

Title 17 - ZONING

CHAPTER 17.03 - GENERAL PROVISIONS

17.03.010 - Short title.

This title shall be known and may be cited as "the College Place Zoning Ordinance."

(Ord. 539 § 1.00, 1984)

17.03.020 - Purpose—Scope.

It is the purpose and scope of this title to:

- A. Facilitate orderly growth and development of the city consistent with the goals, objectives and policies of the 1983 comprehensive plan of the city and amendments thereto;
- B. Protect the health, safety and general welfare of city and urban area residents;
- C. Promote sound economic development and protect property values;
- D. Promote the wise use of the area's natural resources;
- E. Establish land use districts and provide for the appropriate regulations of land use within those districts;
- F. Provide flexible regulations which encourage compatible and efficient land use;
- G. Provide for the administration and enforcement of these regulations;
- H. Reduce the effects of incompatible land uses.

(Ord. 539 § 1.01, 1984)

17.03.030 - Application of provisions.

- A. In their interpretation and application, the provisions of this title shall be held to be minimum requirements. Nothing in this title is intended to impair, annul or abrogate any easement, covenant or other agreements between parties, public or private, nor is it in any way intended to interfere with any existing regulations previously adopted pursuant to law, relating to the use of land; provided, however, that when the requirements of this title are at variance with the requirements of any lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.
- B. Except as provided in this title, the following general regulations apply:
 - 1. No land, building, structure or premises shall be used, designed or intended to be used for any purpose or in any manner other than in a use listed in this title or amendment thereto as permitted in the zone in which such land, building, structure or premises is located.
 - 2. No designated yards or open spaces surrounding any building or structure shall be encroached upon or reduced in any manner except in conformity with the building site, area and yard requirements established by this title, nor shall any yard or open space associated with any building or structure for

the purpose of complying with the requirements of this title or amendments thereto be considered as providing a yard or open space for any other building or structure.

3. No building or structure shall be erected or moved onto a site and no existing building or structure shall be altered, enlarged or reconstructed except in conformity with this title. Nor shall any building or structure be erected or structurally altered to exceed in height the limit established by this title or amendment thereto for the zone in which such building or structure is located.

(Ord. 539 § 1.02, 1984)

17.03.040 - Construction approved prior to effective date.

Nothing contained in this title shall require any change in any existing building or structure, construction or planned use of a proposed building, which would conform to the zoning regulations then in effect and for which building permit plans are on file in City Hall prior to the effective date of the ordinance codified in this title and the construction of which building or structure shall have been started within the time requirements of such building permit and diligently worked upon to its completion.

(Ord. 539 § 1.03, 1984)

17.03.050 - Marijuana related land uses prohibited.

Marijuana related land uses such as marijuana production, processing, retail sales as may be allowed by state law are expressly prohibited from locating or operating in any zone within the City of College Place.

(Ord. No. 1103, § 1, 9-8-2014)

17.03.060 - Violation of local, state or federal law prohibited.

No land use in violation of local, state or federal law shall be allowed in any zone within the City of College Place and are hereby expressly prohibited.

(Ord. No. 1103, § 1, 9-8-2014)

CHAPTER 17.06 - DEFINITIONS

17.06.010 - Generally.

Except where specifically defined in this chapter, all words used in this title shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular and vice versa; the word "shall" is mandatory; "may" is permissive; the words "used or occupied" are considered as though followed by the words "or intended, arranged, or designed to be used or occupied"; and the word "lot" includes the words "plot or parcel."

(Ord. 539 § 2.00, 1984)

17.06.020 - Conflicts between building and zoning code definitions.

If there are any conflicts between the definitions contained in this chapter and definitions of simple terms contained in the building code of the city, then those conditions contained in the building code that relate to construction shall govern, but not to land use.

(Ord. 539 § 2.01, 1984)

17.06.030 - Accessory building.

