

**CITY OF WAITSBURG — DEVELOPMENT CODE**  
(Ordinance No. 2007-926)

**TITLE 10 - LAND USE AND PLANNING**

Article 10.1 Zoning

Chapters:

- 10.1A Title, Purpose, Interpretation
- 10.1B Definitions
- 10.1C General Zoning Provisions
- 10.1D Construction, Design Review, and Performance Standards
- 10.1E Reserved
- 10.1F Zone of Annexed Territory
- 10.1G Change of Zone and Zoning Text Amendments
- 10.1H Variances
- 10.1I Conditional Use Permits
- 10.1J Public Lands (PL)
- 10.1K Residential (R-1) Zone
- 10.1L Central Commercial (C-1) Zone
- 10.1M General Commercial (C-2) Zone
- 10.1N Flexible C-R (CR) Zone
- 10.1O Industrial (I-1) Zone
- 10.1P Cemetery (CEM) Zone
- 10.1Q Historic Preservation (HP) Overlay Zone
- 10.1R Open Space (OS) Zone
- 10.1S Manufactured Home Park Standards
- 10.1T Mobile, Manufactured, and Modular Structure Requirements
- 10.1U Off-Street Parking and Loading
- 10.1V Signage Regulations
- 10.1W Nonconforming Uses
- 10.1X Concurrency Management
- 10.1Y Official Zoning Map
- 10.1Z Comprehensive Plan Dates and Revisions
- 10.1Z Reserved

## ARTICLE 10.1. ZONING

### Chapter 10.1A. - Title, Intent z and Interpretation

#### Sections:

- 10.1A.010 Title
- 10.1A.020 Purpose
- 10.1A.030 Interpretation

10.1A.010. Title. The Zoning Code of the City of Waitsburg shall consist of the text of Chapters 10.1A through 10.1Z of Article 10.1, Zoning, of Title 10 of the Waitsburg Municipal Code and the Official Zoning Map and together shall be known and may be cited as the City of Waitsburg “Zoning Ordinance”. The Official Zoning Map will be designated by affixing the date of adoption and the signature of the Mayor and attestation of the City Clerk. The map will be maintained and kept in the City Hall of the City of Waitsburg.

10.1A.020. Intent. The intent of this Zoning Ordinance is to promote and protect the health, safety, welfare and economic vitality of the City. To achieve these purposes, the City is divided in zones of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Such regulations are deemed necessary to encourage the most appropriate use of the land; to designate and regulate the location and use of buildings, structures, and land; to conserve and enhance the value of property; to maximize the quality of the environment; to protect residential, commercial, industrial, and recreation/open space areas alike from harmful encroachment by incompatible uses; to provide adequate open spaces for light and air; to provide protection against fires; to provide housing for all economic and social segments of the community; to conserve and improve the condition of the existing affordable housing stock and preserve existing housing and neighborhoods; to regulate and encourage uses and development consistent with the provisions for community utilities and facilities such as transportation, water, sewer, electricity, parks, and other public requirements; all in order to promote and protect the public health, safety, and general welfare and provide sustained economic vitality that provides local jobs, diverse tax bases to create needed products and services for the community in accordance with the Comprehensive Plan.

#### 10.1A.030. Interpretation.

A. The provisions of this Zoning Ordinance shall be held to be minimum requirements for promotion of sustained economic growth, health, safety, and general welfare of the public. Therefore, where this Ordinance imposes a greater restriction upon uses, buildings, or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, ordinances, codes, easements, regulations, or covenants, the provisions of this Ordinance shall control; and where another law, ordinance, code, easement, regulation, or covenant imposes greater restrictions than contained in this Article, the most restrictive provisions shall control.

B. Nothing in this Zoning Ordinance shall be interpreted as permitting violation of or noncompliance with the regulations herein or any change whatsoever which would further violate these regulations or intensify an existing substandard noncompliance condition.

C. The text of this Zoning Ordinance shall be administered, interpreted, and enforced in accordance with the Official Zoning Map.

D. Requests for rulings and interpretations as to the meaning, intent, or proper general applications of this Zoning Ordinance to development and use of land or structures shall be made in written form by any interested citizen or public official. The Planning Commission shall submit a ruling or interpretation in writing and in a timely fashion to the person submitting the request.

E. For the purposes herein, zoning classifications will be considered as adjoining or abutting one another, even though separated by an intervening street or alley. The boundaries of the various zoning classifications are, unless otherwise indicated, the centerline of streets, alleys, or lot lines as shown on the Official Zoning Map.

F. In case of any questions as to the location of any boundary line between zoning classifications, a request for interpretation of the Official Zoning Map must be made in writing to the City. A determination shall be made by the Planning Commission and the ruling or interpretation shall be submitted in writing to the person submitting the request.

#### Chapter 10.1B. - Definitions

##### Sections:

- 10.1B.010      General Interpretation
- 10.1B.020      Definitions

10.1B.010. General Interpretation. For the purposes of this Zoning Ordinance, certain terms and words used herein shall be interpreted as follows:

A. “Lot” includes the words “plot” or “parcel”.

B. “Person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

C. “Shall” is mandatory; “may” is permissive.

D. “Used” or “occupied” includes the words “intended”, “designated” or “arranged to be used” or “arranged to be occupied”.

E. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

F. Terms used in this Ordinance, but which are not defined herein, shall be construed as defined in the Revised Code of Washington (RCW), or the Washington Administrative Code (WAC).

10.1B.020. Definitions. For the purposes of this Ordinance, the following words and terms, and their derivations, shall have the meaning given herein.

10.1B.020.010. Accessory Building or Structure. Means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building(s) or use(s) on the same lot.

10.1B.020.020. Accessory Living Quarters. Means living quarters within an accessory building for the sole use of the family or for persons employed on the premises, or for the temporary use of guests of the occupants of the premises; such accessory living area has no kitchen facilities and is not rented or otherwise used as a separate dwelling unit.  
(Ord. 000517-796; May 17, 2000)

10.1B.020.030. Accessory Use. Means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

10.1B.020.040. Alley. Means an unnamed public right-of-way, not over 20 feet in width, that is primarily designed to serve as secondary access to the rear or side of those properties whose principal means of access is via an abutting public street.

10.1B.020.050. Alteration or Altered. Means any change or modification in or to a building or structure, other than repairs.

10.1B.020.060. Attached. Means any building or structure that has a wall or roof in common with another building or structure.

10.1B.020.070. Auto Wrecking, Junk, and/or Salvage Yards. Means any area, lot, land, parcel, building, structure, or part thereof, where waste, discarded, or salvaged materials are exchanged, handled, bought, sold, baled, packed, stripped, stored, dumped, or disassembled, including, but not limited to, inoperable vehicles, machines, or remnants thereof, and/or metals, paper, rags, tires, and bottles. The following uses shall not be considered to be an “auto wrecking, junk, and/or salvage yard” when all activity, storage, odor, and noise is confined wholly within an enclosed building:

- A. The private, noncommercial storage of inoperable vehicles and remnants thereof;
- B. Pawn shops, secondhand stores, and used furniture stores;
- C. Open sales lots for the sale of new and used vehicles and machinery which are in operable condition; or
- D. Vehicle towing services and auto and/or body repair establishments which do not store inoperable vehicles for more than 90 days.

10.1B.020.075. Barn. Means a large building for the storage of farm products or feed and usually for the housing of farm animals or farm equipment

10.1B.020.080. Bed and Breakfast Inn. Means a residence where sleeping, bathing and toilet accommodations and one or more meals daily for one or more persons, are provided for hire on a daily or weekly basis, and where the living spaces of the residents are shared by the paying guests.

10.1B.020.090. Boardinghouse or Lodging House. Means a dwelling with not more than four guest rooms, with or without lodging and meals for compensation.

10.1B.020.100. Building. Means anything constructed having a roof used or intended for the purpose of housing, shelter, or enclosure.

10.1B.020.110. Centerline (of Street). Means the center of the public right-of-way as established by the City Council or the City's engineer.

10.1B.020.120. Council. Means the duly constituted legislative authority of the City.

10.1B.020.130. Coverage. Means the ground area occupied by any building or structure pursuant to the Uniform Building Code.

10.1B.020.140. Day Care Center. Means a facility operated by a person, corporation, or association in which less than 24-hour per day nonmedical care and supervision is provided, outside the home, for minor children or elderly persons, provided such facility is licensed by the State. Exempting the occasional baby sitting service where the person is not providing the service for a dedicated commercial purpose.

10.1B.020.150. Manufactured Home or Structure. Means a manufactured home or structure, constructed after June 15, 1976, in accordance with State and federal requirements for manufactured homes or structures, which:

A. Is comprised of at least two fully enclosed parallel sections each of which is not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences or nonresidential structures.

10.1B.020.155. Mobile Home or Structure. Means a structure exceeding eight feet in width and 28 feet in length and designed to be movable on its own running gear and which, when provided with and connected to power, water supply, and sewage disposal facilities, shall be considered a building suitable for residential or nonresidential occupancy. Upon manufacture for sale, such mobile home or structure is provided with axles, wheels, drawbars, or tongues.

10.1B.020.157. Mobile Home Park. Means a parcel of land or premises under unified ownership or management which has been planned, designed, and constructed for the placement of owner occupied, leased, or rented independent manufactured homes, mobile homes, or modular homes for use as single-family, detached, one-story residences on individual rented or leased spaces, including any land, buildings, structures, or facilities used by occupants of such premises.

10.1B.020.160. Detached. Means any building or structure separated by at least five feet in horizontal distance from any other building or structure.

10.1B.020.170. Dwelling. Means a building, or any portion thereof, designed exclusively for residential purposes, including single, duplex, and multiple family residential dwellings, but not including hotels, motels, and other places without individual kitchen facilities.

10.1B.020.180. Dwelling Unit. Means a single housekeeping unit providing complete, independent living facilities for one person or family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

10.1B.020.190. Dwelling, Duplex. Means a building designed for two independently occupied dwelling units.

10.1B.020.200. Dwelling, Multi-Family. Means a building designed for three or more independently occupied dwelling units.

10.1B.020.210. Dwelling, Single-Family. Means a building designed for the exclusive occupancy of one independent dwelling unit.

10.1B.020.220. Enlarged. Means an increase in floor area or height of a building or structure.

10.1B.020.230. Established Grade. Means the curb line grade at the front lot line as established by the City Council.

10.1B.020.240. Family. Means one or more persons, whether or not related to each other by blood or marriage, occupying a single dwelling unit and using common cooking facilities.

10.1B.020.250. Fence. Means a barrier composed of posts or piers connected by boards, rails, panels or wire, a masonry wall, designed for the purpose of enclosing space or separating parcels of land. "Fence" does not include retaining walls.

10.1B.020.260. Frontage. Means that portion of a lot which abuts a public street (see "Lot" definitions herein).

10.1B.020.270. Garage, Private. Means an accessory building or an accessory portion of the main building, designed and/or used for shelter or storage of automobiles, boats, or other vehicles owned, used, stored, or maintained by the occupants of the main building, and in which no occupation for profit is carried on.

10.1B.020.280. Gross Floor Area. Means the sum of the gross horizontal areas within the surrounding walls of the several floors of a building, including interior balconies and mezzanines, but not including exterior terraces and exterior stairs.

10.1B.020.290. Height (of Building). Means the vertical distance at the center of a building's principal front, measuring from the level of the first floor above grade to the highest point of the beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip, or gambrel roofs. For buildings set back from the street line,

height may be measured from the average elevation of the finished grade along the front of the building. Chimneys, vents, or utility service connections shall not be included in the measurement of height.

10.1B.020.300. Home, Group. Means any home, place, or institution, as defined by State law and licensed by the State of Washington, as a residence and treatment facility for children or adults with mental disabilities, alcoholism, or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis.

10.1B.020.310. Home Occupation. Means an occupation carried on entirely within a residence, which is clearly incidental to the use of the residence as a dwelling, does not change the residential character of the premises, and is conducted in such a manner as to not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which the residential zoning thereof was created and primarily intended.

10.1B.020.320. Hospital. Means an institution receiving in-patients and out-patients and providing medical, surgical, and/or obstetrical care.

10.1B.020.330. Hotel or Motel. Means a building in which there are five or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provision is made for cooking in any individual room or suite. A comparable facility containing four or fewer guest rooms shall be construed to be a boardinghouse or lodging house.

10.1B.020.340. Household. Means all the persons who occupy a single residential dwelling unit.

10.1B.020.350. Impervious Surfaces. Means those areas defined as “coverage” plus those additional areas occupied by paved driveways, walkways, parking lots, steps and landings, patios, and the like.

10.1B.020.360. Inoperable. Means when a vehicle or machine does not function as it was originally designed because an essential component(s) has (have) stopped functioning properly, is (are) missing, or absent.

10.1B.020.370. Inspector. Means the legally designated Building Inspector for the City of Waitsburg or authorized representative thereof.

10.1B.020.380. Kennel. Means a place where four or more adult dogs or cats, or any combination thereof, are kept or boarded for the purpose of resale as a commercial operation. An adult dog or cat shall be construed to mean an animal of either sex, altered or unaltered, that has reached the age of six months. Other domesticated animals commonly construed to fall under the generalized term of household pets, shall also be subject to this definition (i.e. ferrets, guinea pigs, and mice). The keeping of large or small farm animals and exotic animals or infrequent litters are not included in this definition’s context.

10.1B.020.390. Lot. Means a parcel of land containing at least the minimum sufficient size to meet zoning requirements for use, coverage, area, and yards. Such lot shall have frontage on an improved public street. Such lot may consist of: a single lot of record; a portion of a lot of record; a combination of complete and/or partial lots of record; or a parcel of land described by metes and bounds. No division or combination of parcels of land shall be created which do not adhere to the minimum lot area standards of this Ordinance.

10.1B.020.400. Lot Area. Means the total horizontal square footage area within the boundary lines of a lot.

10.1B.020.410. Lot, Corner. Means a lot located at the intersection of two or more streets.

10.1B.020.420. Lot Depth. Means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear of a lot.

10.1B.020.430. Lot, Interior. Means a lot, other than a corner or through lot, with frontage only on one street.

10.1B.020.440. Lot, Through. Means a lot, other than a corner lot or interior lot, with frontage on more than one street, and which may also be referred to as a double frontage lot.

10.1B.020.450. Lot Line. Means any ownership line defining the external limits of a lot, including the street right-of-way line of any street abutting such lot.

10.1B.020.460. Lot Line, Front. Means, for interior lots, the lot line abutting a street. For a corner lot or a through (double frontage) lot, the front lot line shall be determined by the City Council, and shall take into consideration the lengths of the lot lines abutting streets, and the predominant street fronting orientation of surrounding properties.

10.1B.020.470. Lot Line, Rear. Means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, being not less than 10 feet long and wholly contained within the lot.

10.1B.020.480. Lot Line, Side. Means any lot line other than a front or rear lot line. In the case of a corner lot, the lot line abutting the side street shall be known as the "flanking street lot line". All other side lot lines shall be known as the "interior side lot lines".

10.1B.020.490. Lot of Record. Means a lot which is part of a subdivision recorded in the office of the County Auditor, or a parcel described by metes and bounds, the description of which has been duly recorded with the County Auditor.

10.1B.020.500. Lot Width. Means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear lot lines at each side of the lot, and measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than



80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

10.1B.020.510. **Manufactured Home or Structure.** Means a factory-assembled structure or structures, constructed after June 15, 1976, equipped with built-in utility and service connections, constructed with a permanent chassis which is an integral part of the house or structure, fixed on removable wheels, axles, and tongues. A manufactured home or structure is movable as a unit, requires an external source of power, and is designed to be used without a permanent foundation. A manufactured home or structure may consist of a single section, or of two or more sections, which are joined at the destination site.

10.1B.020.512. **Conditional use.** A conditional use meets all the criteria of Chapter 10.1I of this Title and that also meets the following conditions: it is identified as a conditional use by any section of chapters 10.1K through 10.1W of this Title, and Section 025 of Chapter 10 of Title 6; the use is inconspicuous; does not change size of lot; does not create an adverse impact on neighboring property; and does not require a modification of building code requirements.

10.1B.020.515. **Minor variance.** A minor variance in conjunction with section 10.1B.020.680 of this Title that also meets the following conditions: the use is consistent with surrounding property and neighborhood; inconspicuous; does not change size of lot; does not require modification of utility connections; does not create an adverse impact on neighboring property; does not require a modification of building code requirements; and the costs associated with implementing or installing the variance is ten percent or less of the fair market value of the real property prior to the variance.

10.1B.020.540. **Modular Home or Structure.** Means any prefabricated unit (constructed off-site), intended to be a dwelling unit or intended to house a nonresidential use, designed to be used with a permanent foundation, has been equipped with built-in utility and service connections, which is movable in two or more parts by a separate mode of transportation.

10.1B.020.550. **Nonconforming.** Means a building, structure, or portion thereof, or use of a building or land that lawfully existed before the effective date of this Zoning Ordinance, and the continued existence and use after the effective date of this Zoning Ordinance does not conform to the regulations of the zone in which it is located and is extended to existing mobile and manufactured housing stock in and outside designated mobile/manufactured home parks

10.1B.020.560. **Occupancy.** Means the purpose for which a building is used or intended to be used. For the purposes of this Ordinance, a change of occupancy is not intended to include change of tenants or proprietors, but is intended to indicate a change in the type of use.

10.1B.020.570. **Parking Area.** Means an area, other than a street, alley, or right-of-way, used for the parking or storage of one or more vehicles.

10.1B.020.580. Parking Space. Means an area accessible and available for the parking of one motor vehicle, other than a vehicle for sale, lease, or rent, exclusive of areas intended for other uses and of physical obstructions.

10.1B.020.590. Planning Commission. Means the Waitsburg Planning Commission, or any subcommittee thereof, empowered to carry out the duties and functions the City Council has delegated to the Planning Commission.

10.1B.020.600. Portable School Classroom. Means a structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

10.1B.020.610. Public Use. Means any use of land by a federal, state, county, or local government agency, including a special purpose district.

10.1B.020.620. Public or Quasi-Public Utility. Means any use of land by a governmental agency, or by any person, firm, or corporation licensed or franchised by such a government agency, involving the transportation or transmission of materials, signals, or electrical energy by vehicle or through conduit, wire, pipe, or similar device. Typical examples include water systems, sanitary sewer systems, electricity and natural gas services, television or telephone systems, refuse collection, and public transportation services.

10.1B.020.630. Roof. Means a part of a building completely covering any portion of such building and permanently attached, but excluding chimneys, antennas, vents, and mechanical equipment.

10.1B.020.635. Should. Means encouraged but not required.

10.1B.020.640. Sign. Means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

10.1B.020.650. Story. Means that portion of a building included between the surface of any floor and the surface of the floor new above it; or if there be no floor above it, then the space between such floor and the ceiling new above it.

10.1B.020.660. Street. Means a thoroughfare, more than 20 feet in width, which has been dedicated to the public and designated for public use as a street, and which affords a primary means of access to abutting property.

10.1B.020.670. Structure. Means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. "Structures" include buildings, manufactured and mobile homes, walls and fences, billboards and poster panels.

10.1B.020.680. Variance. Means an authorized relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structures, or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconforming uses in a zone.

10.1B.020.690. Yard. Means a required open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, items considered non structural like prefabricated sheds, decks, patios, fences, etc may be permitted in yards subject to the limitations set forth in this Ordinance.

10.1B.020.700. Yard, Front. Means a yard extending between side lot lines across the front of the lot and abutting the front property line. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines, between the front lot line and foremost part of the building or structure. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. In the case of through lots, the front yard shall apply to both street frontages. In the case of corner lots, the front yard shall apply to both the fronting and flanking street frontages.

10.1B.020.710. Yard, Rear. Means a yard extending across the rear of the lot between side lot lines. In the case of through lots, there will be no rear yard. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines, between the rear lot line and rearmost part of the building or structure. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

10.1B.020.720. Yard, Side. Means a yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of a corner lot, the side yard will apply only to the interior side property line. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

Section 10.1B.020.730. Definitions. For the purposes of the Chapter related to Concurrency Management, certain words and terms are defined herein. Words used in the present tense include the future; words used in the singular number include the plural; and words in the plural numbers include the singular.

A. Concurrency. Means the municipal infrastructure systems needed to achieve and maintain the standards for Level of Service (LOS) adopted in the City's Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future, is available to serve new development no later than six years after the impacts of development are incurred.

- B. Concurrency Determination. Means the comparison of an applicant's impacts on concurrency facilities to the capacity, including available and planned capacity of the concurrency facilities.
- C. Development Permit. Means a land use or building permit. Development permits are classified as exempt, final, or preliminary. Exempt permits are set forth in Section 10.1X.040 of this Chapter.
- D. Development Permit, Final. Means a building permit.
- E. Development Permit, Preliminary. Means one or more of the following permits: a conditional use permit, a preliminary plat, a rezone, a short plat, or any other official action of the City having the effect of authorizing the development of land.
- F. Level of Service (LOS). Means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of a facility. LOS is an established minimum capacity of certain capital facilities that must be provided per unit of demand or other appropriate measures as needed. LOS standards are found in the Transportation and Capital Facilities Elements of the City's Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future.
- G. Reserve Level of Service (LOS) Capacity. Means total capacity of concurrency facilities less currently existing demands, and less committed but not yet implemented demands upon such concurrency facilities and services.
- H. Vested. Means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.

Section 10.1B.020.740. Definitions. For the purposes of the Chapter related to the Residential Zone, certain words and terms are defined herein. Words used in the present tense include the future; words used in the singular number include the plural; and words in the plural numbers include the singular.

Articulation:

- A. Shifts in the plane of walls, setbacks, stepbacks, overhangs, and details in order to create variation in a building façade and divide large buildings into smaller identifiable sections.
- B. Blank Walls: Walls without windows, plantings or architectural elements, such as modulation features.
- C. Gable: The vertical triangular portion of the end of a building created by two sloping planes, extending from the level of the cornice or eaves to the ridge of the roof.
- D. Multifamily: One parcel/lot containing more than one dwelling unit either attached or detached. Examples are: apartments, condominiums, group houses, townhouses including duplex, triplex, four-plex, etc.
- E. Massing, Building Mass: Building mass refers to height, width and depth of a building structure. Massing means grouping of three-dimensional building forms to achieve variation.

F. Modulation: Variation in the building mass through the use of stepbacks, setbacks, diminishing upper floors areas, and/or projecting roof overhangs.

G. Parapet and Cornice: Parapet is the vertical extension of the main walls of a building above the roofline. Cornice is the horizontal projection, molded or otherwise decorated that crowns the top of the building.

H. Proportion: The ratio of building elements, their height, mass and depth. Good proportion is a harmonious arrangement or relation of parts or elements within a whole.

I. Qualified Professional: A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant field. A qualified professional must have at least B.S. or B.A. degree in the relevant field.

