects qualifying for a density bonus under this section shall be entitled to the following modifications:
1. Housing Types: All housing types, including small multifamily buildings, shall be permitted.
 2. Max Dwelling Units: The total number of dwelling units in the MDR shall not exceed six (6) per lot. This limitation does not apply to cottage-style housing developments.
 3. Setbacks: The rear setback may be reduced up to twenty-five percent (25%).
 4. Lot Standards: Maximum lot coverage may be increased to a maximum of seventy percent (70%) of the usable area.
- F. Project Requirements
1. Unit Distribution and Design. Income-restricted affordable units shall:
 - a. Be distributed throughout the development;
 - b. Be comparable in size, bedroom mix, and functionality to market-rate units; and
 - c. Be indistinguishable in exterior appearance from market-rate units.
 2. Phasing. Income-restricted affordable units shall be constructed proportionally with market-rate units.
- G. Religious Organization Affordable Housing
1. In accordance with RCW 36.70A.545, a qualifying affordable housing development located on property owned or controlled by a religious organization shall be granted a density bonus under this section if the development provides:
 - a. At least 50 percent of units for low-income households; or
 - b. At least 20 percent of units for very low-income households.
 2. Developments meeting subsection (G)(1):

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- a. Shall be entitled to a minimum density bonus of no less than twenty-five percent (25%) above base zoning, regardless of the zoning district, if the proposed development is a principal or conditional use of the underlying zoning district;
 - b. Shall not be subject to discretionary denial if the objective standards of this section are met.

3. This subsection applies to new construction and rehabilitation of existing housing.

H. Voluntary Affordable Housing

1. A voluntary affordable housing development may be granted a density bonus under this section if the development provides:
 - a. At least 50 percent of units for low-income households; or
 - b. At least 20 percent of units for very low-income households.
2. This subsection applies to new construction and rehabilitation of existing housing.

I. Administration

1. Applications under this section shall be reviewed administratively when the proposed development is a permitted use in the underlying zoning district. If the proposed development is a conditional use, the application shall be subject to the applicable conditional use permit procedures and approval standards.
2. The Community Planning Director shall approve applications that meet the objective requirements of this section.
3. The Town may establish fees for monitoring compliance with affordability requirements.