"Accessory building" means a building or structure, the use of which is incidental and subordinate to the principal or main building or use on the same lot, including a private garage or carport. If an accessory building is attached to the main building by a common wall or roof, the accessory building shall be considered a part of the main building. Garden houses, tool sheds, playhouses or greenhouses fall within the terms of this definition.

(Ord. 539 § 2.02, 1984)

17.06.040 - Accessory use.

See "Use, accessory," Section 17.06.680.

(Ord. 539 § 2.03, 1984)

17.06.045 - Adult family home.

"Adult family home" means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met. Adult family homes must be considered a residential use of property for zoning and public utility rate purposes. Adult family homes are permitted uses in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

(Ord. No. 1056, § 1, 5-14-2012)

17.06.050 - Airport approach district boundaries.

"Airport approach district boundaries" means any area that may lie within the city limits having a described approach.

(Ord. 539 § 2.04, 1984)

17.06.060 - Alley.

"Alley" means a passage or way open to public travel and dedicated to public use other than a public street, affording generally an additional of vehicular access to abutting lots and not intended for general traffic circulation. Alleys are not considered streets under the terms of this title.

(Ord. 539 § 2.05, 1984)

17.06.070 - Amendment.

"Amendment" means a change in the zoning ordinance codified in this title. There are two types of zoning related amendment: those that request a reclassification of land allowing a change in the range of permitted uses on a specific piece of property (termed "rezones"); and those which request a change in the text of this title. See Chapter 17.60 of this title for amendment procedure.

(Ord. 539 § 2.06, 1984)

17.06.080 - Amusement parks, carnivals and fairs—Seasonal.

"Seasonal amusement parks, carnivals and fairs" mean a seasonal use operated for profit offering portable facilities and equipment for recreational and entertainment purposes.

(Ord. 539 § 2.07, 1984)

17.06.090 - Assembly area.

"Assembly area" means any area used for the gathering or congregation of persons with or without the provision of seating and including any area designed for spectator activity.

(Ord. 539 § 2.08, 1984)

17.06.100 - Automobile wrecking.

"Automobile wrecking" means the dismantling or wrecking of motor vehicles or trailers or the storage, sale or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts.

(Ord. 539 § 2.09, 1984)

17.06.110 - Aviation easement.

"Aviation easement" means the right to use the air space above grantor's property in accordance with the rules and regulations regarding takeoff, landing and traffic patterns approved by the city.

(Ord. 539 § 2.10, 1984)

17.06.120 - Board.

"Board," under the terms of this title, means the College Place Board of Adjustment.

(Ord. 539 § 2.11, 1984)

17.06.130 - Boarding, rooming and lodging house.

"Boarding, rooming and lodging house" means a dwelling unit having only one kitchen within which is provided not more than five guest rooms providing lodging (with or without provision of meals) for compensation. A boarding, rooming and lodging house containing guest rooms numbering six or more shall be considered a hotel. Boarding, rooming and lodging houses shall not be construed to mean convalescent, nursing, or retirement homes.

(Ord. 539 § 2.12, 1984)

17.06.140 - Building heights.

"Building heights" means the vertical distance measured from the average elevation of the proposed finished grade around the building to the highest point of a flat roof and to the mean height between eaves and ridge of a pitched roof or to the mean height of any parapet or false front.

(Ord. 539 § 2.13, 1984)

17.06.150 - Building setback line.

"Building setback line" means a line set by the yard requirements of this title which line runs parallel to and is measured from a lot's nearest property line. That area beyond the established building setback line is permissible for placement of buildings and structures, provided that all applicable provisions of this title are met.

(Ord. 539 § 2.14, 1984)

17.06.160 - Carport.

"Carport" means a structure to house or shelter vehicles, owned or operated by the occupants of the main building which is open to the weather for at least 40 percent of its sides.

(Ord. 539 § 2.15, 1984)

17.06.165 - Child day care center.

"Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than 24 hours.

(Ord. No. 1056, § 1, 5-14-2012)

17.06.170 - Commission.