J. Roofline: The outer edge of the roof that provides visual terminus to the tops of buildings.

K. Roofline Variation: The roofline articulated through a variation or step in roof height or detail, such as: Pitched Roof, Projecting Cornice, Articulated Parapet, Terraced Roof.

L Scale: The relationships of a development and/or its elements in terms of size, height, bulk, intensity, and aesthetics, to on another and the surroundings. Human scale would identify the relationship of building with the human being.

#### Chapter 10.1C. - General Zoning Provisions

##### Sections:

- 10.1C.010 Zoning Provisions — General
- 10.1C.020 Compliance and Penalties
- 10.1C.030 Zone Classifications
- 10.1C.040 Classification at Passage
- 10.1C.050 Enforcement

10.1C.010. Zoning Provisions — General. All new construction, building improvements, alterations, or enlargements, and all new or altered uses of land, undertaken after the effective date of this Ordinance, and all new uses or occupancy of premises within the City, shall conform with the requirements, character, and conditions described in this Ordinance. No person shall design, erect, construct, establish, move into, alter, enlarge, or use, or cause or permit to be erected, constructed, established, moved into, altered, enlarged, or used, any building, structure, improvement, or use of premises in any manner contrary to the provisions herein.

10.1C.020. Compliance and Penalties. Any condition which does not conform to the provisions of this Ordinance is a civil infraction and a violation thereof is a public nuisance subject to abatement by the City. No license for uses, buildings, or purposes, where the same would be in

conflict with the provisions of this Ordinance, shall be issued. Any license or permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.

10.1C.030. Zone Classifications. In order to carry out the purposes and provisions of this Ordinance, the City of Waitsburg is divided into several zones, known and designated as follows: Residential (R-1) Zone; Flexible (CR); Central Commercial (C-1) Zone; General Commercial (C-2) Zone; Industrial (I-1) Zone; Cemetery (CEM) Zone; Historic Preservation (HP) Overlay Zone; and Open Space (OS) Zone

10.1C.040. Classification at Passage. If a zoning boundary line includes or crosses a property having a single ownership as of record on the effective date of this Ordinance, all such property may take the least restrictive zoning classification, provided that the property is continuously maintained as a single unit of property.

10.1C.050. Enforcement. It shall be the duty of the City Council's designee to ensure that the Zoning Ordinance is enforced through proper legal channels.

#### Chapter 10.1D. - Construction, Design Review, and Performance Standards

##### Sections:

- 10.1D.010 Building Permit — Application Required
- 10.1D.020 Obtaining and Filing Application
- 10.1D.030 Approval of Application
- 10.1D.040 Design Review — Intent
- 10.1D.050 Design Review — Applicability
- 10.1D.060 Design Review — Standards
- 10.1D.070 Design Review — Application Submittal
- 10.1D.080 Design Review — Filing Fees
- 10.1D.090 Design Review — Implementation
- 10.1D.100 Performance Standards

10.1D.010. Building Permit — Application Required. No person shall erect a building or structure, alter any building or structure already erected, or institute or change property use within the incorporated limits of the City without first obtaining a building permit.

##### 10.1D.020. Obtaining and Filing Application.

A. Applications for a building permit shall be obtained from the City Building Department and shall be completed in full. The applicant will secure all other necessary permits, variances, environmental review, rezones, and any other required review prior to applying for a building permit. Applications must be submitted with a plot/site plan, drawn to scale, clearly showing all streets, alleys, easements, and setbacks, and including a copy of the plans for new construction. All building permits shall be approved by the Building Inspector, City Clerk, and by the Water and Sewer Director, as applicable for location and availability of services, before approval of the application is granted. In granting approval of the application, the Building Inspector shall affirm that the proposal will:

1. Comply with the building codes adopted by the City;

2. Comply with the requirements for the zone in which the project is located;
3. Determine concurrence of the owner for the project;
4. Establish adequacy of water supply (see RCW 19.27.097); and
5. Establish that the proposal is consistent with the City's comprehensive plan.

In making a decision, the Building Inspector may require that reasonable additional information be furnished by the applicant. Upon determination that the plans and intended use of the building or property conform in all respects with the provisions of this Code, and with other applicable laws and regulations, a building permit shall be granted and shall be issued by the Building Inspector upon payment of all fees.

C. Permits shall not be issued nor deemed valid until the requirements of this Chapter have been fulfilled. Early starts will not be granted.

10.1D.030. Approval of Application. Applications for building permits shall be processed in accordance with all requirements and procedures of WMC Title 10A, as either a ministerial or administrative application, depending upon whether the application is subject to SEPA evaluation and/or review by the City. Where a building permit is in direct and immediate association with a quasi-judicial application, the City may, at its discretion, process the associated building permit concurrently with the quasi-judicial application sought, in compliance with all requirements and procedures set forth in this Title and in WMC Title 10A. Any notice of decision issued by City staff or the Planning Commission under the provisions of this Chapter may be appealed in accordance with WMC Title 10A.

10.1D.040. Design Review — Intent. The intent of design review is to promote the general welfare of the community by achieving the following purposes:

- A. To protect the community from the adverse effects of poor design and to encourage good professional design practices;
- B. To enhance the beauty, livability, and prosperity of the community;
- C. To encourage high quality development;
- D. To discourage poor exterior design, appearance, and inferior quality which is likely to have a depreciating effect on the local environment and surrounding area; and
- E. ~~To encourage originality, creativity, and diversity in design and to avoid monotony.~~

10.1D.050. Design Review — Applicability.

A. The provisions of the design review Sections of this Chapter shall apply to:

1. new buildings and structures,
2. exterior remodeling and
3. exterior changes of or to existing buildings for which a building permit is required

B. Notwithstanding the above provisions, the following activities are exempt from the design review provisions of this Chapter:

1. Interior design and interior modifications to buildings or structures, and

2. Minor remodeling projects, provided that such remodeling does not involve a change in the architectural style of the building or structure, and does alter exterior site features such as landscaping, driveways, and walkways.

#### 10.1D.060. Design Review — Standards.

A. Decisions on site development applications shall be guided by the standards set forth in this Section. In addition to these standards, the Planning Commission may impose conditions related to site planning, design, general layout, and appearance.

1. In addition to the height and minimum setback requirements set forth for the zone in which the property is located, changes in material, height, projections in the vertical or horizontal plane, or similar facade changes may be encouraged on visible exterior building walls. Primary attention shall be given to those sides visible from the public right-of-way.
2. The appropriateness of a new or remodeled building to the zoning and area within which it is located, surrounding architectural design, scale, and streetscape appearance should be considered. Integrated and harmonious design themes are encouraged, including the use of consistent materials, colors, textures, and signs on exposed building walls. New development or remodeling should be designed in such a way as to upgrade the appearance and quality of the area and be harmonious with existing improvements.
3. Conflicting relationships to adjacent buildings, structures, improvements, and uses should be avoided as appropriate to the zone and area.
4. To the extent practical, boundary and other walls and fences should be complementary in color, texture, and materials to the development as a whole.
5. To the extent practical, walkways, patios, court yards, driveways, and parking areas should be complementary in design to the development as a whole.
6. Landscaping shall be integrated into the architectural scheme so as to accent and enhance the appearance of the development. Existing mature trees over eight inches in diameter on the site and within the public right-of-way, as well as trees on adjacent property within 20 feet of the common property line, should be considered for preservation in the site planning.
7. Rooftop equipment shall be incorporated into the design of the project in such a manner that it is completely enclosed on all sides or concealed from view by screening, roofing, or parapets at least six inches higher than the height of the uppermost part of such equipment.

B. The Planning Commission shall ensure the compatible design of all multi-family and nonresidential projects which abut single and two-family properties. To accomplish this goal, the Planning Commission shall have the authority to impose more restrictive development standards than the provisions of the zone in which the project is located. The Planning Commission shall review each multi-family and nonresidential project in terms of its impact on



the adjoining residential neighborhood, including but not limited to such design elements as window location, balconies, location of recreational facilities, entryways, and garage or parking locations. The Planning Commission may require transitional height increases in order to promote a visual transition between the multi-family or nonresidential project and the adjoining residential neighborhood and to ensure that adequate landscape buffering is provided and permanently maintained. The Planning Commission shall also consider building facades, roof designs, and use of materials and colors to ensure compatibility with the architectural design elements generally found in the adjoining residential neighborhood.

#### 10.1D.070. Design Review.

A. design review shall be made on forms prescribed by the City. Said application and accompanying materials shall be filed with the City, and the City Clerk shall determine whether the application and materials are complete in accordance with the determination of completeness requirements of WMC Title 10A. Information to be supplied with the application shall include: a dimensioned site plan; building floor plans; isometric sketch perspective for each elevation; building elevation views; descriptions of the type, color and texture of primary building materials to be used; a landscape plan indicating the type, size, number, and location of all existing and proposed plantings; as well as the materials and textures of all walks, drives, walls, fences, and other features. Other information as necessary to demonstrate the extent to which the proposed development is in keeping with the intent and standards of design review must also be provided.

B. Each application shall first be reviewed by the City Clerk in conjunction with the City Planner/Engineer and or Building Inspector. A review should be completed by each applicable City representative or agent prior to approval. If the application shows the design to satisfy all the requirements and criteria of this Chapter then the responsible official may approve the application. If the responsible official does not approve the application, then they shall forward the application to the Planning Commission for consideration and action. The Planning Commission then shall approve, approve with conditions, or deny the design of the project.

10.1D.090. Design Review — Implementation. Upon approval by the responsible official and or Planning Commission (if required) and issuance of a building permit, no changes to approved plans which affect the exterior of a project shall be permitted unless approved by the building inspector and or Planning Commission (if required) . No certificate of occupancy will be issued for any project until all aspects of the approved design review application have been satisfactorily implemented, including but not limited to building completion, installation of all landscaping and irrigation, completion of walkways and walls or fences, completion of parking garages or areas, and completion of driveway improvements to the roadway within the public right-of-way. In the event that winter weather precludes timely completion of certain site improvements in accordance with the approved design review application, the Building Inspector may allow occupancy to proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions allow. In no event shall such guarantee be allowed if the incomplete improvements would result in damage to the development or to other improvements in the vicinity, whether public or private.

10.1D.100. Performance Standards. All uses shall be developed and used in a manner than complies with the applicable zoning codes.

#### Chapter 10.1E. – Reserved

#### Chapter 10.1F. - Zoning of Annexed Territory

##### Sections:

- 10.1F.010 Annexation Location within the Urban Growth Area
- 10.1F.020 Annexation Zoning Consistency with the Comprehensive Plan
- 10.1F.030 Annexation Zoning Plan Adoption

10.1F.010. Annexation Location Within the Urban Growth Area. The City shall annex only territory contained within that portion of unincorporated Walla Walla County officially designated as being within the City’s Urban Growth Area by the Board of County Commissioners pursuant to the requirements of the Growth Management Act set forth in Revised Code of Washington Chapter 36.70A.

10.1F.020. Annexation Zoning Consistency with the Comprehensive Plan. All territory hereafter annexed to the City shall be subject to a prezoning plan, which prezoning plan shall conform to the official land use designation of the Land Use Plan map contained within the City’s adopted Comprehensive Plan.

10.1F.030. Annexation Zoning Plan Adoption. All territory hereafter annexed to the City shall, upon annexation, be zoned in accordance with a prezoning plan adopted in the manner required by law for a change of zone. Said prezoning plan shall be prepared and adopted as a part of the official annexation proceedings and shall take into account, and be in conformance with, all applicable municipal plans, policies, and documents.

#### Chapter 10.1G. - Change of Zone and Zoning Text Amendments

##### Sections:

- 10.1G.010 Authorization for Initiation
- 10.1G.020 Application Filing
- 10.1G.030 Filing Fees
- 10.1G.040 Review by Public Agencies
- 10.1G.050 Public Hearings and Notice
- 10.1G.060 Review Criteria
- 10.1G.070 Notice of Decision
- 10.1G.080 Reconsideration and Appeals

10.1G.010. Authorization for Initiation. Applications for a change of zone or amendment to the Zoning Ordinance text may be initiated by either:

A. The application of the record owner or owners of the subject property or authorized agent thereof; or

B. The City through its own initiative.

10.1G.020. Application Filing. Applications for change of zone or amendment to the Zoning Ordinance text shall be made on forms available from the City. Applications shall contain all required information relevant to the proposed action, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data necessary to demonstrate that the proposed zone change or zoning text amendment is in conformance with the maps and other guidelines provided in the Comprehensive Plan. Where an application is not in conformance with the Comprehensive Plan, a concurrent application for a Comprehensive Plan amendment shall also be made.

A. The application shall be accompanied by a State Environmental Policy Act (SEPA) checklist, including a review and analysis of the comprehensive impacts of the proposed change of zone or text amendment.

B. Site-specific change of zone requests shall be subject to the quasi-judicial provisions of WMC Title 10A. Pursuant to said WMC Title 10A, area-wide rezones, initiated by the City, to implement new or amended municipal plans and policies, are not subject to the hearing limitations and timing requirements of WMC Title 10A.

10.1G.030. Filing Fees. Filing fees in an amount specified by resolution of the City Council shall be paid upon the filing of each application for a zone change or zoning text amendment for the purpose of defraying the expense of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed herein.

10.1G.040. Review by Public Agencies. Prior to conducting public hearings on any proposed amendments or additions to the text of this Zoning Ordinance, such amendments or additions, together with appropriate supporting materials, shall be forwarded to the State Department of Commerce for its preliminary review as required by Washington Administrative Code (WAC) Section 365-195-620. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendments or additions to the text of the Zoning Ordinance. Such distribution shall be the responsibility of City staff. Amendments to the text of the Zoning Ordinance shall be forwarded to the County Assessor pursuant to State law.

10.1G.050. Public Hearings and Notice. When an application for a change of zone or Zoning Ordinance text amendment is filed, or is initiated by the City, public hearings shall be scheduled before the Planning Commission. The City Clerk shall give notice of the public hearings specifying the dates, times, and place of the hearings, and providing a general description of the nature and location of the proposal. Such notice shall be given in accordance with the following:

A. The applicant for a change of zone shall obtain the names and addresses of all adjacent property owners of record within 500 feet of the property and shall furnish these names and addresses to the City Clerk. If the property contiguous to that property proposed for zone change is owned by the same person or entity, the owners of contiguous property to that owned by the applicant shall also be notified. The notice required by this subsection

shall be provided to these property owners by certified mail, by the City, but at the applicant's expense, in accordance with WMC Title 10A.

B. For a change of zone proceeding, the City shall cause the notice required by this Section to be posted, by the applicant, at one or more conspicuous locations on the property involved in accordance with WMC Title 10A.

C. For either a change of zone or a Zoning Ordinance text amendment proceeding, the City shall cause the notice required by this Section to be posted at the City Hall, and at other public locations, in accordance with WMC Title 10A.

D. For either a change of zone or a Zoning Ordinance text amendment proceeding, the City shall cause the notice required by this Section to be published once in the official newspaper of the City in accordance with WMC Title 10A.

E. For change of zone proceedings, mailed notice to property owners shall not be required in any of the following circumstances:

1. When the matter would affect the City generally or would affect a substantial portion of the City, rather than only a specific parcel or a few parcels of property; or

2. When the hearings relate to action taken by the City to establish, review, or modify all zoning classifications throughout the City.

F. The continuance of a public hearing through verbal motion at a regular or special meeting of the Planning Commission or City Council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

10.1G.060. Review Criteria. Both the Planning Commission's recommendation and the City Council's decision on a proposed amendment shall be based on findings of fact as they relate to the following:

A. The proposal is in conformance with goals and policies of the Waitsburg Comprehensive Plan as amended and the intent of this Title.

B. The property in question is suitable to uses permitted under the proposed zoning.

C. Public facilities, such as roads, sewer and water and other public facilities are adequate to support development likely to occur with the proposed amendment.

D. The proposed zone change and associated uses are compatible with neighboring land uses.

E. The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

10.1G.070. Notice of Decision. The decision of the City Council shall be in writing and shall be mailed to the applicant and parties of record in accordance with WMC Title 10A.

10.1G.080. Reconsideration and Appeals.

A. Reconsideration. The City Council may reconsider its decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued.

1. The City Council may reconsider its decision only if it finds any of the following:

- a. There was a clerical error in the decision;

- b. The decision resulted from fraud or mistake;

- c. There is newly discovered evidence or a change in circumstances;

- d. There was a procedural error by the Council; or

e. The Council previously rejected the application by a tie vote.

2. The City Council shall review the reconsideration petition at its next regular meeting and decide whether to reconsider the matter. The decision shall be based on the reconsideration petition and any oral argument of the petitioner which the City Council may decide to hear. Additional evidence shall be taken as required by the circumstances resulting from the request for reconsideration. The City Council shall then decide the matter or set the matter on its agenda for a reconsideration hearing which shall be conducted as a closed record appeal proceeding in accordance with WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued, or after a revised notice of decision is issued under a reconsideration proceeding, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

#### Chapter 10.1H. - Variances (Ord. 873 May 19, 2005)

##### Sections:

10.1H.010	Intent
10.1H.020	Prohibited Variance
10.1H.030	Burden of Proof
10.1H.040	Application
10.1H.050	Application Form
10.1H.060	Filing Fees
10.1H.070	Public Hearings and Notice
10.1H.080	Review Criteria
10.1H.090	Conditions
10.1H.100	Notice of Decision
10.1H.110	Appeals
10.1H.120	Duration of Variance
10.1H.130	Revocation

10.1H.010. Intent . The intent of this chapter is to provide a procedure for approval of variance permits for limited, and or minor uses such as items that are inconsequential or related to general look of the property that don't affect the actual use of the lot or impact surround property owners

10.1H.020. A variance permit issued upon concurrence of the City Clerk and the Chairman of the Planning Commission acting pursuant to this chapter. The City Clerk and the Chairman of the Planning Commission acting together shall hear and decide all applications for variance permits. In granting any variance permit, they may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to ensure that the development so authorized is in accordance with approved plans and consistent with the objectives of the Zoning Ordinance. In the event that either the City Clerk or the Chairman does not concur in granting a permit under this chapter, the applicant may proceed pursuant to WMC 10.1H.

10.1H.030. Burden of Proof. The burden of proof to establish that findings-of-fact can be made as required by this Chapter is on the applicant.

10.1H.040. Application. Application for a variance permit may be initiated by the record owner or owners of the subject property or authorized agent thereof.

10.1H.050. Application Form. Applications for variance permits shall be made upon forms available from the City and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required findings of fact exist. The application shall contain a statement containing any facts in support of the permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the City Clerk.

10.1H.060. Filing Fees. Filing fees, in an amount specified by resolution of the City Council, shall be paid upon the filing of each application for a minor variance permit.

10.1H.070. Procedure. Action on the application shall be conducted as an administrative approval not subject to notice pursuant to title 10A of the Waitsburg Municipal Code. Notice shall be given as provided in WMC 10A.09.010.

10.1H.080. Review Criteria. A variance permit shall be granted only if the City Clerk and Planning Commission Chairman concur in making written findings of fact that:

- A. The proposed use meets the criteria of a variance permit as defined in either section 10.1B.020.515 or 10.1B.020.680 above.
- B. The proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment;
- C. The proposed use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property;
- D. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation currently exist for the proposed use;
- E. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved, and are not applicable to other lands, structures, or buildings in the same zone;
- F. The literal interpretation of the provisions of the development code would deprive the applicant of rights commonly enjoyed by other premises in the same zone;
- G. Granting the permit or variance will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same zone;
- H. The use permit or variance, either as proposed or as conditioned, is the minimum change that will make possible the reasonable use of the land, building, or structure;
- I. Granting the permit or variance will be in harmony with the general intent and purpose of the development regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and will not adversely impact the implementation of the city's comprehensive plan;
- J. The need for permit or variance has not been self-induced by the applicant; and
- K. The proposed use will be consistent with the elements and policies of the Comprehensive Plan.

10.1H.090. Conditions. The City Clerk and Chairman of the Planning Commission shall have the authority to establish conditions to ensure that approval of the variance permit is consistent with the review criteria.

10.1H.100. Notice of Decision. The decision shall be in writing and shall include the findings-of-fact required by this Chapter together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties in interest in accordance with WMC Title 10A.

10.1H.110. Appeals.

A. Appeal to City Council. The City Council shall conduct a closed record appeal of the decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued. The Council appeal proceedings, notice thereof, and the Council's written determination shall conform to the requirements of WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued by the City Council following an appeal, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

10.1H.120. Duration. Every right or privilege authorized by the grant of a variance permit shall terminate one year after the granting of such permit unless the work necessary to implement such variance has been completed. The City Clerk and the Chairman of the Planning Commission may grant an extension for cause, not to exceed one year.

10.1H.130. Revocation. The City Clerk and Chairman of the Planning Commission shall have continuing jurisdiction over any variance permit. To consider the revocation of a variance permit, they shall hold a public hearing after giving notice in accordance with Section 10A.07.030. They may revoke and terminate the variance permit, in whole or in part, reaffirm the variance permit, modify the conditions, or impose new conditions.

A variance permit may be revoked or conditions modified or added on any one or more of the following grounds:

- A. The variance permit was obtained by fraud or misrepresentation; or
- B. The variance permit has been exercised contrary to the terms or conditions of approval; or
- C. The use is in violation of any statute, ordinance, law, or regulation; or
- D. The use permitted is being or has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.

#### Chapter 10.1I. - Conditional Use Permits (Ord. 873, May 19, 2004)

Sections:

- 10.1I.010 Intent
- 10.1I.020 Authority of the Planning Commission
- 10.1I.030 Burden of Proof

10.1I.040	Authorization for Filing
10.1I.050	Application Filing
10.1I.060	Filing Fees
10.1I.070	Public Hearings and Notice
10.1I.080	Review Criteria
10.1I.090	Conditions
10.1I.100	Notice of Decision
10.1I.110	Appeals
10.1I.120	Duration of Conditional Use Permit
10.1I.130	Revocation

10.1I.010. Intent . The intent of this chapter is to provide a procedure for approval of minor conditional permits.

10.1I.020. A Conditional use Permit may be issued upon concurrence of the City Clerk and the Chairman of the Planning Commission acting pursuant to this chapter. The City Clerk and the Chairman of the Planning Commission acting together shall hear and decide all applications for conditional use permits. In granting any conditional use permit, they may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to ensure that the development so authorized is in accordance with approved plans and consistent with the objectives of the Zoning Ordinance. In the event that either the City Clerk or the Chairman does not concur in granting a permit under this chapter, the applicant may proceed pursuant to WMC 10.1I.

10.1I.030. Burden of Proof. The burden of proof to establish that findings-of-fact can be made as required by this Chapter is on the applicant.

10.1I.040. Application. Application for a conditional use permit may be initiated by the record owner or owners of the subject property or authorized agent thereof.

10.1I.050. Application Form. Applications for conditional use permits shall be made upon forms available from the City and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required findings of fact exist. The application shall contain a statement containing any facts in support of the permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the City Clerk.

10.1I.060. Filing Fees. Filing fees, in an amount specified by resolution of the City Council, shall be paid upon the filing of each application for a minor conditional use permit.

10.1I.070. Procedure. Action on the application shall be conducted as an administrative approval subject to notice pursuant to title 10A of the Waitsburg Municipal Code. Notice shall be given as provided in WMC 10A.09.020.

10.1I.080. Review Criteria. A conditional use permit shall be granted only if the City Clerk and Planning Commission Chairman concur in making written findings of fact that:



- A. The proposed use meets the criteria of a conditional use as defined in section 10.1B.020.512 above;
- B. The proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment;
- C. The proposed use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property;
- D. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation currently exist for the proposed use;
- E. Granting the permit will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and will not adversely impact the implementation of the city's comprehensive plan; and
- F. The proposed use will be consistent with the elements and policies of the Comprehensive Plan.

10.1I.090. Conditions. The City Clerk and Chairman of the Planning Commission shall have the authority to establish conditions to ensure that approval of the conditional use permit is consistent with the review criteria.

10.1I.100. Notice of Decision. The decision shall be in writing and shall include the findings-of-fact required by this Chapter together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties in interest in accordance with WMC Title 10A.

10.1I.110. Appeals.

A. Appeal to City Council. The City Council shall conduct a closed record appeal of the decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued. The Council appeal proceedings, notice thereof, and the Council's written determination shall conform to the requirements of WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued by the City Council following an appeal, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

10.1I.120. Duration. Every right or privilege authorized by the grant of a ~~minor~~ conditional use permit shall terminate one year after the granting of such permit, unless the work necessary to implement such minor conditional use has been completed. The City Clerk and the Chairman of the Planning Commission may grant an extension for cause, not to exceed one year.

10.1I.130. Revocation. The City Clerk and Chairman of the Planning Commission shall have continuing jurisdiction over any conditional use permit. To consider the revocation of a conditional use permit, they shall hold a public hearing after giving notice in accordance with Section 10A.07.030. They may revoke and terminate the conditional use permit, in whole or in part, reaffirm the permit, modify the conditions, or impose new conditions.

A conditional use permit may be revoked or conditions modified or added on any one or more of the following grounds:

- A. The permit was obtained by fraud or misrepresentation; or
- B. The permit has been exercised contrary to the terms or conditions of approval; or
- C. The use is in violation of any statute, ordinance, law, or regulation; or
- D. The use permitted is being or has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.

#### Chapter 10.1J. – Public Lands (PL)

10.1J.010. Description and Purpose. The Public Lands (PL) Zone is intended to: (A) protect and preserve certain areas of land devoted to existing and future use for civic, cultural, educational and similar facilities; (B) provide for the social needs of the City as those needs relate to public services, open space and institutions, whether publicly or privately sponsored; (C) enhance the identity and image of the City as a desirable place for human growth and development; (D) provide opportunities and facilities for the various activities and needs of a diverse and dynamic population; and (E) provide and protect parks, open space and other natural, physical assets of the City to improve the aesthetic and functional features of the City.

10.1J.020. Permitted Uses. The uses allowed under the Public Land Zone shall be limited to those uses that are “public” in nature regardless of whether they are publicly or privately owned and not currently zoned under a different classification of the City’s zoning provisions and generally includes government facilities, schools, churches, and historical sites accessible to the general public.

10.1J.030. Minimum Lot Dimensions. Due to the wide range of land uses, structure types, and lot sizes inherent in the generalized category of Public Lands, lot dimensions are best determined through the site plan review process. When a proposed use is permitted in another zone with specified lot dimensions, the requirements of that zone generally shall apply in the Public Lands zone.

- A. In any case, lot dimensions shall be sufficient to accommodate parking, vehicle maneuvering areas, landscaping, open space, and other development standards required by this title for the use as determined by the site plan review process.

10.1J.040. Minimum Yard Requirements. When a proposed use is permitted in another zone with specified yard requirements, the requirements of that zone generally shall apply in the Public Lands zone. In any case, yard requirements shall be sufficient to meet fire and other standards as determined by the site plan review process.

10.1J.050. Lot Coverage and Building Height. Buildings may not exceed fifty percent lot coverage.

Building height shall be required to be compatible with appropriate use of adjacent properties, as determined by the site plan review process.

10.1J.060. Off-Street Parking. Specific standards depend on the use. See Title 12, Chapter 3 Speed and Parking Restrictions

## Chapter 10.1K. - Residential (R-1) Zone

### Sections:

10.1K.010	Description
10.1K.020	Permitted Primary Uses
10.1K.030	Permitted Accessory Uses
10.1K.040	Conditional Uses
10.1K.045	Minor Conditional Uses
10.1K.050	Site (Lot) Area and Frontage
10.1K.060	Yards and Site Coverage
10.1K.065	Fence Standards.
10.1K.070	Height Limits
10.1K.080	Off-Street Parking and Loading
10.1K.090	Roof Pitch
10.1K.100	Flood Plain Construction
10.1K.110	Residential Street Lighting
10.2K.000	Temporary use of RV for Residence

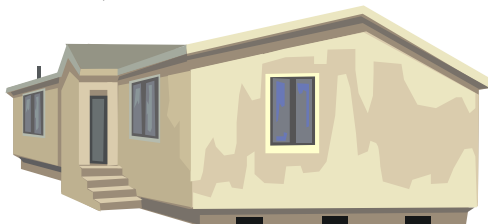
10.1K.010. Description The Residential (R-1) Zone is intended as a zone which recognizes the residential development patterns of the City and includes both single and multifamily housing.

10.1K.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Residential (R-1) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. One single family residential dwelling per lot or parcel, landscaped in a manner so as to be in harmony with surrounding residential properties so that the general character and integrity of the neighborhood are preserved.

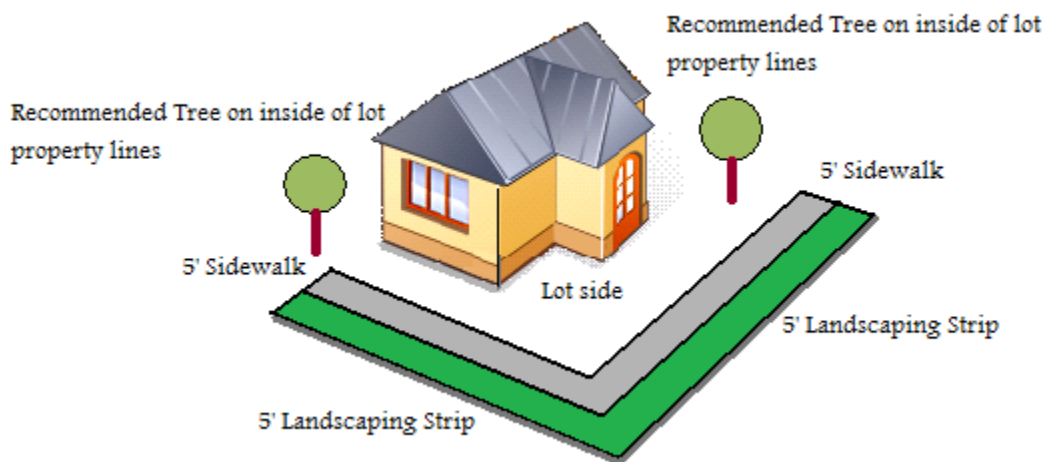


1. When the permitted residential dwelling is a designated ~~manufactured~~, manufactured, mobile, or modular home, it shall conform to the following: comply with all provisions of Chapter 10.1T of this Zoning Ordinance; be permanently connected to water, power, and sanitary sewer utilities;



## 2. Landscaping.

- a. For new developments, a minimum 5 feet of landscaping/planting strip must be provided along the streets between street edges and sidewalks.
- b. ~~Recommended~~ trees are not allowed in the strip and must be planted on the inside edge of the sidewalk/property line. The City's recommended Tree list should be considered prior to planting any trees and any alternative must be approved by the Planning Commission
- c. All landscaping elements, plant materials and trees shall be planted or installed and maintained by the developer. In the absence of a developer, landscaping shall be planted and maintained by the individual property owner.
- d. Landscaping strip can be a mixture of hardscape and living plant material with hardscape consisting of a maximum of 50% of the total planting strip area.
- e. Planting strips are encouraged to be incorporated with the overall stormwater plan.
- f. ~~Incorporation of artwork with the hardscape is encouraged.~~
- g. Front yards of residential lots must be landscaped within 180 days of issuance of Certificate of Occupancy.
- h. Landscaping elements and plant material may include: a) pedestrian lighting, b) sitting areas and c) special interest planting.
- i. Concrete paving material is required for all sidewalks. A variation in design with meandering sidewalks compatible with other residential neighborhoods is also allowed subject to city review.



## 3. Architectural Features.

- a. Architectural features such as porches, stoop over-heads, carports, canopies and bay windows may project into a required street yard a maximum of six feet if the main living unit has at least a 20 foot front yard setback
- b. Covered decks with at least three open sides may project into rear yards a maximum of six feet.
- c. Uncovered decks less than 42 inches above the ground may extend into required rear yards a maximum of 10 feet.
- d. No attached or detached garages are permitted to extend out past the front building line and must be set back at least 5' if detached and in line with any dwelling unless it

is incorporated into the overall design of the dwelling and is not a prominent feature of the dwelling.

- e. Side access to attached or detached garages require a 20 foot set back from the side property line.

B. Two-family (duplex) residential dwellings subject to the lot area standards in Section 10.1K.050 of this Chapter.



Lot size = 20,000 square feet

C. Public parks or playgrounds, and buildings or parking areas accessory thereto.



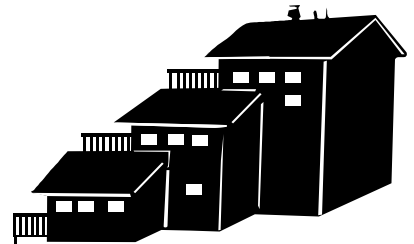
D. Fruit and vegetable gardening on vacant land.

E. Temporary construction offices within the tract or subdivision on which buildings are being erected, and only for the duration of active construction.

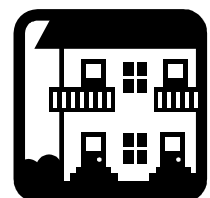
10.1K.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Residential (R-1) Zone:

- A. Accessory living quarters, provided that they do not constitute an extra dwelling unit on the property.
- B. The creation of a second dwelling unit, more commonly known as a “studio apartment”, “granny flat” or “guest house” provided that, at a minimum:

1. The second unit does not encompass more than 800 square feet of floor space or 33 percent of the living area of the primary residential structure, whichever is smaller;
2. There shall be only one entrance on the front of the house, however, additional entrances may be permitted at the side or rear of the house;
3. The second unit shall have separate kitchen and bathroom facilities from the primary dwelling unit;
4. Where accessible, one off-street parking space shall be provided in addition to the off-street parking spaces required for the principal residence, which parking shall be provided in the rear of the lot or on a driveway outside the required front yard;
6. Separate utility meters are provided for the accessory unit;



~~B. Licensed Boardinghouses and lodging houses provided that there are no more than four boarders or lodgers in a single family dwelling, or four in each unit of a two-family (duplex) dwelling.~~



C. Shelters for cats and dogs, when the total number of dogs and/or cats is below the number defined as a private “kennel”, and when kept on the same lot as the residence.



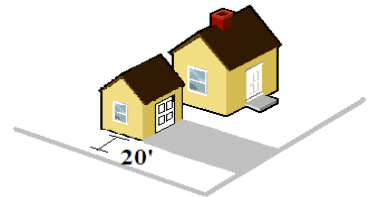
D. Detached garages for the private use of the residence, provided that a detached garage shall not extend beyond the front line of the principal building nor be closer than 20 feet to any flanking street right-of-way line.

E. Fruit and vegetable gardening and green houses solely maintained for private, non-commercial purposes.

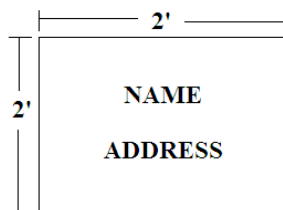
F. Home occupations authorized in accordance with Chapter 10A.09.025 of the Zoning Ordinance.

G. ~~In home day care for 12 or fewer children, including the children residing in the home.~~ A appropriate licensed day care.

H. In home long-term care of six or fewer elderly persons licensed by the State.



J. Residential signs, unlit, subject to the following criteria: a name plate and/or street address sign, not exceeding two square feet in area, and containing the name(s) of the resident(s) of the dwelling and/or the street address number of the premises; a real estate sign, not exceeding six square feet in area, notifying that the premises is for sale, rent, or lease.



K. Swimming pools, spas, and/or unlighted tennis courts for the exclusive use of the occupants of the premises and their guests.

L. Storage buildings, provided that all storage shall be wholly within an enclosed building or shall be completely screened from view from surrounding properties and public rights-of-way, and shall be accessory to the permitted use on the site; there shall be no storage in any required front street or flanking street yard area. The private, noncommercial storage of up to two inoperable or not currently licensed vehicles and, or remnants thereof, shall comply with the provisions of this paragraph.



#### M. Multifamily Housing.

1. Multifamily housing consists of a single parcel containing more than one dwelling unit either attached or detached. Examples include apartments, condominiums, group houses, townhouses including duplex, triplex, four-plex, etc.

a. If not specifically noted in this chapter, other provisions related to single family housing will apply to all multifamily housing designs and may be contained within different chapter/article of the City's development code.

2. Multi-family residential structures, provided that the lot is at least 20,000 sq. feet plus 1,200 square feet of additional lot area for each dwelling unit over two units.

#### 3. Entrances:

- a. Safe pedestrian access from the street must be provided along with vehicular entrance
- b. Both vehicular and pedestrian access must be visible from the street or alley.
- c. Vehicle access to the site must be from the back, secondary street or from alleys, and be indirect
- d. Pedestrian entry to the site should be emphasized from the fronting street with landscaping, special paving, gateways, arbors and similar features
- e. Vehicular access should line up with the access across the street
- f. Vehicular access driveway should be at least 100 ft away from any major intersection
- g. Building entrances must be prominent and clearly visible
- h. Buildings must have pedestrian access from streets and parking lots
- i. Long linear and hidden stairways and corridors must be avoided
- j. Covered entrances such as porches, patios or entry decks should be provided as transition from outdoor to indoor,

#### 4. Orientation of Buildings

- a. Building shall be oriented to public streets and/or open spaces
- b. Solid, blank facades of the buildings must not face the street
- c. Buildings can be clustered around a consolidated open space with some buildings oriented to the public street
- d. Buildings that do not have direct and visible pedestrian entrance from public streets should at least have windows or patios facing the streets.
- e. Corner of the public street intersections should be emphasized by the following elements:
  - 1. Landscaping
  - 2. Plaza

### 3. Distinctive roof form or other architectural features

### 5. Parking

- a. Parking lots, open or covered, and garages must be located at the rear or side of the lot, or must be located in areas that are less visible or prominent from the street
- b. Parking must be visible and adequately lit from open areas, pedestrian walkways and dwelling units in order to ensure safety
- c. Vehicular access to the parking must be indirect or from the secondary street whenever there is a provision
- d. Clearly defined pedestrian access from the parking area to the building is required
- e. Parking lots must be landscaped and must provide access and turnaround ability
- f. No vehicles in excess of a one ton rating, recreational vehicles, travel trailers, boats, etc. are allowed to be stored or parked in any parking lot.
- g. Driveways should be consolidated in order to reduce curb cuts
- h. Large parking lots should be broken into small ones in a way that provides easy access for pedestrians
- i. Attached garages are recommended to be located and accessed through alleyways or private driveways
- j. Parking lots should be screened from adjacent single-family homes with landscaping, berms and/or fencing according to the City's established design standards. An indirect location of the parking lot that is not visible from single-family homes may not require the screening. This should not compromise the safety and security of parking areas
- k. Consideration should be given to accommodate guest parking for a temporary time period not to exceed 72 hours

### 6. Setbacks

- a. In addition to residential setbacks, increased setbacks are required for developments that have portion of the front yards for public plazas and/or public open space. Deviations from this provision must be approved by the City.

### 7. Open Spaces

- a. All open Spaces for multifamily housing must conform to the provision contained within the City Planned Unit Development Code (10.8F)

### 8. Protecting Natural Features

- a. The siting of building should complementary to the characteristics of the site and the surrounding area such as topography, steep slope, wetland, views, existing significant vegetation and built-form.
- b. Hillside developments on steep-slope sites are not allowed
- c. Existing mature trees should be preserved. Building layout can be modified to preserve trees. In case it is impossible to preserve the existing tree, new trees should be planted at the ratio of at least two new trees to replace one mature tree.



## 9. Signage

- a. One freestanding sign per abutting street frontage is allowed for developments containing at least 5 dwelling units or more.
- b. Signs must be located at the entrance to the development and not be located off site. Location of signage must be incorporated with landscaping.
- c. There must be provisions for long-term maintenance of signs by the owner.
- d. Signs must be made from durable materials such as masonry, cultured stone, rock or metal. Wood signs are not permitted.
- e. A maximum of 32 square feet in area per sign is allowed unless a master signage plan has been approved by the City for the development.
- f. Signs must be designed to minimize the potential for vandalism and to prevent them from falling into disrepair.
- g. The number of signs is limited to one per entrance from an arterial street, with a maximum of one sign if the development has no arterial street frontage. Directional and master address signages are exempt. Signage subject to WMC
- i. Pole signs are disallowed.

## 10. Lighting

- a. All lighting features must be shielded to prevent stray upward light in order to comply with the City's Street lighting provisions
- b. Parking lots shall have a minimum illumination of 0.6 foot candles at the ground level.
- c. Pedestrian-scale street lighting consistent with the character of the development should be implemented.

## 11. Transit Stop

- a. Developer/owner must consult with the City to determine the practicality of a bus stop near the development or how the site can be served by transit

## 13. Neighborhood Compatibility

- a. Consistency in the roofline must be followed by using similar roof form with varying height and proportion.
- b. Building orientation and location of entrance must be consistent with the neighborhood and must follow the "entrance" design standards.
- c. Building should be oriented in a way that is similar to neighboring buildings.
- d. Design of the buildings should reflect the architectural styles compatible with the neighborhood.
- e. Major view corridors should be preserved by providing visual and physical access.
- f. Bright, intense colors should be reserved for minor accent trim; with the body of the building a more muted color.
- g. Carefully determined color scheme with use of bright roof colors are also encouraged. However, a color palette that includes more intense color

shall be approved by the city upon review of a fully colored depiction of the building as a part of the building permit process

h. Massing, Scale, Character-

i. Street-facing façade shall be modulated with recesses at least 4 ft. deep at every 30 ft. of maximum length. Rooflines shall be modulated at every 75 ft. of maximum length through the use of varied roof heights 5 ft. or more.

j. Plain blank walls must be avoided by providing windows or articulating the façade and/or screening with landscaping.

k. Multi-story buildings must display the proportion of a “Base”, “Middle” and “Top” in massing. “Top” can be expressed by using sloped, gabled roof and should use cornice, parapet, or similar special features to act as the top of the building.

l. For slope roof structures, the slope of the roof must not be less than 4:12 except for a specific design to be approved by the City.

e. Façade facing a street is encouraged to have gabled form of roof, cornice, parapet, or similar special feature to add variety in the roofline.

m. Windows, projected entrances, dormers and overhangs are also encouraged on street facing façade to add variety and define human scale.

n. Architectural features such as porches, stoop overhangs, carports, cornices, canopies and bay windows are encouraged to be incorporated in the design, and may project into a required street yard a maximum of five feet if the main living unit has at least a 15-foot front yard setback.

#### 15. Accessory Structures

a. Accessory structures must be located in such a way that they do not dominate the main structure.

b. Accessory structures must be consistent with the parent structure in form, massing and color.

c. Pedestrian entrances to the site or to the buildings must not be physically or visually obscured by accessory structures.

d. Trash receptacles must be located in an enclosed area, accessible for mechanical garbage pick-up.

e. Garage and storage units should not be visible from the street and should be located on the rear side of the development. Access should be from alleys or secondary streets whenever possible

10.1K.040. Conditional Uses. The following uses may be permitted in the Residential (R-1) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in Chapter 10.1I of this Zoning Ordinance:

A. Bed and breakfast inns provided that, at a minimum: the proprietor resides in the dwelling where the bed and breakfast business is conducted; one off-street guest parking space is provided for each guest room in addition to the parking required for the dwelling; adequate rest rooms are provided in accordance with County and State regulations; and compliance with State, County, and local building and fire regulations has been demonstrated.

B. Churches and houses of worship;

C. Art galleries, libraries;



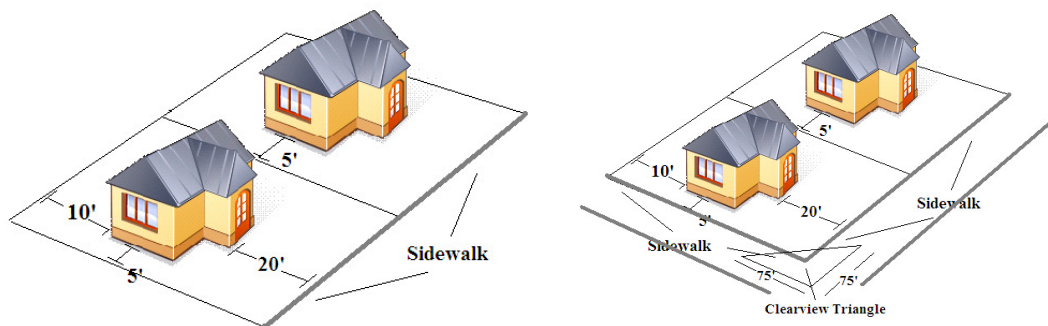
- D. Day care, nursery school, or preschool facility for more than 12 children;
- E. Green houses and nurseries of a noncommercial nature;
- F. Height of buildings in excess of the limitations of Section 10.1K.070 of this Chapter;
- G. Hospitals and public or private elementary or secondary schools;
- H. Hotels and motels;
- I. Manufactured Home Parks provided that the park conforms to all requirements set forth in Chapter 10.1S of this Code.
- J. Public and quasi-public utility structures such as substations, pumping plants, communications towers, and similar uses.
- K. Facilities designated and operated for the parking and storage, both long and short term, for vehicles. (Ord. 870 January 21, 2004)

10.1K.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all permitted or conditional uses in the Residential (R-1) Zone:

- A. The required minimum lot area for new platted lots shall be 10,000 square feet.
- B. The required minimum lot area for a two-family (duplex) structure shall be 20,000 square feet, except for corner lots in which case a duplex may be constructed if one side of the duplex fronts each street.
- C. Each new platted lot or parcel shall have a minimum width at the building line (front street setback) of 100 feet.