"Commission," under the terms of this title, means the College Place Planning Commission.

(Ord. 539 § 2.16, 1984)

17.06.180 - Conditional use permit.

See "Use, conditional, permit," Section 17.06.720.

(Ord. 539 § 2.17, 1984)

17.06.190 - Condominium.

"Condominium" means a form of ownership in which a person or persons own a specific property with a common right to share common areas and facilities with other owners.

(Ord. 539 § 2.18, 1984)

17.06.200 - Convalescent, nursing and retirement homes.

"Convalescent, nursing and retirement homes" means a home or place of residence, the operator of which is licensed by the state or county to give special care or supervision to his or her charges and in which nursing, dietary and other personal services are furnished to convalescent invalids and aged persons but in which are kept no persons suffering from mental sickness or from contagious or communicable disease and in which homes no surgery or other primary treatments such as are customarily provided in hospitals or sanitariums are performed.

(Ord. 539 § 2.19, 1984)

17.06.210 - Reserved.

Editor's note— Ord. No. 1056, § 1, adopted May 14, 2012, amended § 17.06.210, which pertained to day nursery or day care center and derived from Ord. 539 § 2.20, 1984.

17.06.220 - District or zone.

"District or zone" means an area accurately defined as to the boundaries and location on the official zoning map and within which area certain land use regulations as prescribed by the text of this title apply.

(Ord. 539 § 2.21, 1984)

17.06.230 - Dormitory.

"Dormitory" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of postelementary learning and regulated by such institution.

(Ord. 539 § 2.22, 1984)

17.06.240 - Drive-in restaurant.

"Drive-in restaurant" means a food establishment where customers may order, be served and consume food while remaining in an automobile. A restaurant providing a drive-up window for fast food pickup does not constitute a drive-in restaurant.

(Ord. 539 § 2.23, 1984)

17.06.250 - Dwelling.

"Dwelling" means a building designed exclusively for residential purposes, including one-family, two-family and multiple family dwellings but not including hotels or motel units.

(Ord. 539 § 2.24, 1984)

17.06.260 - Dwelling, multiple.

"Multiple dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units. This definition includes "rowhouse" and may include condominiums.

(Ord. 539 § 2.27, 1984)

17.06.270 - Dwelling, one-family.

"One-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit. One-family dwellings may be site-built or manufactured.

(Ord. 539 § 2.25, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.06.280 - Dwelling, two-family.

"Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other and containing two dwelling units. This definition includes "duplex."

(Ord. 539 § 2.26, 1984)

17.06.290 - Dwelling unit.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living and sleeping and sanitation purposes and containing permanent kitchen facilities used solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

(Ord. 539 § 2.28, 1984)

17.06.295 - Early learning.

"Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals.

(Ord. No. 1056, § 1, 5-14-2012)

17.06.300 - Family.

"Family" means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than three persons who are not related by blood, marriage or adoption, excluding servants living together in a dwelling unit.

(Ord. 539 § 2.29, 1984)

17.06.305 - Family day care provider.

"Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than 12 children in the provider's home in the family living quarters.

(Ord. No. 1056, § 1, 5-14-2012)

17.06.310 - Farming, general.

"General farming" means the cultivation of land for the production of crops and only including the raising of livestock when in compliance with Chapter 17.54 of this title.

(Ord. 539 § 2.30, 1984)

17.06.320 - Fence.

"Fence" means a masonry or stone wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land.

(Ord. 539 § 2.31, 1984)

17.06.330 - Fence height.

"Fence height" means the vertical distance measured from the finished grade (ground) level to the highest board, rail, post or wire, including any retaining wall.

(Ord. 539 § 2.32, 1984)

17.06.340 - Floating zone or district.

"Floating zone or district" means a zoning district established and regulated by this title but which is unmapped. The zoning district and its associated regulations are "anchored" to the land only after a rezone application is approved for a particular piece of property.