10.1K.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Residential (R-1) Zone:

- A. Street Frontage Yard. The minimum setback from any fronting street shall be 20 feet from the street frontage property line or 45 feet from the street centerline, whichever is greater. The minimum setback from any flanking street shall be 10 feet from the flanking street property line or 35 feet from the street centerline, whichever is greater.



- 1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the City Council, shall be permitted on any corner lot within the area designated as the “clear view triangle”, which can be determined by measuring 75 feet from the center of two intersecting streets along the centerline of each

street, then connecting the two points with a straight line forming the hypotenuse of the “clear view triangle.”

Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven feet above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three feet above ground level. In cases where such “clear view triangle” will not provide adequate sight distance, the City Council shall determine the required area needed to reduce hazards to the traveling public.

2. Fences with a maximum height of 48 inches may be located on the fronting or flanking street property line outside the area encompassed by the “clear view triangle”.\*

B. Rear Yard. Rear yards shall have a minimum depth of 10 feet from the rear property line.

1. Fences with a maximum height of 72 inches may be located on the rear property line.

C. Side Yard. Side yards shall have a minimum depth of five feet from each side property line. On a lot having a width of less than 40 feet, as shown by the last conveyance of record at the time of passage of this Chapter, side yards shall have a minimum depth of three feet from each side property line.

1. Fences with a maximum height of 72 inches may be located on the side property line.

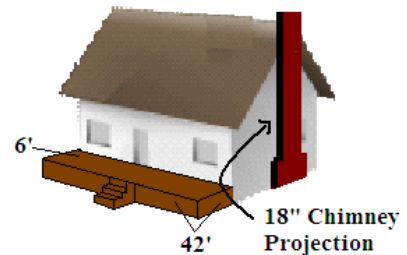
D. Yard Exceptions.

1. Eaves and cornices may project into a required front, flanking street, or side yard (setback) area up to two feet. Eaves and cornices projecting into the rear yard are not limited in the depth of the projection.

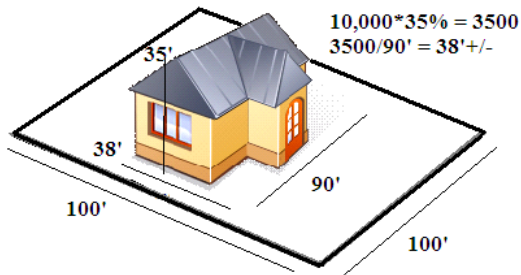
2. Terraces, platforms, and porches having no roof covering and being not over 42 inches in height, may extend into a minimum front yard not more than six feet. Steps may connect such extensions to the ground level. Terraces, platforms, and porches having no roof covering are not permitted in any flanking street or side yard (setback) area. Terraces, platforms, and porches having no roof covering projecting into the rear yard are not limited in the depth of the projection.

3. Projecting chimneys may project into a side yard (setback) area up to 18 inches. Chimney projections are not permitted in any fronting street setback. Chimneys projecting into the rear yard are not limited in the depth of the projection.

4. Permitted accessory buildings and structures may be erected within the rear yard, provided that the area covered by accessory buildings and structures shall not exceed 50% of the area of the rear yard or 1,000 square feet which ever is smaller.



E. Site Coverage. The maximum site coverage for all buildings and structures shall be 35%, except for lots with a duplex in which case the lot coverage may be expanded to 45%.



10.1k.065. Fence Standards. Fences constructed for single or multifamily residential dwellings are required to meet the following standards:

1. Height Limits.

- a. Maximum height of six feet (72") may be located on the side and rear property lines
- b. Maximum height of 4 feet (48") may be located on the front and flanking property lines.

2. All fencing must be constructed of a durable material

3. If chain link is used then the fencing is not allowed to extend beyond the front edge of any residential dwelling.

4. Fences are allowed to be placed adjacent to sidewalk edges or must be set back a minimum of 10 feet from edge of asphalt on lots without sidewalks.

5. Razor wire, barbed wire and electric wire are not permitted in any residential zone unless prior to the adoption of this update where livestock present on the residential lot.

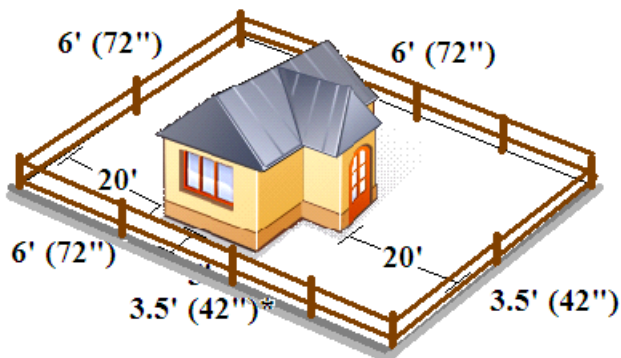
6. The support posts and stringers must be on the interior and not face the street

7. Non-conforming fences installed without a building permit are not vested

8. Fencing for facilities such as tennis courts, swimming pools must provide visibility and safety

9. Fences may be built or erected only after the property owner or contractor applies for and pays for a fence permit, using the form provided by the City of Waitsburg and such fence permit is issued or approved.

10. Fences or similar structures will not be allowed to be located or erected at any point or location which is beyond the corresponding property line(s) of the requesting property owner regardless of what the property owner considers the function of such fence or similar structure to be. No fences or similar structures shall be located or erected within the City's right of way and any such fence or similar structure which is located or erected in violation of this subsection shall be subject to removal by the City or its agents without notice to the person responsible for locating or erecting such fence or structure.



10.1K.070. Height Limits. No building or structure in the Residential (R-1) Zone shall exceed a height of two stories or a total height above grade or 20 Feet to the peak of roof.

10.1K.080. Off-Street Parking and Loading. Parking and loading standards for uses in the Residential (R-1) Zone shall conform to the standards set forth in Chapter 10.1U of this Zoning Ordinance.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the City Council, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

10.1K.090. Roof Material.. Roofs shall be constructed of roofing material that is acceptable for housing or nonresidential structures built on site, and applied in such a manner as to be similar in appearance. Deviations from the standard shall be processed in accordance with the City Variance Procedure.

10.1K.100. Flood Plain Construction. All residential construction within a designated flood zone as indicated on the City's Flood Map shall be constructed in accordance with Article 10.7A Flood Hazard Areas related to Residential construction (10.7A.210) and Shoreline provisions.

10.1K.110. Residential Street Lighting.

1. All lighting features must be shielded to prevent stray upward light in order to limit the amount of light pollution.
2. Pedestrian-scale street lighting consistent with the residential character of the neighborhood should be implemented
3. Spacing and intensity. Residential street light poles should have a 100 watt LED equivalent luminaire and be 30 feet in height and spaced 300 feet apart on alternating sides of the street. Shorter street light poles will result in closer street light spacing. All new intersection should have at least one street light.
4. All new residential developments are required to include street lighting into their design plan.

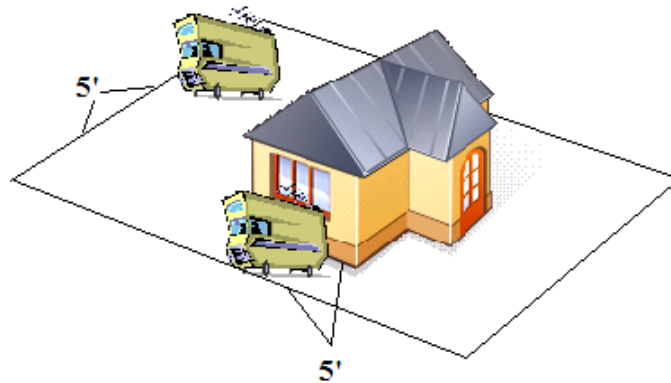
#### Chapter 10.2K - . RV Storage and Use

10.2K.010. An owner of a lot in the city may, at his or her discretion allow the temporary use of a recreational vehicle (RV) as a residence, subject to the following conditions:

1. The use not exceeds twenty-one (21) days in one calendar year.
  - A, Exception. An extension of up to 6 months may be granted on a case by case basis for the following reasons:
    - I. Taking care of immediate family for health reasons

II. Building of a new residence where the owner anticipates home occupation within the specified time frame

2. The RV must be parked entirely within the back yard or side yard of the lot.
3. An RV may not be in the front yard of a lot or no part of it may be on any public right-of-way.
  - A. Exception. RV may be parked in the corresponding homeowner's driveway as long as it is not being used as a second residence nor impedes access to the right of way.
4. The RV must be located at least five (5) feet away from any adjoining property lines, five (5) feet from any other structure on the lot, and at least twenty (20) feet from a public right-of-way.
5. All utility connections to the RV must meet all standards for electrical, fire, and plumbing codes.



Chapter 10.1L. - Central Commercial (C-1) Zone

Sections:

10.1L.010	Description
10.1L.020	Permitted Primary Uses
10.1L.030	Permitted Accessory Uses
10.1L.040	Conditional Uses
10.1L.050	Site (Lot) Area and Frontage
10.1L.060	Yards and Site Coverage
10.1L.070	Height Limits
10.1L.080	Off-Street Parking and Loading
10.1L.090	Flood Plain Construction
10.1L.100	Commercial Street Lighting

10.1L.010. Description. The Central Commercial (C-1) Zone is intended to encourage and accommodate the development and preservation of a viable central business district serving a

broad trade area and requires that any commercial activity must comply with any and all state and local codes. Includes Main Street and first block of 2<sup>nd</sup> and Preston Ave.

10.1L.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or in the Central Commercial (C-1) Zone shall be erected, structurally altered, enlarged, or use established, except for the following permitted uses:

A. Commercial Uses:

1. Bakeries;
2. Banks and other financial services;
3. Business and professional offices, including government offices and medical and dental offices;
4. Clothing and clothing accessory retail sales;
5. Restaurants, Delicatessens and meat markets and similar uses;
6. Drug stores and pharmacies;
7. Dry cleaning and laundry establishments;
8. Florist and plant shops;
9. Food stores and markets;
10. Furniture and other home accessory sales such as carpets, drapes, and paint;
11. General merchandise and other retail sales;
12. Hardware stores;
13. Hotels;
14. Lock and key services;
15. Personal services, including barber and beauty shops;
16. Pet shops, including grooming services;
17. Photographic services, including portrait studios and photo developing stores;
18. Printing and publishing services;
19. Radio, television, and other electronics sales and services;
20. Shoe repair and clothing alterations shops;
21. Breweries, Distilleries, Wine tasting rooms or similar operations
22. Other uses which the Planning Commission, determines to be similar in nature, function, and operation to permitted primary uses in the C-1 Zone not defined in this section will be processed in accordance with conditional process below.

B. Noncommercial Uses

1. Multi-family or single family residential uses above a ground floor commercial occupancy;  
Ground level occupancy allowed in rear of property subject to conditional use permit.
2. Churches, synagogues, temples, and houses of worship;
3. Fraternal or philanthropic lodges and institutions; and
4. Public and utility uses.

Section 10.1L.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Central Commercial (C-1) Zone:

- A. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.



- B. Parking in conformance with the provisions set forth in WMC Chapter 10.1U,
- C. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.
- D. Fence construction must follow the requirements outlined in 10.1K.065 except where a specific alternate standard is set forth in this chapter.

Section 10.1L.040. Conditional Uses. The following uses may be permitted in the Central Commercial (C-1) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Convalescent homes, sanitariums, or retirement homes;
- B. Day care, nursery school, or preschool facilities and services;
- C. Elementary and secondary schools, public or private;
- E. Funeral homes, mortuaries, and crematories.
- F. Pawn shops;
- G. Service stations;
- H. Theaters, dance halls, skating rinks, bowling alleys, arcades, and other commercial amusement places; and
- I. Veterinary offices, including hospitalization and boarding services.
- j. Other uses which the Planning Commission, determines to be similar in nature, function, and operation not captured in primary or alternative uses.

10.1L.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all uses in the Central Commercial (C-1) Zone:

- A. The required minimum lot area for new platted lots shall be 3,000 square feet.
- B. Each new platted lot or parcel shall have a minimum width at the building line of 30 feet.

10.1L.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Central Commercial (C-1) Zone:

- A. Street Frontage Yard. There shall be a 10 foot minimum setback from any street, fronting or flanking, except at intersecting streets where the “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply for purposes of sidewalk construction and connectivity with the current City sidewalk system.
  - 1. Fences with a maximum height of 72 inches may only be located on the front property line when the property is adjacent to a vacant area where the intended purposes are for outdoor seating.
- B. Rear Yard. There shall be a 10 foot rear yard setback from the rear property line, except where the rear property line abuts property in the Residential (R-1) Zone with no intervening street or alley, in which case commercial buildings and structures shall observe a minimum rear yard setback of 15 feet.
  - 1. Fences with a maximum height of 72 inches may be located on the rear and side property line.

D. Exceptions. The provisions contained in Section 10.1K.060.D of WMC Chapter 10.1K shall apply.

10.1L.070. Height Limits. No building or structure in the Central Commercial (C-1) Zone shall exceed a height of two stories. Additional height may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

10.1L.080. Off-Street Parking and Loading. Parking and loading for uses in the Central Commercial (C-1) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use. Lot specific to accommodate ingress and egress for safety concerns.

10.1L.090. Flood Plain Construction. All commercial construction within a designated flood zone as indicated on the City's Flood Map shall be constructed in accordance with Article 10.7A Flood Hazard Areas related to nonresidential construction (10.7A.210) and Shoreline planning requirements.

10.1L.090. Performance Standards. All uses in the General Commercial (C-1) Zone shall be developed and used in a manner that complies with the following performance standards:

A. All uses shall fully comply with all applicable federal, State, and County standards governing noise, vibrations, odors, air quality, smoke, hazardous materials, sanitary waste, and solid waste.

B. All uses shall be operated in such a manner that there is no discharge whatsoever into a public or private sewerage disposal system or into the ground of any materials that may contaminate any domestic water supply source or surface waters, or that may otherwise cause the emission of dangerous or offensive elements.

C. All flammable materials shall be stored in accordance with the latest edition of the International Fire Code in a manner satisfactory to the Fire Chief.

D. All lighting shall be arranged so as to not produce glare on public roadways and/or upon any neighboring residential properties.

E. All roadways, parking spaces, and storage areas shall be treated and maintained to effectively eliminate dust as a result of wind or usage. Open spaces shall be landscaped or otherwise maintained to effectively eliminate dust and to enhance the aesthetic appearance of the use of the property.

F. All uses shall collect and suitably dispose of stormwater runoff. Any building permit application shall be accompanied by a drainage plan, and the approved stormwater runoff collection and disposal system shall be installed and functional prior to approval of completed construction on the property.

G. All open storage shall be enclosed by a fence which obscures the view of the open storage area from adjoining properties and streets. Inoperable or not currently licensed

vehicles, remnants thereof, or parts, shall be stored within a completely enclosed building. Operable new or used automobiles, recreational vehicles, other vehicles, or machinery, normally displayed for sales purposes on an open lot, may be so displayed.

#### Chapter 10.1M. - General Commercial (C-2) Zone

##### Sections:

10.1M.010	Description
10.1M.020	Permitted Primary Uses
10.1M.030	Permitted Accessory Uses
10.1M.040	Conditional Uses
10.1M.050	Site (Lot) Area and Frontage
10.1M.060	Yards and Site Coverage
10.1M.070	Height Limits
10.1M.080	Off-Street Parking and Loading
10.1M.090	Performance Standards
10.1M.090	Flood Plain Construction
10.1M.100	Commercial Street Lighting

10.1M.010. Description. The General Commercial (C-2) Zone is intended as a zone which recognizes the commercial development patterns of the City, outside the central business district, and in accordance with the Comprehensive Plan. Includes the area along Hwy 12 from the intersection of Hwy 12 and 124 and requires that any commercial activity must comply with any and all state and local codes

10.1M.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the General Commercial (C-2) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

##### A. Commercial Uses:

1. Automotive and agricultural repair, fueling related services,
2. Bakeries;
3. Banks and other financial services;
4. Business and professional offices, including medical and dental offices;
5. Car washes;
6. Carpet, furniture, and upholstery cleaning and repair establishments;
7. Clothing and clothing accessory retail sales;
8. Convalescent homes; sanitariums, or retirement homes;
9. Day care, nursery school, or preschool facilities and services;
10. Delicatessens and meat markets;
11. Drug stores and pharmacies;
12. Dry cleaning and laundry establishments;
13. Florist and plant shops;
14. Food stores markets, restaurants and related services;
15. Furniture and other home accessory sales such as carpets, drapes, and paint;
16. General merchandise and other retail sales;

17. Hardware stores;
18. Hotels, motels, bed and breakfast inns, and lodging houses;
19. Household appliance repair shops;
20. Lock and key services;
21. Lumber yards, building material sales, and fuel yards, provided they are completely housed, and provided further that no such yard shall be maintained closer than 100 feet to the side lines of any property in the Residential (R-1) Zone;
22. Medical and dental laboratories;
24. Pawn shops;
25. Personal services, including barber and beauty shops;
26. Pet shops, including grooming services;
27. Photographic services, including portrait studios and photo developing stores;
28. Printing and publishing services;
29. Radio, television, and other electronics sales and services;
32. Shoe repair and clothing alterations shops;
33. Veterinary offices, including hospitalization and boarding services; and
34. Other uses which the Planning Commission determines to be similar in nature, function, and operation to permitted primary uses in the C-2 Zone not found here will be processed in accordance with Conditional uses below

**B. Noncommercial Uses:**

1. Churches, synagogues, temples, and houses of worship;
2. Fraternal or philanthropic lodges and institutions; and
3. Public and utility uses.

**10.1M.030. Permitted Accessory Uses.** The following accessory uses shall be permitted in the General Commercial (C-2) Zone:

- A. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.
- B. Parking in conformance with the provisions set forth in WMC Chapter 10.1U.
- C. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.
- D. Fence construction must follow the requirements outlined in 10.1K.065 except where a specific alternate standard is set forth in this chapter.

**10.1M.040. Conditional Uses.** The following uses may be permitted in the General Commercial (C-2) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Elementary and secondary schools, public or private;
- C. Funeral homes, mortuaries, and crematories;
- D. Hospitals;
- E. Kennels;
- F. Nurseries, garden supplies, and greenhouses;
- G. Recreational vehicle parks and tourist cabins;
- H. Off-premises advertising signs;

- I. Single family, two-family, or multi-family dwellings provided that the yard areas, height, and other standards of WMC Chapter 10.1K are met;
- J. Theaters, dance halls, skating rinks, bowling alleys, arcades, and other commercial amusement places.

10.1M.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all uses in the General Commercial (C-2) Zone:

- A. The minimum site or parcel area for all sites shall be determined by the Planning Commission on a case-by-case basis, depending upon the nature of the proposed use.
- B. Each site or parcel shall have a minimum width at the street facing property line as determined by the Planning Commission to be appropriate for the proposed use.

10.1M.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the General Commercial (C-2) Zone:

A. Street Frontage Yard. There shall be a 10 foot minimum setback from any street, fronting or flanking, except at intersecting streets where the “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply for purposes of sidewalk construction and connectivity with the current City sidewalk system.

- 1. Fences with a maximum height of 72 inches may only be located on the front property line when the property is adjacent to a vacant area where the intended purposes is for outdoor seating.

B. Rear Yard. There shall be a 10 foot rear yard setback from the rear property line, except where the rear property line abuts property in the Residential (R-1) Zone with no intervening street or alley, in which case commercial buildings and structures shall observe a minimum rear yard setback of 15 feet.

- 1. Fences with a maximum height of 72 inches may be located on the rear property line.

C. Side Yard. There shall be a 10 foot side yard setback from the side property line, except where the side property line abuts property in the Residential (R-1) Zone with no intervening street or alley, in which case commercial buildings and structures shall observe a minimum side yard setback of 15 feet.

- 1. Fences with a maximum height of 72 inches may be located on the side property line.

D. Exceptions. The provisions contained in Section 10.1K.060.D of WMC Chapter 10.1K shall apply.

10.1M.070. Height Limits. No building or structure in the Central Commercial (C-2) Zone shall exceed a height of two stories. Additional height may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

10.1M.080. Off-Street Parking and Loading. Parking and loading for uses in the General Commercial (C-2) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

10.1M.090. Performance Standards. All uses in the General Commercial (C-2) Zone shall be developed and used in a manner that complies with the following performance standards:

A. All uses shall fully comply with all applicable federal, State, and County standards governing noise, vibrations, odors, air quality, smoke, hazardous materials, sanitary waste, and solid waste.

B. All uses shall be operated in such a manner that there is no unpermitted discharge whatsoever into a public or private sewerage disposal system or into the ground of any materials that may contaminate any domestic water supply source or surface waters, or that may otherwise cause the emission of dangerous or offensive elements.

C. All flammable materials shall be stored in accordance with the latest edition of the International Fire Code in a manner satisfactory to the Fire Chief.

D. All lighting shall be arranged so as to minimize glare on public roadways and/or upon any neighboring residential properties.

E. All roadways, parking spaces, and storage areas shall be treated and maintained to effectively eliminate dust as a result of wind or usage. Open spaces shall be landscaped or otherwise maintained to effectively eliminate dust and to enhance the aesthetic appearance of the use of the property.

F. All uses shall collect and suitably dispose of stormwater runoff. Any building permit application shall be accompanied by a drainage plan, and the approved stormwater runoff collection and disposal system shall be installed and functional prior to approval of completed construction on the property.

G. All open storage shall be enclosed by a fence which obscures the view of the open storage area from adjoining properties and streets. Inoperable or not currently licensed vehicles, remnants thereof, or parts, shall be stored within a completely enclosed building. Operable new or used automobiles, recreational vehicles, other vehicles, or machinery, normally displayed for sales purposes on an open lot, may be so displayed.

10.1L.090. Flood Plain Construction. All commercial construction within a designated flood zone as indicated on the City's Flood Map shall be constructed in accordance with Article 10.7A Flood Hazard Areas related to nonresidential construction (10.7A.210) and Shoreline Management.

## Chapter 10.1N. - Flexible C-R (CR) Zone

### Sections:

10.1N.010	Description
10.1N.020	Permitted Primary Uses
10.1N.030	Permitted Accessory Uses
10.1N.040	Conditional Uses
10.1N.050	Site (Lot) Area and Frontage
10.1N.060	Yards and Site Coverage
10.1N.070	Height Limits
10.1N.080	Off-Street Parking and Loading
10.1N.090	Flood Plain Construction.
10.1N.100	Street Lighting

10.1N.010. Description. The Flexible C-R (CR) Zone is intended as a zone which recognizes the viability of a mixed-use atmosphere, wherein residential uses can be compatible with limited commercial activities of a low intensity nature in accordance with the Comprehensive Plan.

10.1N.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Flexible C-R (CR) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

- A. One single family residential dwelling per lot or parcel, or, two-family (duplex) residential dwellings permitted subject to the lot area standards in Section 10.1K.050 of WMC Chapter 10.1K; and be landscaped in a manner so as to be in harmony with surrounding residential properties so that the general character and integrity of the neighborhood are preserved.
  - 1. When the permitted residential dwelling is a designated manufactured, mobile, or modular home, it shall conform to the following: comply with all provisions of Chapter 10.1T of this Zoning Ordinance; be permanently connected to water, power, and sanitary sewer utilities;
- B. Bed and breakfast inns.
- C. Art galleries and libraries.
- D. Fruit and vegetable gardening and on-site sale of such produce.
- E. Nurseries, garden supplies, and greenhouses.
- F. Day care, nursery school, or preschool facilities and services.
- G. Florist and plant shops.
- H. Fraternal or philanthropic lodges and institutions.
- I. Public parks or playgrounds, and buildings accessory thereto.
- J. Other uses which the Planning Commission determines to be similar in nature, function, and operation to permitted primary uses in the CR Zone which are processed in accordance with the City's conditional use permit requirement

10.1N.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Flexible C-R (CR) Zone:

- A. Any accessory use allowed in Section 10.1K.030 of WMC Chapter 10.1K (the R-1 Zone).
- B. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.
- C. Parking in conformance with the provisions set for in WMC Chapter 10.1U.
- D. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.

10.1N.040. Conditional Uses. The following uses may be permitted in the Flexible C-R (CR) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Any conditional use listed in Section 10.1K.030 of WMC Chapter 10.1K (the R-1 Zone) which is not a permitted primary use in the Flexible C-R (CR) Zone.
- B. Exceptions to the height of buildings and structures as provided for in Section 10.1N.070 of this Chapter.

10.1N.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all uses in the Flexible C-R (CR) Zone:

- A. The minimum site or parcel area for all sites shall be determined by the Planning Commission on a case-by-case basis, depending upon the nature of the proposed use.
- B. Each site or parcel shall have a minimum width at the street facing property line as determined by the Planning Commission to be appropriate for the proposed use.

10.1N.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Flexible C-R (CR) Zone:

- A. All residential uses shall observe the yard area and site coverage standards of Section 10.1K.060 of WMC Chapter 10.1K (the R-1 Zone).
- B. When a nonresidential use is abutting a residential use, the nonresidential use shall observe the yard area and site coverage standards required in Section 10.1K.060 of WMC Chapter 10.1K (the R-1 Zone).
- C. When a nonresidential use is abutting another nonresidential use, the nonresidential use shall observe the yard area and site coverage standards required in Section 10.1M.060 of WMC Chapter 10.1N (the C-2 Zone).
- D. The “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply.
- E. Exceptions. The provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply.

10.1N.070. Height Limits. No building or structure in the Flexible C-R (CR) Zone shall exceed a height of two stories. Additional height may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

10.1N.080. Off-Street Parking and Loading. Parking and loading for uses in the Flexible C-R (CR) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

- A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning



Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

10.1L.090. Flood Plain Construction. All commercial/residential construction within a designated flood zone as indicated on the City's Flood Map shall be constructed in accordance with Article 10.7A Flood Hazard Areas related to residential/nonresidential construction (10.7A.210)

#### Chapter 10.1O. - Industrial (I-1) Zone

##### Sections:

10.1O.010	Description
10.1O.020	Permitted Primary Uses
10.1O.025	Medical cannabis collective gardens – prohibited.
10.1O.026	State licensed facilities – definitions.
10.1O.027	Marijuana-related uses.
10.1O.030	Permitted Accessory Uses
10.1O.040	Conditional Uses
10.1O.050	Site (Lot) Area and Frontage
10.1O.060	Yards and Site Coverage
10.1O.070	Height Limits
10.1O.080	Off-Street Parking and Loading
10.1O.090	Performance Standards
10.1O.100	Flood Plain Construction
10.1O.110	Industrial Street Lighting

10.1O.010. Description. The Industrial (I-1) Zone is intended as a zone which recognizes the industrial development patterns of the City in accordance with the Comprehensive Plan. In order to promote the public health, safety, and general welfare of the community, and to ensure compatibility with surrounding areas, an appropriate variety of industrial uses shall be allowed.

10.1O.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Industrial (I-1) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

##### A. Industrial uses:

1. Agricultural uses of the land pertaining to crops;
2. Beverage and water production, bottling and distribution operations;
3. Car washes;
4. Carpet, furniture, and upholstery cleaning and repair establishments;
5. Contractors' offices, shops, and storage, including electrical, masonry, tile, plumbing, heating and ventilating, plastering, carpentry, roofing, glass, insulation, iron work, and similar services;
6. Electrical appliance and motor repair shops;
7. Electronic instrument manufacturing and assembly;
8. Food and dry good processing, packaging, and distribution operations;

9. Grain storage, warehousing and milling;
10. Household appliance repair shops;
11. Jewelry manufacturing;
12. Laboratories, experimental or testing;
13. Manufacture, sales, and service of windows, window screens, rain gutters, shades and awnings;
14. Optical device manufacturing and assembly;
15. Precision instruments manufacturing;
16. Recording and sensory instrument or device manufacturing and assembly;
17. Research, development, and testing, including scientific research or experimental development of materials, methods, and products;
18. Small tool sharpening and repair;
19. Vehicle and machinery repair and storage;
20. Warehousing and distribution;
21. Welding and metal fabricating shops;
22. Wineries, breweries, distilleries;
23. Wholesaling; and
24. Other uses which the Planning Commission determines to be similar in nature, function, and operation to permitted primary industrial uses in the I-1 Zone subject to a conditional use and in harmony with the surrounding properties

10.10.025 Medical cannabis collective gardens – prohibited.

“Collective gardens” as defined in RCW 69.51A.085 are prohibited in the following zoning districts:

- A. All Single-Family, Multiple-Family and mixed residential zones,
- B. All Commercial zones;
- C. All Industrial zones,
- D. All Major Institution and Planned Unit Developments zones,
- E. Any new zoning district established after December 16, 2013.

In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the City under applicable provisions of this Code or state law, including but not limited to the provisions of Title 7 of the WMC. Provided, however, that any cannabis collective garden in existence at the time of the effective date of this Ordinance, as documented by appropriate registration with the City Administrator, shall not be deemed to be in violation of this Ordinance, so long as the size of such cannabis collective garden is not enlarged or increased after the effective date of this Ordinance.

RCW 69.51A.085 regarding “Collective gardens” was repealed effective July 1, 2016. Instead, state law permits “cooperatives.” RCW 69.51A.250(3)(c) authorizes local governments to prohibit medical marijuana (MJ) cooperatives. This ordinance should be amended accordingly to refer to “cooperatives” instead of to “collective gardens.”

10.10.026. State-licensed facilities – definitions.

Unless the context clearly indicates otherwise, the definitions of “Marijuana”, “Marijuana processor”, “Marijuana producer”, “Marijuana-infused products”, “Marijuana retailer”, and “Useable marijuana” set forth in RCW 69.50.101 are adopted by reference and incorporated herein as though fully set out.

10.10.027. Marijuana-related uses.

A. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Waitsburg is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Waitsburg and then only pursuant to a license issued by the State of Washington Liquor Control Board. The purpose of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones of the City.

B. Marijuana producers may be located only in the Industrial (I) Zones of the City. Such facilities and uses may be located only at designated sites licensed by the State of Washington and fully conforming to State law.

C. Marijuana processors may locate only in the Industrial (I) Zones of the City, but only at designated sites licensed by the State of Washington and fully conforming to State law.

D. Marijuana retailers may locate only in the Industrial (I) Zones of the City, at designated sites licensed by the State of Washington and fully conforming to State law.

E. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the City under the applicable provisions of this Code or State law, including but not limited to the provisions of Title 7 of the WMC.

10.10.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Industrial (I-1) Zone:

A. Parking in conformance with the provisions set forth in WMC Chapter 10.1U.

B. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.

10.10.040. Conditional Uses. The following uses may be permitted in the Industrial (I-1) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

A. Agricultural uses of the land pertaining to livestock;

B. Kennels;

C. Manufacturing, processing, and fabrication uses not listed among permitted uses in the Industrial (I-1) Zone;

D. Exceptions to the yard area requirements as provided for in Section 10.10.060 of this Chapter;

E. Structures that exceed the height restrictions of this Chapter.

10.10.050. Site (Lot) Area and Frontage. There shall be no minimum lot area width or depth requirements in the Industrial (I-1) Zone.

10.10.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Industrial (I-1) Zone:

A. Street Frontage Yard. There shall be 10 foot minimum setback from any street, fronting or flanking, except at intersecting streets where the “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply, and except where the opposite side of the fronting or flanking street is in the Residential (R-1) Zone, in which case buildings and structures shall observe a minimum street frontage yard setback of 50 feet.

1. Relief from the fronting or flanking street yard setback adjoining an R-1 Zone may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

B. Rear and Side Yards. There shall be no rear yard setback ~~or~~, but a side yard setbacks of 10 feet from the rear or side property line is required, except where the rear or side property line abuts property in the Residential (R-1) Zone, in which case buildings and structures shall observe a minimum rear and/or side yard setback of 20 feet.

1. Relief from the rear and/or side yard setback adjoining an R-1 Zone may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

C. Site Coverage. The maximum site coverage of all buildings and structures shall be 80%.

10.10.070. Height Limits. There shall be a height limit of 35 feet in the Industrial (I-1) Zone.

10.10.080. Off-Street Parking and Loading. Parking and loading standards for uses in the Industrial (I-1) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

10.10.090. Performance Standards. All uses in the Industrial (I-1) Zone shall be developed and used in a manner that complies with the following performance standards:

A. All uses shall fully comply with all applicable federal, State, and County standards governing noise, vibrations, odors, air quality, smoke, hazardous materials, sanitary waste, and solid waste.

B. All uses shall be operated in such a manner that there is no discharge whatsoever into a public or private sewerage disposal system or into the ground of any materials that may contaminate any domestic water supply source or surface waters, or that may otherwise cause the emission of dangerous or offensive elements.

C. All flammable materials shall be stored in accordance with the latest edition of the International Fire Code in a manner satisfactory to the Fire Chief.

D. All lighting shall be arranged so as to not produce glare on public roadways and/or upon any neighboring residential properties. Welding, acetylene torch, or other similar processes shall be performed so as to not be seen from outside the property lines.

E. All roadways, parking spaces, and storage areas shall be treated and maintained to effectively eliminate dust as a result of wind or usage. Open spaces shall be landscaped or otherwise maintained to effectively eliminate dust and to enhance the aesthetic appearance of the use of the property.

F. All uses shall collect and suitably dispose of stormwater runoff. Any building permit application shall be accompanied by a drainage plan, and the approved stormwater runoff collection and disposal system shall be installed and functional prior to approval of completed construction on the property.

G. All open storage shall be enclosed by a fence which obscures the view of the open storage area from adjoining properties and streets. Inoperable or not currently licensed vehicles, remnants thereof, or parts, shall be stored within a completely enclosed building. Operable new or used automobiles, recreational vehicles, other vehicles, or machinery, normally displayed for sales purposes on an open lot, may be so displayed.

H. Operations need to be in harmony with surrounding properties

10.1L.100. Flood Plain Construction. All industrial construction within a designated flood zone as indicated on the City's Flood Map shall be constructed in accordance with Article 10.7A Flood Hazard Areas related to nonresidential construction (10.7A.210)

10.1K.110. Industrial Street Lighting.

1. All lighting features must be shielded to prevent stray upward light in order to limit the amount of light pollution.

2. Pedestrian-scale street lighting consistent with the character of the business area should be implemented

3. All new commercial developments are required to include street lighting into their design plan.

#### Chapter 10.1P. - Cemetery (CEM) Zone

##### Sections:

10.1P.010	Description
10.1P.020	General Provisions
10.1P.030	Permitted Primary Uses
10.1P.040	Permitted Accessory Uses
10.1P.050	Landscaping and Screening

10.1P.010. Description. The Cemetery (CEM) Zone is intended as a zone to address the unique requirements of cemetery uses in a manner conducive to the public health, safety, and general welfare, and in accordance with the Comprehensive Plan of the City.

10.1P.020. General Provisions. No person shall bury or inter, or cause to be buried or interred in the City, the body or remains of any human being except in the Cemetery (CEM) Zone.

10.1P.030. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Cemetery (CEM) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted usage:

A. Cemeteries, including grounds, buildings, and structures intended for the interment of human remains, churches, chapels, crematories, mortuaries, mausoleums, columbarium's, and sarcophagi.

10.1P.040. Permitted Accessory Uses. The following accessory uses, buildings, and structures shall be permitted in the Cemetery (CEM) Zone:

C. Cemetery maintenance facilities.

G. Garden crypts.

H. Gates, fountains, statuary, and decorative features.

I. Markers, headstones, or monuments.

J. Parking in accordance with WMC Chapter 10.1U.

10.1P.050. Landscaping and Screening or fencing. The perimeter of any cemetery shall be screened from view by adjacent uses by appropriate evergreen landscaping and shrubbery providing a minimum five-foot high sight-obscuring boundary, or by a wall or fence providing a comparable sight-obscuring boundary five feet in height. The principal access ways to a cemetery shall be clearly defined by landscaping or gating techniques. Any space between a public street and a perimeter landscape screen, wall, or fence, shall be landscaping and permanently maintained and such area shall not be used for interment.

#### Chapter 10.1Q. - Historic Preservation (HP) Overlay Zone

##### Sections:

10.1Q.010	Intent
10.1Q.020	Definitions
10.1Q.030	Responsible Agency
10.1Q.040	Identification of Historic Preservation Overlay Zone
10.1Q.050	Permitted Uses and Zoning Standards
10.1Q.060	Application and Permit Requirements
10.1Q.070	Signs
10.1Q.080	Lighting
10.1Q.090	Demolition or Moving of Building
10.1Q.100	Agency Action
10.1Q.110	Appeals
10.1Q.120	Application Review Criterion
10.1Q.130	Inspection
10.1Q.140	Manufactured Homes Prohibited
10.1Q.150	Exceptions to Chapter
10.1Q.160	Completion
10.1Q.170	Purpose
10.1Q.171	Prohibited Historic preservation
10.1Q.172	Burden of Proof

10.1Q.173	Application
10.1Q.174	Application Form
10.1Q.175	Filing Fees
10.1Q.176	Public Hearings and Notice
10.1Q.177	Review Criteria
10.1Q.178	Conditions
10.1Q.179	Notice of Decision
10.1Q.180	Appeals
10.1Q.181	Duration of Historic preservation
10.1Q.182	Revocation

10.1Q.010. Intent. There exist within the City of Waitsburg many original homes, buildings, and places of business which reflect the City's origin and which represent the historical and architectural character of the area during which the City was founded. Therefore, to promote the public welfare by creating an awareness of the City's historical heritage and origin, and to protect such homes, buildings, and places of business, the Historic Preservation (HP) Overlay Zone is established.

10.1Q.020. Definitions. The following definitions apply to this Chapter:

- A. The term "Historic Preservation Overlay Zone" means the areas and specific lots or structures impacted by this chapter, as defined by 10.1Q.040.
- B. The term "Historic Character" shall be construed broadly to mean the general design and theme of the historic property that was in place prior to the proposed modification or alteration.
- C. "Alteration," as used in this Chapter shall be construed broadly to mean a substantial change made to any real property within the HP Overlay zone, whether such occurs on a building or a lot site, including any demolition, moving, construction, addition, or other work done to a building which changes the original historic blueprint or footprint of the building.
- D. "Modification" as used herein shall be construed broadly to mean any construction, addition, demolition, or other work done to any real property in the HP Overlay Zone, whether such occurs on a building or a lot site, that does not change the original historic blueprint or footprint of the building, but which does substantially alter the exterior appearance or character of the historic building or lot site. Any exterior painting shall constitute a modification under this Chapter.
- E. As used herein, the term "Substantially" shall be construed broadly to mean any modification or alteration to a building or lot site which is more than minimal.
- F. As used herein, the term "Transitory Signs" shall mean those signs which are temporary in nature and structure, which are used for a defined period of time, and which are non-obtrusive. Such "transitory signs" include, but are not limited to the following: sandwich board signs set up and removed in the HP Overlay Zone on a daily basis; private 'Yard Sale' signs; signs posted for emergent reasons; and "For Sale" and "For Rent" signs posted for the purpose of conveying real property.
- G. Historic Preservation Permit shall be that permit which is obtained for all modification or alteration to any real property located within the Historic Preservation Overlay Zone

awarded under this chapter. The Historic Preservation Permit shall be distinguished from a building permit.

- H. Building Permit: a permit issued under a separate code chapter that assures compliance with building codes, the Building Permit is a separate and additional requirement for certain modifications to structures within all of the City of Waitsburg, and must not be confused with a Historic Preservation Permit.

10.1Q.030. Responsible Agency. The planning commission is designated as the official body for the purpose of the administration and review functions created by this Chapter.

10.1Q.040. Identification of HP Overlay Zone. For the purposes of this ordinance, the HP Overlay Zone shall include the following areas within the City of Waitsburg:

- a. All real property located along Main Street between First and Third Streets.
- b. Any real property, building, structure, natural feature, or lot within the City of Waitsburg included in the National Register of Historic Places.
- c. Any real property otherwise designated as part of the HP Overlay Zone following a change of zoning process pursuant to WMC 10.1G WMC.

The HP Overlay Zone shall include all designated real property, including both the lot itself as well as any temporary or permanent improvement located on that real property or lot, whether such be in the form of landscaping, a building or structure of any kind, a natural feature, fencing, signage, and lighting.

As information is gathered regarding historic structures that are not on the National Register, the City may from time to time elect to include certain buildings as part of this HP Overlay Zone. Any changes to the boundaries of the HP Overlay Zone shall follow the procedures set forth in Chapter 10.1G WMC for a change of zone, and may be initiated by an application from the Historic Preservation Commission, a citizen, a property owner, or other interested party.

A list of properties which are part of the HP Overlay Zone shall be maintained at City Hall.

10.1Q.050. Permitted Uses and Zoning Standards. Properties encompassed within the boundaries of the HP Overlay Zone as defined by WMC 10.1Q.040 shall be subject to the provisions of this Chapter. These properties remain subject to all other controls of the underlying zoning classification in which they are located.

10.1Q.060. Application and Permit Requirements. An Historic Preservation Permit is required as follows:

- a. In order to modify or alter any real property (whether the modification or alteration involves a building, a structure, a natural feature, or work to a lot) identified as part of the HP Overlay Zone, as such terms are defined at WMC 10.1Q.020, whether or not a building permit or other permit is also required under a separate chapter, and whether or not such modification is temporary or permanent. Historic Preservation permits are not required for any work which is not visible from Main Street and Preston Avenue. All other permit requirements are still in effect.



- b. For new construction and demolition occurring within the HP Overlay Zone whether or not a building or other permit is also required.
- c. For all exterior painting within the HP Overlay Zone, except for touch up painting with identical colors.
- d. For the installation of a fence or of a lighting or irrigation system.
- e. For all similar modification and alterations to real property or to personal property located within the HP Overlay Zone, as such terms are defined in WMC 10.1Q.020.
- f. Certain low impact work is exempted from these requirements, as outlined in ordinance 2009-952. A smaller fee and a streamlined process are provided by this ordinance.

Even if a Historic Preservation Permit is not required, those engaging in projects within the historic areas of Waitsburg are urged to take the historic character of the community into consideration in the planning of their projects.

An application for this Historic Preservation Permit shall be obtained from the City Clerk. Such applications shall be processed in accordance with the administrative application procedures set forth in WMC Title 10A and this ordinance.

The applicant must submit a thirty dollar (\$30.00) filing fee when delivering the completed application to the City. Such fee must be paid prior to any consideration of the application by the Historic Preservation Commission. Applications by other than the building owner must include evidence of official agency (power of attorney) or be co-signed by the owner(s).

Applications for a Historic Preservation Permit include the following components, as necessary to clearly outline the proposed work and facilitate a decision by the commission:

- A. A section requiring the applicant to explain the historic nature of the alterations or modifications proposed.
- B. A section requiring the applicant to certify that she or he has complied with the requirements of this Chapter.
- C. A list of all other permits (building, electrical, business, etc.) which the project will require for completion.
- D. Color photographs showing external views of all existing structures on the site and on properties immediately adjacent thereto, including across a street or alley.
- E. The legal description of the property.
- F. A site plan, drawn to scale, showing:
  - 1. Existing and proposed structures and their relationship to adjacent buildings;
  - 2. Existing and proposed natural features, with preference given for preferred plants identified by the Historic Preservation Commission, except, however, the applicant is not required to use such plants;
  - 3. Existing and proposed landscaping and plantings;
  - 4. Existing and proposed parking and loading areas;
  - 5. Existing and proposed sidewalks and other pedestrian walks or paths;
  - 6. Existing and proposed street furniture;
  - 7. Existing and proposed outdoor lighting; and
  - 8. Existing and proposed walls, fences, retaining walls, and terraces.
- G. Architectural and related drawings, drawn to scale, showing:

1. Height and scale of existing and proposed buildings in relation to adjacent buildings;
  2. All four elevations of any structure depicting walls and materials, roof and roof related design, including chimneys and gutters, and treatment of windows and doors, including moldings and trim;
  3. Color scheme of buildings, trim, signs, and other features;
    - a. Colors shall be limited to colors appropriate to the Historic District, examples of which shall be available at city hall. However, applicants shall not be limited to a specific color so long as such is historic. It is recognized that appropriate colors are subjective, and will be reviewed in the collective judgment of the commission.
  4. Street furniture, signs, and any other architectural features in public view.
    - a. Where an applicant requests an Historic Preservation Permit to post a non-transitory sign in the HP Overlay Zone, the applicant should address the following factors:
      1. Signs should be part of the architectural concept of the real property and in line with the nature of the HP Overlay Zone.
      2. Size, material, color, lettering, location, number, and arrangement, should be harmonious with the building design.
      3. The number and size of signs should be minimized to avoid visual clutter.
      4. Color should be used with restraint and be consistent with the historic character of the zone.
      5. Examples of historically appropriate signs shall be available at city hall. However, applicants shall not be limited to specific types of signage so long as such is appropriate.
    - b. Where an applicant requests an Historic Preservation Permit to install, modify, or alter an exterior lighting system within the HP Overlay Zone, the applicant should address the following factors:
      1. Lighting should be harmonious with the design
      2. If external spot or flood lighting is used, it should be arranged so that the light source is shielded from view and not obtrusive to the historical nature of the HP Overlay Zone.
- H. An estimate of the amount of time required to complete the project.

Nothing in this Chapter shall be construed to reduce or alter any substantive or procedural requirements imposed by any other governmental entity with regard to standards imposed or permits required for any construction, plumbing work, electrical work, or structural integrity. Building permits and permits related to construction are separate from the Historic Preservation Permit, as defined in WMC 10.1Q.020.

10.1Q.070. The Historic Preservation Commission shall take the following into consideration in addition to the other factors listed herein:

1. Signs should be part of the architectural concept of the real property and in line with the nature of the HP Overlay Zone.