(Ord. 539 § 2.33, 1984)

17.06.350 - Frontage, lot.

"Lot frontage" means that portion of a lot nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public streets shall be considered secondary frontage. See Section 17.06.450.

(Ord. 539 § 2.34, 1984)

17.06.360 - Garage.

"Garage" means an accessory building or an accessory portion of the main building enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

(Ord. 539 § 2.35, 1984)

17.06.370 - Group home.

"Group home" means a residential facility for the education, guidance, treatment or rehabilitation of persons. Treatment of group homes shall be treated no differently than a similar residential structure occupied by a family or other unrelated individuals.

(Ord. 539 § 2.36, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.06.380 - Group home for the developmentally disabled.

"Group housing for the developmentally disabled" means a dwelling unit used principally for the housing of mentally, physically, or emotionally handicapped individuals with or without supervisory resident staff housed in the same unit. Treatment of group homes for the developmentally disabled shall be treated no differently than a similar residential structure occupied by a family or other unrelated individuals.

(Ord. 539 § 2.37, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.06.390 - Home occupation.

"Home occupation" means an occupation or profession which is conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the dwelling purposes and does not change the character thereof, provided that:

- A. Not more than one person outside the family is employed in the home occupation;
- B. There shall be no exterior display, signs, storage of materials or other exterior indication of the home occupation or variation from the residential character of the building;

- C. All appropriate business licenses have been obtained by the applicant;
- D. The home occupation does not generate traffic, noise, parking, sewerage or water uses in excess of what is normal in the residential neighborhood;
- E. This definition does not include the following type of activities: barber and beauty shops; animal hospitals; dance studios; restaurants; or auto repair or paint shops.

(Ord. 539 § 2.38, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.06.400 - Hospital, veterinary and animal.

"Veterinary and animal hospital" means a building or premises for the medical or surgical treatment of animals or pets.

(Ord. 539 § 2.39, 1984)

17.06.410 - Hotel.

"Hotel" means a building or portion thereof providing six or more guest rooms without cooking facilities for the lodging or transient persons (with or without provision of meals) in return for compensation.

(Ord. 539 § 2.40, 1984)

17.06.420 - Junk.

"Junk" means worn or discarded materials including but not limited to old rags, plastic, glass, paper, bottles, cans, metal and rubber articles which are a general nuisance, hazardous and/or unsightly.

(Ord. 539 § 2.41, 1984)

17.06.430 - Kennel, animal.

"Animal kennel" means a place where four or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs or cats or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital or clinic. See also, keeping of offspring, [Section 17.54.030](#) of this title.

(Ord. 539 § 2.42, 1984)

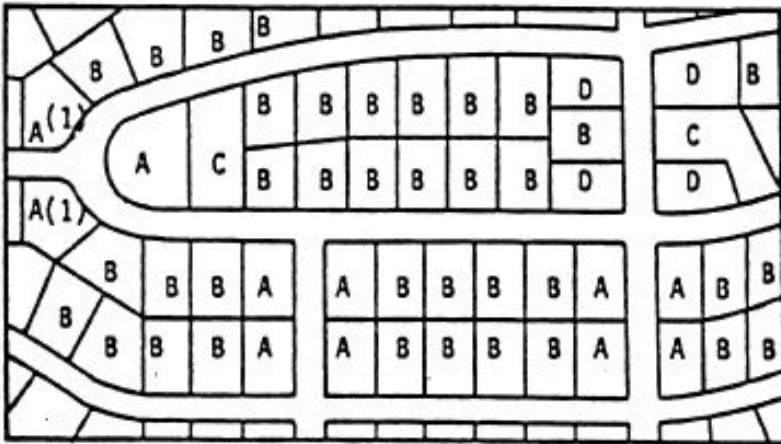
17.06.440 - Lot.

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

(Ord. 539 § 2.43, 1984)

17.06.450 - Lot—Interior, normal corner, through and reversed frontage.