2. Size, material, color, lettering, location, number, and arrangement, should be harmonious with the design of the real property.

3. The number and size of signs should be minimized to avoid visual clutter.

4. Color should be used with restraint and be consistent with the historic character of the zone.

5. Examples of historically appropriate signs shall be available at city hall. However, applicants shall not be limited to specific types of signage so long as such is appropriate.

A. Where an applicant requests an Historic Preservation Permit to install, modify, or alter an exterior lighting system within the HP Overlay Zone, the commission shall take the following into consideration in addition to the other factors listed herein:

1. Lighting should be harmonious with the design

2. If external spot or flood lighting is used, it should be arranged so that the light source is shielded from view and not obtrusive to the historical nature of the HP Overlay Zone.

10.1Q.075. Filing Fees. A reduced filing fee of five dollars (\$5) shall be paid upon the filing of each application for a minor historic preservation permit.

10.1Q.080. Lighting. Lighting installed in the HP Overlay Zone shall conform to the provisions of this Chapter. An applicant must obtain a Historic Preservation Permit before installing, altering, or modifying, any exterior lighting system utilized within the HP Overlay Zone. Lighting should be harmonious with the design. If external spot or flood lighting is used, it should be arranged so that the light source is shielded from view.

10.1Q.090. Demolition or Moving of any Historic Natural Feature, Structure, or Building. The demolition or moving of any historic natural feature, any building, and any structure in the HP Overlay Zone are subject to the permit requirement set forth in this Chapter. No structurally sound building, architectural feature, or significant natural feature which is identified as part of the HP Overlay Zone shall be demolished or moved from or to the HP Overlay Zone unless a Historic Preservation Permit issues. The Historic Preservation Permit will issue only if the Historic Preservation Commission finds that such building or architectural feature does not have aesthetic or historic significance. If an applicant is granted an Historic Preservation Permit for demolition, the real property shall be maintained in a clean and inoffensive manner in accordance with this Chapter other code provisions. No building shall be moved within the boundaries of the HP Overlay Zone without compliance with the requirements of this Chapter.

Applicants shall additionally be subject to other permit requirements under City, County, and State Code, and the mere issuance of a Historic Preservation Permit shall not waive other permitting requirements.

10.1Q.100. Agency Action. The Historic Preservation Commission shall consider the application materials submitted under this Chapter. Initial consideration of the application materials shall occur within two weeks of the filing of a completed application. Upon its initial review, the Historic Preservation Commission may request additional information from the applicant and

postpone action on the matter until a later meeting date after the additional information has been furnished. In addition, the Historic Preservation Commission has the authority to request additional information from city and county representatives, from the city attorney, from the city council, or from the planning commission, where appropriate. The Historic Preservation Commission further reserves the right to continue consideration to the next available meeting date in order to perform an inspection of the property and the vicinity in which it is located.

The Commission shall approve, approve with conditions, or deny the application, in writing, stating the factual findings and conclusions supporting its determination. The Historic Preservation Commission shall issue its determination within a reasonable time from its initial review of the application materials.

The Commission shall furnish such determination to the applicant and City Clerk. Upon the approval or approval with conditions of the application, the City Clerk shall issue an Historic Preservation Permit to the applicant that is valid for the time period authorized by the Historic Preservation Commission.

The applicant is responsible for obtaining all other pertinent permits.

10.1Q.110. Appeals. The applicant may appeal the Historic Preservation Commission's determination to the City Council within the time frame and in the manner set forth in WMC Title 10A. In turn, the decision of the City Council on any such appeal may be further appealed to the Superior Court in accordance with WMC Title 10A and Chapter 36.70C RCW.

10.1Q.120. Application Review Criterion. In reviewing applications for regulated improvements, the Historic Preservation Commission shall be guided by the following criterion:

A. Relationship to Site.

1. The site should be planned to accomplish a desirable transition with the streetscape and facilitate pedestrian movement.
2. The height and scale of each building should be compatible with its site and adjoining buildings.
3. Harmony in texture, lines, and masses to site and adjoining areas should be encouraged.
4. Adequate planting should be provided, including portable planters and hanging baskets, where appropriate.
5. Where building sites limit planting, the placement of trees or shrubs in parkway or paved areas is encouraged.
6. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be shielded and restrained. Excessive brilliance and colored lighting should be avoided in exterior lighting.
7. Service areas should be screened from public view.

B. Building Design.

1. Architectural style consistent with existing historic buildings should be encouraged. Evaluation of a project should be based on the quality of its design and relationship to existing historic buildings.
2. Exterior building components, such as windows, doors, and eaves, should have good proportion and relationship with each other, with the style of the building, and with other historic buildings.
3. Exterior walls and materials used for new or remodeled structures should relate harmoniously to the historic character of the area, and with the architectural style of the building. New buildings should incorporate historic facades and other historic design elements consistent with the character of the original building and the surrounding HP Overlay Zone.
4. Roof shapes, materials, and pitch should harmonize with the historic character of the original building and of the historical area. If a new structure is adjacent to an historic structure, it should appear compatible to the extent practicable.
5. Chimney detail should be incorporated into and be compatible with the roof design.
6. Select paint and material colors which are historically appropriate, coordinate the entire facade, and do not conflict with adjacent buildings or the character of the HP Overlay Zone.
7. Design attention should be given to mechanical equipment or other utility hardware on roofs, grounds, or buildings to screen them from view.
8. Monotony of design in single or multiple building projects should be avoided. Variety of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable design or staggered siting of the individual buildings may be used to prevent monotonous appearance.

D. Street furniture and miscellaneous structures located on private property, public rights-of-way, and other public property should be designed to be a part of the architectural concept of the design and landscape. Materials should be compatible with buildings. Scale should be appropriate. Color should be in harmony with buildings and surroundings.

E. Any proposed signage should be evaluated under Chapter 10.1V WMC and

10.1Q.130. Inspection. Upon completion of work within the HP overlay zone, the Chairman of the Planning Commission or his/her designee shall perform an inspection of the completed work against the requirements of the Historic Preservation Permit. This inspection is to determine if those portions of the work not subject to building permits have been performed in accordance of the Historic Preservation Permit. If this inspection finds that the requirements of the Historic Preservation Permit have been followed, then the inspector shall sign off on the permit and provide a copy to the owner and to City Hall. If this inspection finds that the requirements of the Historic Preservation Permit have not been followed, the Owner shall be notified and given an opportunity to correct the work. If the Owner fails to correct the work, remedies open to the City may include correcting the work at the Owner's expense.

10.1Q.140. Manufactured Homes Prohibited. Designated manufactured homes, manufactured homes, mobile homes, modular homes, and manufactured home parks shall not be permitted in the HP Overlay Zone.

10.1Q.150. Exceptions to Chapter. The following work that is completed on real property within the HP Overlay Zone will not be subject to the application process or standards set forth herein, and shall be considered exceptions to the permit requirement set forth in this Chapter:

- A. The modification, alteration, maintenance, or other work on the interior of a building that does not change the footprint or exterior appearance of the building and which cannot reasonably be seen outside the building.
- B. The general and minor up-keep or maintenance of the real property, such as washing windows, weeding, minor removal of dead or diseased plant material, and minor trimming of bushes and trees.
- C. Transitory signs located in the HP Overlay Zone, as the term is defined by WMC 10.1Q.020.

10.1Q.160. Completion. The Historic Preservation Commission has authority to extend the Historic Preservation Permit upon request by the applicant so long as good cause is shown. However, if the project is not completed under the terms of the application and permit, the City retains the authority to complete the project at the cost of the owner.

10.1Q.170. Purpose. The purpose of this chapter is to provide a procedure for approval of historic preservation permits for limited, and or minor uses. Such uses include and are limited to general re-roofing permits and minor exterior paint touch ups where the same exact color is used to maintain areas prone to flaking or deterioration.

10.1Q.171. A historic preservation permit issued upon concurrence of the City Clerk and the Chairman of the Historic Preservation Commission acting pursuant to this chapter. The City Clerk and the Chairman of the Historic Preservation Commission acting together shall hear and decide all applications for historic preservation permits. In granting any historic preservation permit, they may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to ensure that the development so authorized is in accordance with approved plans and consistent with the objectives of the Zoning Ordinance. In the event that either the City Clerk or the Chairman does not concur in granting a permit under this chapter, the applicant may proceed pursuant to WMC 10.1Q.

10.1Q.172. Burden of Proof. The burden of proof to establish that findings-of-fact can be made as required by this Chapter is on the applicant.

10.1Q.173 Application. Application for a historic preservation permit may be initiated by the record owner or owners of the subject property or authorized agent thereof. Those submitting applications under this chapter are specifically authorized to mark as "not applicable" those portions of the application that the applicant reasonably deems irrelevant for the limited or minor use of the historic preservation permit obtained under WMC 10.1Q.170 through WMC 10.1Q.182.

10.1Q.174. Application Form. Applications for historic preservation permits shall be made upon forms available from the City and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions,

descriptions, and data to support that the required findings of fact exist. The application shall contain a statement containing any facts in support of the permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the City Clerk.

10.1Q.175. Filing Fees. Filing fees, in an amount specified by Chapter 10.1Q shall be paid upon the filing of each application for a minor historic preservation permit.

10.1Q.176. Procedure. Action on the application shall be conducted as an administrative approval subject to notice pursuant to title 10A of the Waitsburg Municipal Code. Notice shall be given as provided in WMC 10A.09.020.

10.1Q.177. Review Criteria. A historic preservation permit shall be granted only if the City Clerk and Historic Preservation Commission Chairman concur in making written findings of fact that:

- A. The proposed use meets the criteria of a historic preservation permit as defined in section 10.1Q.020 Definitions.
- B. The proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment;
- C. The proposed use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property;
- D. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation currently exist for the proposed use;
- E. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved, and are not applicable to other lands, structures, or buildings in the same zone;
- F. The literal interpretation of the provisions of the development code would deprive the applicant of rights commonly enjoyed by other premises in the same zone;
- G. Granting the permit or historic preservation will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same zone;
- H. The use permit or historic preservation, either as proposed or as conditioned, is the minimum change that will make possible the reasonable use of the land, building, or structure;
- I. Granting the historic preservation permit will be in harmony with the general intent and purpose of the historic preservation regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and will not adversely impact the implementation of the city's comprehensive plan;
- J. The need for permit or historic preservation has not been self-induced by the applicant; and
- K. The proposed use will be consistent with the elements and policies of the Comprehensive Plan.

10.1Q.178. Conditions. The City Clerk and Chairman of the Historic Preservation Commission shall have the authority to establish conditions to ensure that approval of the historic preservation permit is consistent with the review criteria.

10.1Q.179. Notice of Decision. The decision shall be in writing and shall include the findings-of-fact required by this Chapter together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties in interest in accordance with WMC Title 10A.

10.1Q.180. Appeals.

A. Appeal to City Council. The City Council shall conduct a closed record appeal of the decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued. The Council appeal proceedings, notice thereof, and the Council's written determination shall conform to the requirements of WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued by the City Council following an appeal, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

10.1Q.181. Duration. Every right or privilege authorized by the grant of a historic preservation permit shall terminate one year after the granting of such permit unless the work necessary to implement such historic preservation has been completed. The City Clerk and the Chairman of the Historic Preservation Commission may grant an extension for cause, not to exceed one year.

10.1Q.182. Revocation. The City Clerk and Chairman of the Historic Preservation Commission shall have continuing jurisdiction over any historic preservation permit. To consider the revocation of a historic preservation permit, they shall hold a public hearing after giving notice in accordance with Section 10A.07.030. They may revoke and terminate the historic preservation permit, in whole or in part, reaffirm the historic preservation permit, modify the conditions, or impose new conditions.

A historic preservation permit may be revoked or conditions modified or added on any one or more of the following grounds:

- A. The historic preservation permit was obtained by fraud or misrepresentation; or
- B. The historic preservation permit has been exercised contrary to the terms or conditions of approval; or
- C. The use is in violation of any statute, ordinance, law, or regulation; or
- D. The use permitted is being or has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.

#### Chapter 10.1R. - Open Space (OS) Zone

Sections:

- 10.1R.010 Description
- 10.1R.020 General Requirements
- 10.1R.030 Permitted Uses

10.1R.010. Description. The Open Space (OS) Zone is intended as a zone for protecting lands in flood hazard areas that have experienced reoccurring significant flooding and property damage



in years past, from vulnerable structural improvements and uses in the future. Uses are intentionally restrictive in accordance with the Comprehensive Plan of the City, and in order to protect the public health, safety, and general welfare of the community.

10.1R.020. General Requirements. All permitted uses in the Open Space (OS) Zone shall comply with the following requirements and shall also comply with WMC Chapter 10.7A. No new buildings or structures shall be erected except:

- A. A public facility that is open on all sides and functionally related to a designated open space or recreational use;
- B. A rest room; or
- C. A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices.
- D. Fences surrounding open spaces shall be open type to allow visual connection and should be less than 4.0 feet or less in height.
- E. Privately owned open spaces must include provisions for perpetual maintenance by individual homeowners.
- F. Open spaces must be protected from future development with easements and deed restrictions to ensure their long-term existence.
- G. Open spaces are highly and common areas are strongly encouraged in a residential neighborhood.
- H. Open spaces should be incorporated with the overall stormwater plan.
- I. Open spaces should be visible and accessible from roads, walkways and homes.
- J. Open spaces should abut roads wherever possible
- K. Open spaces are encouraged to have pedestrian access
- L. Open spaces should include sitting and viewing areas

10.1R.030. Permitted Uses. No building, structure, or land shall be used, and no building, structure, or use in the Open Space (OS) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

- A. Open space, conservation areas, natural reserves, and buffer areas.
- B. Parks, recreation areas, tennis courts, and/or playfields.
- C. Publicly owned recreational campgrounds with or without over-night accommodations.
- D. Other uses compatible with open space, recreational, or wetlands management practices as determined by the Planning Commission and/or City Council.

#### 10.2R. Agricultural Residential (AR-1)

Sections:

10.2R.010	Description
10.2R.020	Permitted Primary Uses
10.2R.030	Lot Dimensions
10.2R.040	Yard Requirements
10.2R.050	Lot Coverage and Building Height
10.2R.060	Off-Street Parking

10.2R.010. Description. The Agricultural Residential (AR-1) Zone is intended to maintain the rural aspects of the City and surrounding County Areas.

10.2R.020. Permitted Uses. The uses allowed under the Agricultural Residential Zone shall be limited to those uses that are “agricultural” in nature meaning the growing of organic based commodities for personal or resale uses. Example: Raising of alfalfa for baling and use as livestock feed.

A. Up to one dwelling per acre is allowed in this zone for the purposes of habitation related to the farming of the remaining ground.

B. Other uses which the Planning Commission determines to be similar in nature, function, and operation to permitted primary uses in the AR-1 Zone.

10.2R.030. Minimum Lot Dimensions. Due to the wide range of land uses, structure types, and lot sizes inherent in the generalized category of Agricultural Residential, lot dimensions are best determined through the site plan review process but are limited to one acre in total area. When a proposed use is permitted in another zone with specified lot dimensions, the requirements of that zone generally shall apply in the Agricultural Residential zone.

10.2R.040. Minimum Yard Requirements. When a proposed use is permitted in another zone with specified yard requirements, the requirements of that zone generally shall apply in the Agricultural Residential zone. In any case, yard requirements shall be sufficient to meet fire and other standards as determined by the site plan review process.

10.2R.050. Lot Coverage and Building Height. Buildings may not exceed fifty percent lot coverage.

Building height shall be required to be compatible with appropriate use of adjacent properties, as determined by the site plan review process. When a proposed building is permitted in another zone, the requirements of that zone generally shall apply in the Agricultural Residential zone.

10.2R.060. Off-Street Parking. Specific standards depend on the use. See Title 12, Chapter 3 Speed and Parking Restrictions

#### Chapter 10.1S. - Manufactured Home Park Standards

##### Sections:

10.1S.010	Intent
10.1S.020	Primary Uses
10.1S.030	Accessory Uses
10.1S.040	Property Development Standards
10.1S.050	Manufactured Home Placement
10.1S.060	General Regulations
10.1S.070	Park Management
10.1S.080	Nonconforming Existing Parks
10.1S.090	Flood Plain Construction

10.1S.010. Intent. Recognizing that manufactured home parks are only authorized in selected zoning classifications, and then only by Conditional Use Permit, it is the intent of this Chapter to establish minimum standards for manufactured home parks, and to better enable the Planning Commission and City Council to determine whether it would be appropriate to issue a Conditional Use Permit for any such application. Standards are designed to establish, stabilize, and protect the residential character of the park, the character of surrounding land uses, and to prohibit all incompatible activities. These standards are minimums and nothing in this Chapter precludes the Planning Commission and/or City Council from establishing more restrictive provisions and conditions in approving a Conditional Use Permit application.

10.1S.020. Primary Uses. The following primary uses may be permitted in a manufactured home park:

- A. One designated, manufactured home, mobile home, or modular home, or tiny home per lot space.

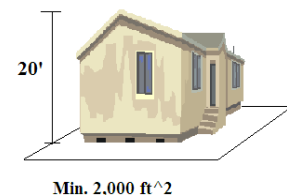
10.1S.030. Accessory Uses. The following accessory uses may be permitted in a manufactured home park:

- A. One attached carport or one detached garage, one attached cabana or covered patio, and one attached or detached storage room per designated manufactured home, manufactured home, mobile home, or modular home.
- B. Community recreation, laundry, and boat or travel trailer storage facilities serving residents of the park.
- C. Management offices and storage facilities accessory thereto.

10.1S.040. Property Development Standards. Property development standards for manufactured home parks shall be as follows:

- A. The minimum land area for a park shall be one acre or 43,560 square feet
- B. The external boundary of the park shall observe a minimum separation of 50 feet from off-site buildings.
- C. The maximum building height shall be 20 feet.
- D. The minimum net owned, rented, or leased occupancy space areas shall be:

- 1. Per designated, manufactured home, mobile home, or modular home: 2,000 Sq. feet
- 2



- F. The minimum setback from any public street property line shall be 15 feet for any building, designated , manufactured home, mobile home, modular home, travel trailer, recreational vehicle, camping trailer, or other trailer form.
- G. The minimum setback from any rear or side property line shall be 15 feet for any building, designated, manufactured home, mobile home, modular home,
- H. All perimeter property lines of a manufactured home park shall have a six-foot high solid, sight-obscuring fence or vegetation which creates the same affect.

I. The owned, rented, or leased sites within the park shall be designed in such a manner that there is at least a 15-foot separation between any building, designated manufactured home, manufactured home, mobile home, or modular home,

10.1S.050. Manufactured Home Placement. Placement of a designated manufactured home, manufactured home, mobile home, or modular home on an individually owned, leased, or rented space within a manufactured home park shall adhere to the following standards:

A. The minimum setback from any private access street shall be 10 feet.

B. The minimum distance between such dwelling units and related improvements shall be:

1. Between two opposing sides or between a side and an opposing end or between a designated manufactured/manufactured/mobile/modular unit and a detached accessory building: a minimum of 15 feet;

2. Between two opposing ends of any designated manufactured/manufactured/mobile/modular unit or a detached accessory building: a minimum of 10 feet.

C. The minimum side yard of any owned, rented, or leased site, on the side of a designated manufactured home, manufactured home, mobile home, or modular home having no doors, shall be three feet.

D. All previously occupied designated manufactured homes, manufactured homes, mobile homes, or modular homes shall be inspected by the Washington State Department of Labor and Industries and brought up to the most recent HUD specifications before being granted an occupancy permit. Prior to occupancy, even those having a HUD certificate must first be approved by the City Building Inspector to determine whether through misuse, neglect, alterations, or accident the designated manufactured home, manufactured home, mobile home, or modular home has fallen below safety and livability standards of the Uniform Building Code. All new designated manufactured homes, manufactured homes, mobile homes, or modular homes must meet HUD and Uniform Building Code requirements.

E. All fees must be paid.

F. All designated manufactured homes, manufactured homes, mobile homes, or modular homes must meet the tiedown and all weather/fire-resistant requirements of the Uniform Building Code, and WAC 296-150B-250 concerning anchoring systems.

10.1S.060. General Regulations.

A. Attached accessory buildings shall meet all yard requirements for the mobile home, manufactured home, designated manufactured home, or modular home itself.

B. Expandable sections of mobile homes, manufactured homes, , or modular homes shall be considered a part of the mobile home, manufactured home, designated manufactured home, or modular home proper and shall apply to existing setbacks

C. All utility distribution and service lines located within the boundaries of a mobile home park, including electric power, water supply, sewage disposal, natural gas, telephone and television cable, shall be installed underground in accordance with applicable City codes.

Fire hydrants, in accordance with the International Fire Code and to the satisfaction of the Fire Chief, shall be situated within the park and no occupancy space shall be further than 500 feet from a hydrant.

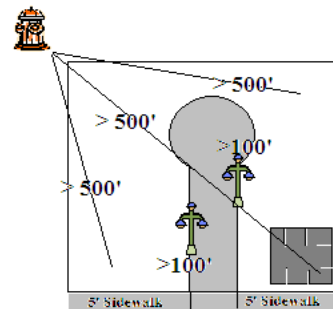
D. Interior private access streets within the park shall have a minimum pavement width of 20 feet measured between curb faces and shall be provided with cul-de-sac or hammerhead turning areas when interior private streets are not looped.

F. Every mobile home, manufactured home, , or modular home shall be permanently connected to electric power, water supply, sewage disposal, and telephone service lines in compliance with applicable City codes.

G. Mobile homes, manufactured homes, , or modular homes shall be considered single-family units and shall provide adequate on-site parking for at least two vehicles on the occupancy space. there shall also be provided adequate parking space for visitors, which visitor parking shall be located in a common area and not along surrounding streets

H. Manufactured home parks shall have an entrance on an arterial or collector public street, and there must be a paved access to pavement.

I. A manufactured home park shall contain walkways to and from all community services, and recreational facilities. Such walkways shall be hard-surfaced, lighted, and shall be at least five feet in width, except that sidewalk width may be reduced to three feet where 5-foot by 5-foot clear passing spaces exist at a minimum interval of 200 feet.



J. All refuse shall be stored in watertight, insect-proof, rodent-proof containers. When central refuse pickup points are used, screening shall be provided, and no individual space or lot shall be more than 150 feet from a central refuse pickup point.

L. Portable fire extinguishers of a type approved by the Fire Chief shall be kept in community, management, and service buildings, and in other locations deemed necessary by the Fire Chief, and shall be continuously maintained in good operating condition.