The following diagram illustrates terminology used in this title with reference to interior, normal corner, through and reversed frontage lots:



A = Normal corner lot

B = Interior lot

C = Through lot

D = Reversed

- A. *Normal Corner Lot.* A lot located on the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in the diagram.)
- B. *Interior Lot.* A lot other than a corner lot with only one frontage on a street.
1. Interior lot lines between two or more lots under the same ownership may be built upon and across by buildings and structures. For the purpose of this definition, if interior lot lines between two or more lots under the same ownership are built across, the entire ownership is deemed to be one lot.
- C. *Through Lot.* A lot other than a corner lot with frontage on more than one street.
- D. *Reversed Frontage (Corner) Lot.* A lot on which the frontage is at right angles or approximate right angles (interior angle less than 135 degrees) to the general layout of lots in the area.

(Ord. 539 § 2.44, 1984)

17.06.460 - Lot width.

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

(Ord. 539 § 2.45, 1984)

17.06.470 - Miniwarehouse.

"Miniwarehouse" means a fully enclosed building or group of buildings in a compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers goods and wares. Miniwarehouse storage units shall be limited to dead storage only.

(Ord. 539 § 2.46, 1984)

17.06.480 - Manufactured home.

"Manufactured home" means a single family dwelling built according to the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national preemptive building code. A manufactured home also:

- A. Includes plumbing, heating, air conditioning, and electrical systems;
- B. Is built on a permanent chassis;
- C. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;
- D. Is a new manufactured home not previously occupied;
- E. Is placed on a permanent foundation constructed of concrete or concrete masonry unit blocks.

(Ord. 843 § 1, 2000: Ord. 539 § 2.47, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.06.481 - Manufactured/mobile home.

"Manufactured/mobile home" means either a manufactured home or a mobile home.

(Ord. No. 1057, § 1, 7-9-2012)

17.06.482 - Mobile home.

"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state of Washington. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.

(Ord. No. 1057, § 1, 7-9-2012)

17.06.483 - Mobile home lot or space.

"Mobile home lot" or "space" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of the mobile home, manufactured home, or park model.

(Ord. No. 1057, § 1, 7-9-2012)

17.06.490 - Mobile home park, manufactured housing community, or manufactured mobile home community.

"Mobile home park," "manufactured housing community," or "manufactured mobile home community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy

(Ord. 539 § 2.48, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.06.500 - Mobile home park cooperative or manufactured housing cooperative.

"Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members.

(Ord. 539 § 2.49, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.06.505 - Modular home.

"Modular home" means a structure constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate insignia indicating such compliance. A modular home must be mounted on a permanent foundation. Such unit may be located as any other dwelling constructed to UBC standards. (Zoning Amend. No. 32, 1994)

17.06.510 - Motel.

"Motel" means a building or group of buildings containing six or more individual sleeping units or guest rooms, where the majority of the units have direct access to the outside and where lodging with or without provision of meals is provided for compensation. Motels are designed to temporarily accommodate the automobile tourist or transient with parking facilities conveniently located near each unit. The term includes tourist, motor and automobile courts and motor lodges.

(Ord. 539 § 2.50, 1984)

17.06.520 - Nonconformities.

"Nonconformities" means lots, structures, uses of land and structures and characteristics of uses which are prohibited under the terms of this title but were established lawfully at the date of adoption of the ordinance codified in this title.

(Ord. 539 § 2.51, 1984)

17.06.530 - Overlay zone or district.

"Overlay zone or district" means a zoning district whose regulations are set forth in the text of this title, are mapped and are imposed in addition to those of the underlying zoning district. Development within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

(Ord. 539 § 2.52, 1984)

17.06.540 - Preexisting lot of record.

"Preexisting lot of record" means a lot of record legally existing prior to the effective date of the ordinance codified in this title. See also, Nonconformities, Section 17.06.520.

(Ord. 539 § 2.53, 1984)

17.06.550 - Preexisting use.

"Preexisting use" means a use or activity legally existing prior to the effective date of adoption of the ordinance codified herein. See also, Nonconformities, Section 17.06.520.

(Ord. 539 § 2.54, 1984)

17.06.560 - Produce stand.

"Produce stand" means roadside display, shelters or tables designed for the seasonal (in operation no more than four months in any one 12-month period) sale of produce and other garden products exclusively.

(Ord. 539 § 2.55, 1984)

17.06.570 - Recreational vehicle.

"Recreational vehicle" means a vehicle designed for temporary occupancy as a residence which is less than eight feet or less in width and 40 or less feet in length. This definition includes motor homes, travel trailers, campers and the like. Recreational vehicles are prohibited from use as permanent dwelling units in R-75, R-60, RM, CG, DMU, IL, CN, PR, and PUD zoning districts established by this title. "Permanent," for the purposes of this definition, is defined as occupancy by persons or individuals for more than four weeks in any one consecutive 12-month period.

(Ord. 539 § 2.56, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.06.580 - Rezone.

"Rezone" means an amendment or change of zoning district classification on the official zoning map. See also, "Amendment," Section 17.06.070.

(Ord. 539 § 2.57, 1984)

17.06.590 - Service station.

"Service station" means a drive-up type business in which service can be provided with or without the customer's leaving the vehicle. Service to automobiles and trucks can also include the following:

- A. The servicing of motor vehicles and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories; automobile washing, waxing and polishing; tire changing and repair (excluding recapping); battery service, charging and replacement and installation of accessories.
- B.

Operations, including but not limited to the following, if conducted within a building: lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; testing, adjustment, replacement, and servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses, minor engine repair and wiring.

- C. This does not include auto body and wrecking activities, major engine repair and overhaul, machine shop functions, steam and pressure cleaning and use of oxyacetylene and electric welding and cutting.

(Ord. 539 § 2.58, 1984)

17.06.600 - Sight visibility triangle.

"Sight visibility triangle" means a method of providing adequate visual clearance for vehicular and pedestrian traffic approaching a street intersection which is established by measuring a certain distance back from the point where street corner property lines meet and connecting the two points established by such measurement.

(Ord. 539 § 2.59, 1984)

17.06.610 - Sign.

"Sign" means any device for visual communications that is used for the purpose of bringing the subject thereof to the attention of the public; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Real estate signs not exceeding six square feet in area, advertising the sale or rental of premises or land upon which they are erected;
- C. Flags and insignias of any government except when displayed in connection with commercial promotion;
- D. Legal notices, identification, information or directional signs erected or required by governmental bodies;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
- F. Banners, streamers or emblems over or across any street, alley or part thereof.

(Ord. 539 § 2.60, 1984)

17.06.615 - Site-built home.

"Site-built home" means a dwelling that is constructed on the site where it will be used.

(Ord. No. 1057, § 1, 7-9-2012)

17.06.620 - Solar access.

"Solar access" means the provision of direct sunlight for the purpose of successfully operating a solar energy system.

(Ord. 539 § 2.61, 1984)

17.06.630 - Solar energy system.

"Solar energy system" means any solar collector or other solar energy device the primary purpose of which is to provide for the collection, storage and distribution of solar energy or any structural design feature of a building, the primary purpose of which is to provide for the collection, storage and distribution of solar energy.

(Ord. 539 § 2.62, 1984)

17.06.640 - Street.

"Street" means a public right-of-way or recorded private easement, not including alleys, which affords primary means of access to abutting properties.

(Ord. 539 § 2.63, 1984)

17.06.650 - Structure or building.

"Structure or building" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground but not including fences at or below six feet in height or paved areas. With regard to minor structural projections in required yard setbacks, the following shall apply: eaves, cornices, unroofed landings, porches, stairs may protrude into a required yard only as permitted by the latest city adopted version of the Uniform Building Code.