M. One freestanding sign per access/egress point may be authorized by the Planning Commission and/or City Council.

10.1S.070. Park Management. The person who operates a manufactured home park shall operate the park in compliance with the rules and regulations issued hereunder and set by the County Health Department and Uniform Building Code, and shall provide adequate local in town supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

- A. The operator shall notify park occupants of all applicable provisions of these rules and regulations and inform the occupants of their duties and responsibilities.
- B. The operator shall supervise the placement and removal of each mobile home, manufactured home, , or modular home on its lot and shall, in particular, supervise and ascertain that all Code requirements for the connection of the dwelling unit to sewer, water, and electrical connections have been met.
- C. The operator shall not allow the owner or person in charge of a dog, cat, or other pet animal to permit it to run at large or to commit any nuisance within the limits of any manufactured home park.
- D. Occupied and unoccupied mobile home, manufactured home, and modular home lots or sites shall be well maintained.
- E. All mobile home units shall have fire-resistant skirting around the lower part of the mobile home covering the wheels and undercarriage. Each skirting shall provide at least one opening door or removable panel for inspection purposes.
- F. Manufactured home parks shall provide adequate open space and recreation areas.

10.1S.080. Nonconforming Existing Parks. Existing manufactured home parks not meeting the minimum standards of this Chapter are hereafter deemed to be nonconforming.

A. Existing nonconforming parks may be maintained as presently established, provided that, at a minimum, the standards set forth in paragraphs D and E of Section 10.1S.050, paragraphs F, J, and L of Section 10.1S.060, and paragraphs A through E of Section 10.1S.070 of this Chapter are observed at all times.

B If an existing nonconforming park intends to add spaces or make any improvements or changes, the Condition Use Permit provisions of WMC Chapter 10.1I and the standards of this Chapter shall apply to all such space additions, improvements, or changes.

C. If an existing nonconforming park ceases operation for a period of three consecutive months, it shall not reopen until a Conditional Use permit is obtained pursuant to WMC Chapter 10.1I and all the standards of this Chapter are met.

10.1S.090. Flood Plain Construction. Manufactured home, mobile home, or modular home construction within a designated flood zone as indicated on the City's Flood Map shall be constructed in accordance with Article 10.7A Flood Hazard Areas (10.7A.220 & 225)

#### Chapter 10.1T. -, Manufactured and Modular Home Structure Requirements

Sections:

- 10.1T.010 Intent-Residential Usage
- 10.1T.020 Residential Requirements

- 10.1T.030 Intent – Nonresidential Usage
- 10.1T.040 Nonresidential Requirements

#### 10.1T.010. Residential Intent.

This Chapter specifies the requirements of the City for the use of manufactured structures for residential and nonresidential uses, including, but not limited to, business offices and portable classrooms.

- A. Homes, manufactured homes, , and modular homes are permitted in the Residential (R-1) and Flexible C-R (CR) Zones, subject to the requirements stated in Section 10.1T.020.

10.1T.020. Requirements. Manufactured or modular homes and structures may be used as a place of human habitation or nonresidential occupancy in the City upon compliance with the conditions set forth herein

- A. No manufactured or modular home or structure shall be used as a habitation unless and until all forms of mobility have been removed from such structure. After such removal, such house or structure shall have been installed upon a permanent foundation and permanently attached to power, water, and sanitary facilities, all in accordance with the Uniform Building Code.

- B. No such , manufactured or modular home or structure installation may be made, unless and until the owner thereof shall have first presented to the City written plans and plots, clearly showing all streets, alleys, easements, setbacks, and specifications, and shall have received a building permit.

- C. No such permit shall be issued unless the City shall find that such, manufactured or modular home or structure complies with all existing Zoning Ordinance requirements.

- D. All, manufactured, and modular homes or structures must meet the tiedown and all weather/fire-resistant requirements of the Uniform Building Code, and WAC 296-150B-250 concerning anchoring systems.

- F. All manufactured, or modular homes or structures shall meet the requirements of the applicable zone classification in which they are located relating to front yards, rear yards, side yards, site area, accessory buildings, height, and off-street parking requirements.

1. No travel/dependent trailers or other recreational vehicles shall be used as a place of residential occupancy, except when regularly installed and located in a manufactured home or trailer park zoned, used, and maintained as such a park.

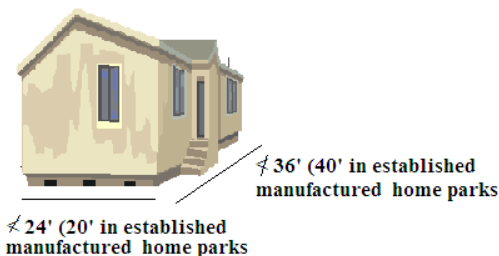
2. For all the purposes of this Chapter, the term “vehicle” shall mean all instrumentalities capable of movement by means of wheels, skids, or runners of any kind, specifically including, but not limited to, all forms of motor vehicles and trailers of any size, whether capable of supplying their own motive power or not.

G. All manufactured or modular homes or structures not located in an established manufactured home park, applying for placement permits in the City, shall have been constructed within the previous five years.

H. All manufactured or modular homes or structures, not located in an established manufactured home park, shall be set on permanent foundations, either concrete or of other permanent material.

I. Except where the base of the, manufactured, or modular home or structure is flush to the ground level, the manufactured or modular home or structure shall be provided with permanent foundation. Every manufactured or modular home or structure shall be provided with a door, or easily removed portion thereof, for access to the crawl space under the mobile, manufactured, designated manufactured, or modular home or structure.

J. No building permit shall be issued for any mobile or manufactured homes or structures, smaller than 20 feet in width and 40 feet in length and at least 800 square feet, except within established manufactured home parks. No building permit shall be issued for any designated manufactured or modular homes or structures of less than 24 feet in width and 36 feet in length, and at least 850 square feet.



10.1T.030. Nonresidential Usage Intent. Manufactured and modular homes or structures not meeting the requirements of Section 10.1T.020, will only be allowed to be sited in a manufactured home park and shall comply with the provisions of WMC Chapter 10.1S. Portable school classrooms shall also be subject to all the provisions of this Chapter.

A. Nonresidential structures, manufactured structures and modular structures are permitted in the General Commercial (C-2), Flexible C-R (CR), and Industrial (I-1), subject to the requirements stated in Section 10.1T.020.

10.1T.040. Nonresidential Requirements. Manufactured or modular homes and structures may not be used as a place of human habitation or nonresidential occupancy the zones listed in 10.1T.030.

A. Manufactured, modular home or structures shall be allowed for nonresidential occupancy only on a temporary basis while permanent housing is being constructed and shall not last longer than 6 months.



B. No such permit shall be issued unless the City shall find that such, manufactured or modular home or structure complies with all existing Zoning Ordinance requirements.

C. The exterior of all manufactured or modular homes or structures shall be finished with horizontal metal lap siding, simulated wood siding, wood siding, or other acceptable method of exterior treatment (i.e., stucco), applied in such a manner as to be similar in appearance to housing or nonresidential structures built on site.

#### Chapter 10.1U. - Off-Street Parking and Loading

##### Sections:

- 10.1U.010 Intent
- 10.1U.020 Application of Requirements
- 10.1U.030 Off-Street Parking Requirements
- 10.1U.040 Off-Street Loading Requirements
- 10.1U.050 Landscaping Requirements for Parking Areas

10.1U.010. Intent. The intent of off-street parking and loading requirements is to provide for the general welfare and convenience of persons within the City and to protect the public safety by lessening traffic congestion on public streets for current and new developments

10.1U.020. Application of Requirements. The provisions of this Chapter shall apply and govern in all zones.

A. No person shall cause, use or occupancy of any premises unless the off-street parking and loading facilities maintained thereon, or in connection therewith, conform to the requirements of this Chapter.

B. Any change to a building, or any change in use of a building or site, shall require compliance with the provisions contained herein.

C. All required parking shall be made permanently available and shall be maintained for parking purposes only.

D. No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved.

E. All off-street parking and loading spaces being maintained in connection with any existing building, structure, or use on the effective date of this Zoning Ordinance, and all parking and loading spaces subsequently required by this Zoning Ordinance for any building, structure, or use, shall be maintained as long as said building, structure, or use remains, unless an equivalent number of parking and loading spaces is provided conforming to the requirements of this Chapter.

Section 10.1U.030. Off-Street Parking Requirements. All off-street parking shall conform to the following requirements. No on-street parking shall be considered in fulfilling the requirements

for any use, except that development within the C-1 zone shall be exempt from the provisions of the chapter as they relate to the number of parking spaces required; provided that all the other requirements of this chapter shall apply to any parking provided by the applicant.

**A. Residential Uses.**

1. Single-family dwellings: minimum two spaces per dwelling unit as long as it doesn't exceed total allow space use as specified in 10.1k

a. An accessory dwelling unit established in a single-family residence: one additional space over and above the parking required above.

2. Duplex dwelling units: two spaces per dwelling unit.

3. Multi-family dwelling units: two spaces per dwelling unit plus one-half space per dwelling unit for guest parking.

4. All required off-street parking and loading spaces shall be accessible and shall be located on the same lot as the use or building requiring such spaces.

5. Off-street parking and loading spaces shall not be located within any required yard area.

6. Where attached or detached residential garages are provided, the design thereof shall conform to the driveway standards set forth below and included herein and made a part hereof.

**B. Driveway Standards.** Each parking space and loading space shall be accessible as to both entrance and exit as provided for herein.

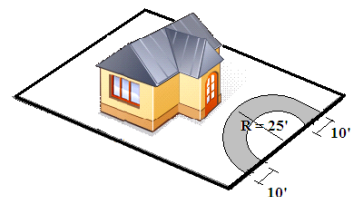
1. The curb openings or entryways to the lot and driveways or approaches to parking spaces shall not exceed 30 feet except where a circular driveway is provided.

2. Each driveway or approach to a parking space shall have a minimum clear width of ten feet provided, however, that a driveway in residential zones may be reduced to nine feet where no pedestrian passage is required. The width of the driveway or approach to a loading space shall be as set forth in Section 10.1U.080.

3. The vertical clearance above the surface of the driveway or approach to a parking space shall be not less than seven feet. The vertical clearance for the driveway or approach to a loading space shall be as set forth in Section 10.1U.080.

4. The outer radius of a curve in any driveway or approach shall be a minimum of 25 feet.

**C. Improvement of Driveway and Parking Areas.** All parking and loading areas and driveway access thereto shall be graded. In addition, all parking and loading areas and driveways shall be paved or hard-surfaced to a standard comparable to the public street which services the driveway and parking area, or as determined by the City Staff. In rendering its determination, City Staff shall take into consideration the nature of the proposed use (i.e., an individual residence, or a parking area for cleated and other heavy equipment, may not warrant paving or hard surfacing). In determining the type of



surfacing to be utilized, City Staff shall ensure that it will not adversely affect air quality, water quality, or the integrity of the driveway and parking area.

1. All paving and hard surfacing, or alternative improvements authorized by the City shall be completed from the parking area to the nearest public street or right-of-way and provide for proper storm drainage, and allow for parking stalls and installation of other traffic control devices as set forth in this Chapter. All traffic control devices, such as parking strips designating car stalls, directional arrows or signs, curbs and other traffic control devices, shall be installed and completed as required by this Chapter and as shown on the approved plans. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas

2. All other parking spaces and/or stalls and aisles shall be 8.5' wide by 18' long.

#### D. Commercial and Industrial Uses.

1. Parking for Commercial and Industrial usage will be provided as set out in 10.1U.080 section F.

2. All required off-street parking and loading spaces shall be accessible and shall be located on the same lot as the use or building requiring such spaces, except that parking facilities for nonresidential uses may be separated from the use or building it serves by an alley as long as the ownership of the parking area is the same as the use or building it serves.

3. Parking and loading spaces shall not preclude direct and free access to stairways, walkways, any pedestrian accesses, or fire safety equipment.

4. Handicap parking shall be installed and designated in accordance with the "Regulations for Barrier-Free Facilities" as adopted by the Washington State Building Code Advisory Council.

5. Where more than ten parking spaces are required, paved pedestrian sidewalks shall be provided on the exterior of the parking lot and between any parking lot and road right-of-way. Where curbing does not exist, the paved sidewalks shall be installed as directed by the City according to its establish sidewalk replacement program, excluding those areas used for driveways and curb cuts necessary for meeting handicap requirements, and shall be provided with a minimum of 60 inches (5') in width. The parking lot surfacing and drainage facilities shall be inspected and approved prior to occupancy of the premises.

10.1U.040. Off-Street Loading Requirements. Off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls.

A. Off-street loading spaces must be located in such a manner that large vehicles do not block or intrude into public rights-of-way or block driveways or parking area circulation.

B. In all cases, loading spaces shall be located on the same lot as the use or structure they are designed to serve. Off-street loading spaces shall not be included in any area used to satisfy off-street parking requirements.

C. Loading spaces shall be designed so no vehicles are required to back to or from an adjacent street, except for minor trucking access on local access streets in the General Commercial (C-2) or Industrial (I-1) Zones.

D. The minimum number of off-street loading spaces for each building or structure shall be in accordance with the following:

1. Department stores, retail, and other commercial uses, and industrial, manufacturing, wholesaling, warehousing, and similar uses:

Gross Floor Area (Sq. Ft.)	Required Loading Spaces
Less than 10,000	0
10,000 to 25,000	1
25,001 to 50,000	2
50,001 to 100,000	3
Over 100,000	3 plus 1 for each additional 50,000 sq. ft. or part thereof

2. Offices, hotels and motels, restaurants, hospitals, convalescent centers, and similar businesses and institutions:

Gross Floor Area (Sq. Ft.)	Required Loading Spaces
Less than 10,000	0
10,000 to 50,000	1
50,001 to 100,000	2
Over 100,000	2 plus 1 for each additional 50,000 sq. ft. or part thereof

#### 10.1U.050. Landscaping Requirements for Parking Areas.

A. Parking spaces shall be designed so that no parking space allows vehicles to overhang into a landscaping area.

B. Where a parking area abuts residentially zoned property along any interior side or rear property line, either a wall or fence with a height of five feet, or a landscaped strip with a minimum width of five feet, shall be installed adjacent to the property line.

C. Where a parking area contains less than 20 spaces, street facing and interior property line landscaping shall be required, however, no internal landscaping shall be required within such parking area.

D. All landscaping shall consist of a liberal mix of deciduous and/or evergreen trees, planted in wells or strips, with a variety of ornamental deciduous and evergreen shrubs, and ground covers, the latter which may include such features as lawn, bark, decorative rock, or gravel. Where practical and feasible, existing trees shall be retained in all landscaping areas. All such planting

areas shall be automatically irrigated and shall be maintained in a live and healthy condition. Dead or dying plantings shall be promptly removed and replaced.

E. All landscaped areas along the perimeter of a parking area, and within the interior of a parking area, shall be separated from such parking area by six-inch high curbing.

H. All required landscaping and irrigation shall be installed prior to occupancy of the premises. In the event that winter weather precludes timely completion of landscaping improvements in accordance with the approved plans, the City may allow occupancy to proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions allow.

#### Chapter 10.1V. - Signage Regulations

##### Sections:

10.1V.010	Intent
10.1V.030	Permits and Exceptions
10.1V.040	Permit Applications and Fees
10.1V.050	Prohibited Signs
10.1V.060	Signs Permitted in All Zones
10.1V.070	Signs Permitted in the C-1 and CR Zones
10.1V.075	Entry Signs
10.1V.080	Signs Permitted in the C-2 and I-1 Zones
10.1V.090	Sign Location
10.1V.100	Sign Area and Calculation
10.1V.110	Nonconforming Signs
10.1V.120.	Issuance of Variances

10.1V.010. Intent. The intent of this Chapter is to promote commerce, traffic safety, and community identity, while improving the visual environment of residential and nonresidential areas.

This Chapter shall not regulate traffic and directional signs; signs not readable from, nor intended to be viewed from a public right-of-way, merchandise displays; advertising displays upon vending machines; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments and plaques; cemetery interment markers; single purpose structures such as telephone booths and donation or recycling containers; or lettering or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business.

10.1V.030. Permits and Exceptions. No sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered except as provided in this Chapter and pursuant to a sign permit issued by the City Clerk or approved and issued by the Planning Commission in the event the City Clerk refuses or declines to issue a permit. A separate sign permit shall be required for each sign installed on a single supporting structure. (Ord. No. 892; July 2005)

A. Exceptions. The following shall not require a sign permit, provided, however, that these exceptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Zoning Ordinance or any other law or ordinance, including the Uniform Building Code.

1. The changing of the advertising copy or message on a lawfully erected sign specifically designed for replaceable copy.
  2. Painting, repainting, or normal maintenance, unless a structural or electrical change is made.
  3. Temporary banners and temporary signs as regulated herein.
  4. Real estate signs as regulated herein.
  5. Incidental signs.
  6. Political signs on private property.
  7. One nonelectric bulletin board as regulated herein for each public, charitable, or religious organization.
  8. Contractor, architect, surveyor, or engineer signs as regulated for properties undergoing construction.
- (Ord. 808, Dec. 2000)

10.1V.040. Permit Applications and Fees. If a sign requiring a permit under the provisions of the Chapter is to be placed, constructed, erected, or modified, the owner of the affected property shall secure a sign permit prior to the construction, placement, erection, or modification of such sign. No signs shall be erected in the public right-of-way except in accordance with this Chapter. No permit shall be issued for any sign unless such sign is consistent with the requirements of this Chapter.

A. Applications for sign permits shall be filed with the City Clerk and shall contain the following minimum information, except that Nos. 1 and 2 shall be the only information needed for applications involving banners and A-frames:

1. Name, address, and telephone number of the applicant;
2. Site plan of the parcel showing locations of the building, structure, or lot to which or upon which the sign or advertising structure is to be attached or erected;
3. Position of the sign or advertising structure in relation to nearby buildings or structures, including dimensional data;
4. Blueprints of the plans with color designations, specifications, method of construction, and attachment to the building or in the ground;
5. Name of the person, firm, or corporation erecting the sign or advertising structure, and a copy of the contractor's license;
6. Written consent of the owner of the building, structure, or land to which or on which the sign or advertising structure is to be erected.

B. Applicable fees, as established by resolution of the City Council, shall accompany each application.

10.1V.050. Prohibited Signs. The following types of signs are prohibited in all zones unless otherwise specifically permitted:

- A. Signs which in coloring, shape, wording, or location resemble or conflict with traffic control signs or devices.
  - B. Signs that create a safety hazard for pedestrian or vehicular traffic.
  - C. Flashing signs.
  - D. Portable signs exceeding nine square feet.
  - E. All billboard type advertising signs.
  - F. Any sign in a public right of way, except for traffic control, public safety, or as expressly allowed under another section of this Chapter.
  - G. Signs primarily intended to identify a business, office, or location where professional or commercial activities are conducted shall not contain or display third-party advertising, trademarks, or logos.
- (Ord. 808, Dec.2000)

10.1V.060. Signs Permitted in All Zones. The following signs may be permitted in any zone, subject to the limitations as provided herein:

A. Bulletin Boards. Bulletin boards on the premises of public, charitable, or religious institutions shall be permitted subject to the following criteria:

- 1. Such sign shall contain no more than 25 square feet in area on a face and may be double-faced;
- 2. No part of the sign shall exceed a height of six feet above the ground; and
- 3. The sign, if lighted, may be indirectly lighted only.

B. Temporary Subdivision and Related Signs. A temporary real estate sign advertising the initial sale, lease, or rental of a group of new lots or dwellings within a subdivision, or condominium complex, or apartment complex, or spaces within a business complex, shall be permitted subject to the following criteria:

- 1. The sign shall be detached and shall be located on the premises being sold, leased, or rented;
- 2. The sign shall not exceed a maximum of 40 square feet in area on any face and may be double-faced;
- 3. The sign shall remain only as long as property remains unsold, unleased, or unrented for the first time, but not to exceed one year, provided, however, that the Planning Commission may extend the duration limit upon the written request of the owner or developer of the project;
- 4. The sign shall be non-illuminated; and
- 5. The top of the sign shall be no higher than ten feet above the ground level of the property upon which the sign is located.

C. Permanent Subdivision or Area Name Signs. A decorative and permanent sign, announcing the name of a subdivision or area, located at the public street entrance or entrances to the subdivision or area, which identifies the name of the subdivision or area, shall be permitted subject to the following criteria:

- 1. The sign shall consist of a decorative masonry wall or wood fence with illuminated, indirectly lighted, or non-illuminated name plates or letters, and shall be located in a continuously maintained landscaped area;

2. The wall/fence and/or sign shall not exceed five feet in height; and
3. The location of the wall/fence and/or sign on the property shall not be within the “clear view triangle” at street intersections, as delineated in WMC Chapter 10.1K.

D. Contractor, Financier, Architect, Surveyor, and/or Engineer Signs. One on-premises sign identifying the project, developers, financiers, contractors, architect, surveyor, and/or engineer affiliated with a construction project may be situated on such construction site during the construction period only and shall be permitted subject to the following criteria:

1. The sign shall be placed at a location approved by the Planning Commission on the premises being constructed;
2. The sign shall not exceed a maximum of 40 square feet in area;
3. The sign shall remain only as long as the premises is under construction, but not to exceed one year, provided, however, that the Planning Commission may extend the duration limit upon the written request of the owner or developer of the project;
4. The sign shall be non-illuminated; and
5. The top of the sign shall be no higher than ten feet above the ground level of the property upon which the sign is located.

E. Real Estate Signs. Residential real estate signs are permitted subject to the limitations set forth in the WMC Chapter 10.1K. In the C-1, C-2, CR, and I-1 Zones, one temporary, on-site sign is permitted advertising the sale, lease, or rental of the building, property, or premises, provided that such sign is non-illuminated, does not exceed 32 square feet in area, and does not exceed a height above ground level of ten feet.

1. An “open house” directional sign shall be allowed on each access street to property provided that it is not placed in the right-of-way in such a manner as to interfere with vehicular or pedestrian traffic, it is maintained only when the premises is actually open for immediate inspection, it is non-illuminated, does not exceed five square feet in area, and does not exceed a height above ground level of three feet.

10.1V.070. Signs Permitted in the C-1 and CR Zones. Signs which pertain only to the identification of a permitted use in the C-1 and CR Zones are permitted, provided that such signs are located entirely on the property with the use or business served, and provided that such signs conform to the following standards:

- A. A wall sign is permitted if it does not exceed the outer limits of the wall and does not cover more than one wall.
- B. One free-standing billboard type sign located entirely on and over private property, is permitted with a maximum area of 50 square feet and a maximum height above ground level of 20 feet.
- C. No sign shall project over a public right-of-way, nor shall it be located in such a way that it obstructs safe vision for pedestrian or vehicular traffic either on the public right-of-way or at entering and exiting access points.
  1. Exception. In the C-1 Zone, a hanging sign is allowed that meets the following criteria:
    - a. a minimum of ten feet of vertical clearance is provided between the bottom of the sidewalk and the bottom of the sign projection;



- b. sign hanging hardware and fittings shall be approved by the building inspector;
- c. sign shall not exceed 16 square feet in area and the longest side shall not exceed five and a half feet, and the shortest side shall be not less than two and a half feet, unless a permit is obtained from the Planning Commission;
- d. design and appearance of the sign shall be consistent with the historic preservation ordinance;
- e. the inside edge of the sign shall be 12 inches or less from the exterior wall of the building.