(Ord. 539 § 2.64, 1984)

17.06.660 - Subdivision.

"Subdivision" means the division of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and includes all resubdivision of land into five or more parcels. See Title 16 of this code.

(Ord. 539 § 2.65, 1984)

17.06.670 - Reserved.

Editor's note— Ord. No. 1058, § 1, adopted July 9, 2012, repealed § 17.06.670 in its entirety. Former § 17.06.670 pertained to subdivision, mobile home, and was derived from Ord. 539 § 2.66, adopted 1984.

17.06.680 - Subdivision, short.

"Short subdivision" means the division of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale or lease. See Title 16 of this code.

(Ord. 539 § 2.67, 1984)

17.06.690 - Theater, drive-in.

"Drive-in theater" means an outdoor facility so designed that patrons can view motion pictures while remaining in their vehicles.

(Ord. 539 § 2.68, 1984)

17.06.700 - Use.

"Use" means the nature of the occupancy, the type of activity, or character and form of improvements to which the land or building is devoted or may be devoted.

(Ord. 539 § 2.69, 1984)

17.06.710 - Use, accessory.

"Accessory use" means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

(Ord. 539 § 2.70, 1984)

17.06.720 - Use, conditional, permit.

"Conditional use permit" means an unusual and/or unique type of land use which due to its nature requires special consideration of its impact on the neighborhood and land uses in the vicinity. Conditional use permits are reviewed and approved by the planning commission in accordance with Chapter 17.57 of this title.

(Ord. 539 § 2.71, 1984)

17.06.730 - Use, permitted.

"Permitted use" means any use authorized or permitted alone or in conjunction with any other use in a specified district and subject to the limitation of the regulations of such use district.

(Ord. 539 § 2.72, 1984)

17.06.740 - Use, principal.

"Principal use" means the use for which a lot, structure or building or the main portion thereof is designed or actually employed.

(Ord. 539 § 2.73, 1984)

17.06.750 - Utilities, public.

"Public utilities" means an organization performing some public service and subject to government regulation, the services of which are paid for by the recipients thereof. The services include, but are not limited to: electrical substation; pumping lift stations or similar regulatory appurtenances for the transmission or distribution of electricity, natural gas, water and sewer, oil or steam and storage tanks for any of incinerators and sanitary landfills; radio, television and telephone stations, exchanges, transmitting, receiving or relay structures.

(Ord. 539 § 2.74, 1984)

17.06.760 - Variance.

"Variance" means an adjustment in the application of the specific dimensional regulations of this title to a particular piece of property, which property because of special circumstances applicable to it is deprived of privileges commonly enjoyed by other properties in the same vicinity and districts and which adjustment remedies disparity in privileges. Variances are reviewed and approved by the board of adjustment in accordance with Chapter 17.66 of this title.

(Ord. 539 § 2.75, 1984)

17.06.770 - Vehicle.

"Vehicle" means equipment used for carrying or transporting goods or persons.

(Ord. 539 § 2.76, 1984)

17.06.780 - Yard, front, rear and side.

The diagram set out in Figure 17.06.780 illustrates the terminology used in this title with reference to front, rear and side yards. See Section 17.06.450.