D. Placement of lighted signs shall be such that no light extends over property lines to any adjoining property.

E. Signs painted on, or affixed to, glass surfaces of windows or doors, and pertaining to the lawful use conducted within the building, are allowed without a permit.

(Ord. 808, Dec. 2000)

#### 10.1V.075 Entry signs

a. Waitsburg clubs are offered space on the base of the entry sign on Preston Avenue. The procedure is as follows:

1. The club applies to City Hall for space on the sign and desired message under 10.1V.040 related Permit Applications and Fees.
  - a. Application for signage includes a non-refundable fee of \$35 payable to the City of Waitsburg.
  - b. If approved under 10.1V.040 (a) by the City Clerk, then city will obtain the sign and provide for installation thereof.

b. Standard signs specification:

1. The standard sign is 20 inches long and 6 inches high, made from 16 gauge aluminum. The sign shall have two 1/4" mounting holes 16 inches apart on center on the horizontal center line. The signs shall be white with black lettering. Special lettering or logos can be accommodated if the club provides a scan-ready example when ordering the sign. If desired, a printout of the sign will be presented to the requesting club for approval before the sign is produced. The signs should be kept simple, so that they can be read by a passing vehicle.

c. Replacement and maintenance

2. Maintenance is the responsibility of the city, and will consist of keeping the area weed free and the signs clean. Maintenance does not include touch up of the existing signs. In the event that the signs must be redone, the requesting club contacts the city, a new fee is collected, and the same process is followed as for a new sign.

10.1V.080. Signs Permitted in the C-2 and I-1 Zones. Signs which pertain only to the identification of a permitted use in the C-2 and I-1 Zoned are permitted, provided that such signs

are located entirely on the property with the use or business served, and provided that such signs conform to the following standards:

A. On-site signs shall meet the following criteria:

1. Wall signs shall not exceed the outer limits of the wall and shall not cover more than two walls. In the case of multiple businesses in a building, wall signs shall not exceed the outer limits of the wall of each business.
2. The total area of all other signs shall not exceed two square feet per lineal foot of street frontage, up to a maximum of 250 square feet of sign area, and shall not exceed a height of 30 feet above ground level.
3. Freestanding signs shall not exceed two square feet per lineal foot of street frontage, up to a maximum of 200 square feet of sign area, and shall not exceed a height of 30 feet above ground level. There shall be no more than one such sign for each 200 feet of street frontage or portion thereof.
4. No sign shall project over a public right-of-way, nor shall it be located in such a way that it obstructs safe vision for pedestrian or vehicular traffic either on the public right-of-way or at entering and exiting access points.
5. Placement of lighted signs shall be such that no light extends over property lines to any adjoining property.

B. Electronically changeable message signs shall be permitted subject to the limitations in paragraph "A" of this Section.

C. Signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted in conformance with the following criteria:

4. One freestanding sign to include a changeable copy is allowed. The size of such freestanding sign shall be determined by using eight square feet per fuel pump up to a maximum area of 48 square feet. The maximum size is to include company name, logo, price information, etc., if applicable.
5. Nothing contained herein shall be construed to prohibit the use of other signs meeting the requirements of this Section.

D. Outdoor menu boards are only allowed on lots which have been approved for restaurants, full-service or fast-food, and shall be in conformance with the following criteria:

1. Only one outdoor menu board shall be permitted on a lot.
2. The area of the menu board shall not exceed 32 square feet.
3. If the sign is lighted, it shall be via internal illumination.
4. The menu board lettering shall not be legible from off-site properties and rights-of-way.

E. Signs painted on, or affixed to, glass surfaces of windows or doors, and pertaining to the lawful business conducted within the building, are allowed without a permit.

10.1V.090. Sign Location. All signs and advertising structures shall be located in accordance with the following standards:

A. No sign or advertising structure shall interfere with vehicular or pedestrian accessibility or sight distance.

B. All signs and advertising structures shall conform to the "clear view triangle" set forth in WMC Chapter 10.1K.

C. Any portion of a sign or advertising structure, including structural supports, that is higher than three feet and less than seven feet above ground level, shall be located a minimum of ten feet from any public right-of-way. This requirement shall not apply when structural supports are less than two feet wide at any point on the support three to seven feet above ground level.

10.1V.100. Sign Area and Calculation. Sign area is defined as the total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, and its size shall be calculated by measuring from the outside edge of the frame. This includes only one side of a double-faced sign.

A. The size of individual letters, words or symbol signs on a wall shall be calculated by measuring the area created by drawing imaginary straight lines around the entire copy or grouping of such letters, words, or symbols.

B. Any portion of the sign not necessary for structural support of the sign, or any structural support greater than two feet in width, shall be considered in the determination of the square footage of the sign.

10.1V.110. Nonconforming Signs. Nonconforming signs, those that were permanently installed and legally erected prior to the effective date of this Ordinance, shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way.

10.1V.120. Issuance of Variances. Notwithstanding any of the other provisions of this Chapter, the City Council shall have the authority in its sole discretion to grant variances authorizing the installation of signs which are not in complete compliance with the provisions of this Chapter, so long as the City Council determines that the benefit to the citizens of the City of Waitsburg by allowing the installation of such noncomplying signs outweighs any harm which might result from strict compliance with this Chapter. (Ord. No. 892; July 2005)

#### Chapter 10.1W. - Nonconforming Uses and Buildings

- 10.1W.010 Intent
- 10.1W.020 Preexisting legal lots of record.
- 10.1W.030 Nonconforming uses of land - Continuance conditions.
- 10.1W.040 Nonconforming structures - Continuance conditions.
- 10.1W.050 Existing nonconforming uses of structure or land - Continuance terms and conditions.
- 10.1W.060 Planning Commission Authority – Change of Use.
- 10.1W.070 Change in Nonconforming Use - Procedure - Petition and Public Hearing.
- 10.1W.080 Findings
- 10.1W.090 Rehearing or Petition Refiling.
- 10.1W.100 Appeal.
- 10.1W.110 Repair and Maintenance - Building safety.

10.1W.010. Intent. The provisions of this chapter shall apply to legally preexisting structures, lots and uses that are made nonconforming as a result of the application of this Title (or any subsequent amendment thereto) to the preexisting structures, lands or uses. The purpose of this Chapter is to permit reasonable continuance of the operation of nonconforming uses while providing for their gradual elimination. Additionally, it is the purpose of this chapter to prohibit additional nonconformities and prevent the enlargement, expansion, or extension of existing nonconformities.

10.1W.020. Preexisting lots of record

A permitted use or structure may be established on a preexisting lot of record that contains less area or width than required under the terms of this title, provided the front, side and rear yard setback requirements as well as other applicable standards of this title are met.

10.1W.030. Nonconforming uses of land - Continuance conditions.

Where, at the effective date of adoption or amendment of this Title, lawful use of land exists that is made no longer permissible under the terms of this Title as enacted or amended, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Except as provided for in Section 10.1W.050, no such nonconforming use shall be enlarged, increased or extended in scope, in intensity, or in regard to the area of land occupied, as compared to the scope, intensity or area occupied at the effective date of adoption or amendment of this Title.

B. If any such nonconforming use ceases, for any reason, for a period of six months, any subsequent use of such land shall conform to the regulations specified by this Title for the district in which such land is located.

10.1W.040. Nonconforming structures - Continuance conditions.

If there exists at the effective date of adoption or amendment of this Title a lawful structure that could not be built under the terms of this Title by reason of restrictions on area, land coverage, height, yards, or other characteristics of the structure or its location, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No structure may be enlarged or altered unless the enlargement or structural alteration makes the building more conforming or is required by law or as provided in this Chapter.

B. Should the structure be damaged or destroyed, by any means, to an extent that the cost to restore the structure to its condition prior to the damage or destruction is equal to or more than fifty percent of the fair market value of the structure prior to the damage or destruction, it shall not be reconstructed except in conformity with the provision of this Title.

C. Should the structure be moved, for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Minor modifications may be made to nonconforming structures provided the value of such modification is twenty-five percent or less than the value of the structure prior to the modification, the modification is consistent with the existing nonconforming use, and the modification is a change or addition to the existing structure and not an independent structure, and change or modification not increase the footprint of the building more than twenty-five percent.

#### 10.1W.050 Existing nonconforming uses of structure or land - Continuance terms and conditions.

If a lawful use or structure exists at the effective date of adoption or amendment of this Title that would not be allowed in the district under the terms of this Title, the use or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing use not permitted by this Title in the district in which it is located shall be changed except in changing the use to a use permitted in the district in which it is located.
- B. A nonconforming use may be extended throughout any parts of a building that were designed for such use at the time of adoption or amendment of this Title, but no such use shall be extended to or occupy any land outside the building.
- C. When a nonconforming use is superseded by a permitted, then subsequently any use shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not be resumed.
- D. When a nonconforming is discontinued or abandoned for six months, then subsequently no use shall take place except a use in conformance with the regulations of the district.
- E. Upon the removal or destruction of a structure in which a nonconforming use is taking place, then subsequently only an allowed use may be conducted on the property.

#### 10.1W.060. Planning Commission Authority – Change of Use.

Notwithstanding any other provision of this Title, the Planning Commission after public hearing, shall have the power to grant a special permit for a change of said nonconforming use on the application by the owners showing. In any case, the following conditions shall be considered by the Planning Commission in determining whether or not to grant said special permit:

- 1. The change in said nonconforming use must generally conform to the provision of the city comprehensive plan.
- 2. Increase in the need for off-street parking due to the proposed change should be discouraged.
- 3. Safe, convenient, ingress and egress should be provided.
- 4. The potential for increased traffic flows and turning movements should be evaluated.
- 5. Adequate landscaping and buffering from any adjacent residential uses and streets should be required.
- 6. Compatibility with the adjacent uses should be evaluated.
- 7. Utility services should be considered.
- 8. The proposed use is equally appropriate or more appropriate than the existing use.
- 9. The Planning Commission shall prescribe a time limit within which the action for which the permit is issued shall be begun or completed or both. Failure to begin or complete or both the action within the time period set shall void the permit.
- 10. The Planning Commission may impose conditions applicable to such new nonconforming uses that are in accord with this Title. If, after consideration of the applicant's petition, the Planning Commission finds the change in nonconforming use will not be adverse to the public health, safety or general welfare of the immediate neighborhood where it is located or of the community as a whole, the Planning Commission may grant a permit, with or without conditions, authorizing the change.

The Planning Commission must determine whether the proposed change in said nonconforming use shall not be adverse to the public health, safety or general welfare of the immediate neighborhood within which it is located or of the community as a whole.

10.1W.070. Change in nonconforming use procedure - Petition and public hearing required.

A. A petition for change of a nonconforming use shall be filed with the Planning Commission by the owner, owners, or contract purchaser.

B. When a petition has been filed with and certified by the City Clerk as Complete, notice of public hearing shall be given in accordance with Title 10A of this Code.

C. The public hearing shall be held. Any party may appear in person or by agent or attorney.

10.1W.080. Public hearing required - Notice - Findings.

Upon receipt of a request for a change in nonconforming use, the Planning Commission shall set a date for a public hearing and give public notice of the time and place of the hearing. Findings and determination of the Planning Commission resulting from this public hearing shall be made in writing and transmitted to the applicant within fifteen days after the date of the hearing.

10.1W.090. Rehearing or petition refiling.

If a petition for change of a non-conforming use is denied by the Planning Commission, another petition shall not be filed within a period of six months from the date of denial.

10.1W.100. Appeal.

Action taken by the Planning Commission with regard to permits for the change of nonconforming use shall be final and conclusive unless within ten days of the effective date of the board's action an aggrieved party files an appeal pursuant to Title 10A of this Code.

10.1W.110. Repair and maintenance.

A. Nothing in this chapter shall be deemed to prevent the ordinary, day-to-day minor repairs and maintenance of nonconforming structures.

B. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building declared to be unsafe by a city official, provided such strengthening or restoration can be completed for a total cost that is not more than fifty percent of the fair market value of the structure prior to such strengthening or restoring.

C. Nothing in this chapter shall prevent minor modifications or structural changes designed to enhance access, structural integrity, safety or compliance with regulations, provided the cost of the modification does not exceed twenty-five percent of the value of the structure prior to the modification or change and the modification does not expand or increase the scope of the nonconforming use.

## Chapter 10.1X. - Concurrency Management

### Sections:

10.1X.010	Intent
10.1X.030	Concurrency Determination
10.1X.040	Exemptions
10.1X.050	Concurrency Monitoring
10.1X.060	Intergovernmental Coordination
10.1X.070	Fees

Section 10.1X.010. Intent. The Intent of this Chapter is to set forth standards providing for municipal compliance with the concurrency requirements of the State's Growth Management Act (GMA) and to further provide for consistency between municipal and County-wide planning policies under GMA. GMA requires that adequate street capacity be provided concurrently with development to handle the increased traffic projected to result from such growth and development. GMA also authorizes local jurisdictions to establish concurrency parameters for facilities other than transportation. Therefore, while GMA requires that concurrency management be addressed in the context of the municipal street system, nothing in this Chapter precludes the City from applying the provisions of this Chapter to other infrastructure systems including, but not limited to, municipal water and sewer utilities.

A. When concurrency management for a segment of the transportation system is regional in nature as determined by Walla Walla County, the Regional Transportation Planning Organization (RTPO) shall be responsible for a concurrency determination in accordance with Level of Service (LOS) standards adopted for the regional transportation system.

Section 10.1X.030. Concurrency Determination. Level of Service (LOS) standards are the benchmarks used to determine if concurrency facilities are adequate to serve new development. LOS standards are used to calculate the capacity of concurrency facilities for each development. Concurrency is determined by comparing the capacity required to the uncommitted capacity that is available.

A. A concurrency determination shall be performed by the City prior to the issuance of a preliminary development permit and does not compromise the City's ability to address project mitigation under the State Environmental Policy Act (SEPA), where applicable.. If the concurrency determination results in a finding that facilities and services are sufficient to serve the development, the City shall reserve the capacity required for the final development permit. Such capacity shall not be returned to the uncommitted amount of reserve capacity unless and until the application is, for whatever reason, denied, rejected, expired, or otherwise invalidated.

B. If the concurrency determination results in a finding that one or more concurrency facilities do not have sufficient reserve capacity to serve the development, the application shall be returned to the applicant with an explanation as to the deficiencies with the affected concurrency facility or facilities. Development approval is prohibited if the development causes the LOS of a concurrency facility to decline below the LOS adopted in the City's Comprehensive Plan, as

such Comprehensive Plan now exists or as it may be subsequently amended in the future, unless improvements or strategies to accommodate the impacts of development are made concurrent with the development. The applicant may:

1. Mitigate capacity impacts by arranging with the City for the provision of additional capacity of the affected concurrency facility or facilities required either concurrent with the development, or within six years of when the impact is incurred; or
2. Revise the proposed development by reducing impacts so as to maintain a satisfactory LOS; or
3. Phase the proposed development to coincide with later availability of increased concurrency facility capacity; or
4. Accept denial of the application.

Section 10.1X.040. Exemptions. While the following permits are exempt from the concurrency requirements of this Chapter, the City is not precluded from mitigating the impacts of such permits through other mechanisms such as by a Local Improvement District, by State Environmental Policy Act (SEPA) compliance, etc. The following development permits are exempt from concurrency determination requirements:

- A. Any addition or accessory structure to a residence, public facility, or business with no change or increase in use or increase in the number of dwelling units;
- B. Interior or exterior renovations or modifications of structures with no change or increase in use or increase in the number of dwelling units;
- C. Replacement structures with no change or increase in use or increase in the number of dwelling units;
- D. Temporary structures;
- E. Resurfacing of existing driveways, streets, or parking lots;
- F. Landscaping, lighting, or fencing;
- G. Signs;
- H. Demolitions;
- I. Connection of an existing single family residence to municipal utility systems;
- J. Street vacations;
- K. Lot line adjustments;
- L. Permits for construction of single family or two- family residences on platted lots of record existing before the effective date of this Chapter, provided such lot or combination of lots forming a development parcel duly conforms to minimum municipal standards for a development site as set forth elsewhere in this Zoning Ordinance.
- M. Final plats provided that the requirements of Section 10.1X.030 of this Chapter were satisfied at the time of preliminary plat approval;
- N. The subsequent building permit for an approved development provided that the requirements of Section 10.1X.030 of this Chapter were satisfied at the time of preliminary development approval and there is no change in use, densities, and intensities.

Section 10.1X.050. Concurrency Monitoring. The City shall monitor final development permits for their impact on concurrency facilities. The impacts from final development permits exempt under Section 10.1X.040 of this Chapter shall be taken into consideration. The City shall



determine whether final development permit impacts should be monitored on an annual or other periodic basis.

Section 10.1X.060. Intergovernmental Coordination. The City may enter into an interlocal agreement with Walla Walla County or other entities to coordinate Level of Service (LOS) standards, concurrency mitigation strategies, and other facets of concurrency management.

Section 10.1X.070. Fees. Fees in an amount specified by resolution of the City Council shall be paid upon the filing of any development permit application to defray the expenses of conducting concurrency determinations, providing written information, and for providing other concurrency management services in support of this Chapter.

#### Chapter 10.1Y. - Official Zoning Map

Sections:

10.1Y.010 Adoption of the Official Zoning Map with the Zoning Ordinance

10.1Y.020 Subsequent Amendment of the Official Zoning Map

10.1Y.010. Adoption of the Official Zoning Map with the Zoning Ordinance. When an Official Zoning Map is adopted by the City in conjunction with adoption of the text of the Zoning Ordinance, the Official Zoning Map shall be adopted as part of the same ordinance as the text of the zoning regulations.

A. The Official Zoning Map adopted in conjunction with this Ordinance is attached hereto and by this reference made a part hereof.

10.1Y.020. Subsequent Amendment of the Official Zoning Map. Adoption of subsequent amendments to the Official Zoning Map of the City shall be by separate ordinance from the text of this Zoning Ordinance.

#### Chapter 10.1Z. - Comprehensive Plan Dates and Revisions

10.1Z.010. The revised comprehensive plan, as recommended by the Planning Commission, dated , July 18, 2007, is hereby approved and adopted as the Comprehensive Plan of the City (Ord. No. 746; March, 1998, Ord. No. 990804-771; Aug. 1999, Ord. 795 March 2000, Ord. No. 812; March 2001, Ord.862 October 2003, Ord. 919 July, 2007)

A. Six-Year Transportation Improvement Plan. The Six Year Transportation Improvement Plan included under Table V-5 of the Comprehensive Plan shall be deemed to be amended when the Council of the City of Waitsburg formally adopts, changes, or makes revisions to the then existing Six-Year Transportation Improvement Plan. When adopted by the Council of the City of Waitsburg changes to the Six-Year Transportation Improvement Plan shall be deemed immediately to become amendments to this Comprehensive Plan without the need to follow the procedures stated in this Appendix B, or amendment to the Comprehensive Plan; provided however, that not more than one (1) amendment to the Six-year Transportation Improvement

Plan per calendar year shall be effective, unless the procedures stated in this Appendix B are followed.

10.1Z.050 – Comprehensive Plan Amendment Review; Planning Commission and City Council – New addition, previously approved by City Council.

A. Planning Commission Review. All proposed amendments to the City's Comprehensive Plan shall be reviewed and assessed by the Waitsburg Planning Commission (10A.030.040) which shall make a recommendation to the City Council after holding at least one (1) open record public hearing, noticed as required by WMC section 10A.070.030.

1. Required Findings – Generally. For all proposed amendments, the Planning Commission shall develop findings and conclusions and a recommendation which includes the following:

- a. The proposal meets a definable public need;
- b. The public need was not recognized in the existing comprehensive plan due to a change in circumstances in the community or due to an error in development of the plan as it currently exists.
- c. The defined need conforms to policy directives of the comprehensive plan and Citywide Planning Policies.
- d. The proposal does or does not require amendment of current policies in other areas of the comprehensive plan.

2. Additional Required Findings – Site Specific Amendments. In addition to the required findings set forth above, in order to recommend approval of a site-specific proposal to amend the comprehensive plan, the Planning Commission must also make the following findings:

- a. The proposed site-specific amendment meets concurrency requirements (WMC 10.1X) for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g. sheriff, fire and emergency medical services, parks, fire flow, and general governmental services);
- b. The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the City of Waitsburg Comprehensive Plan
- c. The proposed site-specific amendment will not result in probable significant adverse impacts to the City's transportation network, capital facilities, utilities, parks, and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;
- d. In case of a site-specific amendment to the land use map, the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to the following:
  - i. Access;
  - ii. Provision of utilities; and
  - iii. Compatibility with existing and planned surrounding land uses;
- e. The proposed site-specific amendment will not create a pressure to change the land use designation of the other properties unless the change in land use designation for other properties is in the long-term best interests of the City as a whole;

- f. The proposed site-specific amendment does not affect the land use and population growth projections that are based on the Comprehensive Plan;
  - g. If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;
  - h. The proposed amendment is consistent with the Growth Management Act (RCW Chapter 36.70A), the Citywide Planning Policies for the City of Waitsburg, and any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws.
- 3. Recommendation. The Planning Commission's findings and conclusions shall include a recommendation to the Waitsburg City Council that proposed amendment(s) be denied, approved, or approved with conditions or modifications (10A.09.030 (4D)).

#### B. City Council Review

- 1. The City Council may first review the recommendation of the Planning Commission at a regular or special meeting (if necessary).
- 2. City Council Public Hearing. The City Council shall consider the proposed amendments to the Comprehensive Plan at a regularly scheduled meeting and conduct a public hearing, noticed as set forth in WMC 10A.090.040.
- 3. Criteria for Evaluation of Proposed Plan Amendments. The City Council shall apply the same criteria as the Planning Commission as set forth in section 10.1A.050 (A) 1 and 2 above, as applicable.
- 4. Adoption by Ordinance. The City Council shall adopt any amendments to the City of Waitsburg Comprehensive Plan by ordinance.

C. Transmittal to State. The City Clerk shall transmit a copy of any proposed amendments of the Comprehensive Plan to the Washington State Office of Commerce(CTED) at least sixty (60) days prior to the expected date of final action by the Waitsburg City Council, as consistent with RCW Chapter 36.70A. The City Clerk shall transmit a copy of any adopted Comprehensive Plan amendments to CTED within ten (10) days after adoption by the Council.

D. Appeals. All appeals to the adoption of an amendment to the City of Waitsburg's Comprehensive Plan shall be filed with and processed by the Eastern Washington Growth Management Hearings Board in accordance with the provisions of RCW Chapter 36.70A.

E. Application. All applications for amendment to the City's Comprehensive Plan shall be submitted on forms provided by the City of Waitsburg. All applications shall be acknowledged by the applicant.