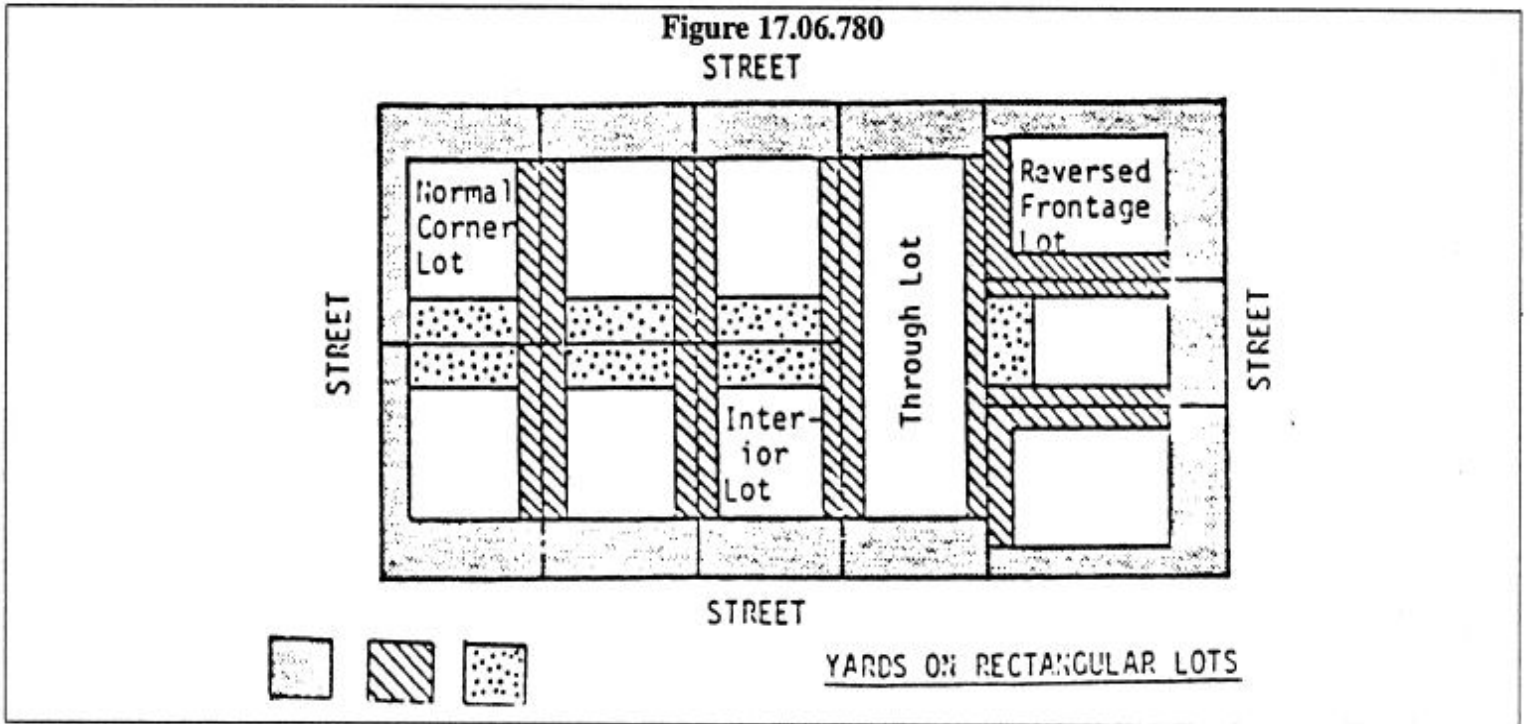
- A. "Yard" means an unoccupied open space which lies between the property line and the building setback line, the inside boundary of which shall be considered parallel to the nearest property line.
- B. "Front yard" means a yard extending between side lot lines across the front of a lot adjacent to a street; provided in the case of through lots a front yard shall be provided on both frontages; in case of both normal corner and reversed frontage lots, a full depth front yard shall be provided in accordance with the prevailing lot pattern and a second front yard in accordance with Section 17.42.020 of this title shall be provided on the other frontage. In case of corner lots with more than two frontages, the zoning administrator shall determine the front yard requirements in accordance with Section 17.42.020 of this title.
- C. "Rear yard" means a yard extending across the rear of the lot between inner side yard lines and opposite the required front yard; provided, that corner lots with normal frontage shall have a rear yard extending from the inner side line of the side yard adjacent to the interior lot to the rear line of the second front yard and further provided no rear yard is provided for a reverse frontage corner lot and moreover in lots of this description the yards remaining after the front yards have been established shall be considered side yards.
- D. "Side yard" means a yard extending from the rear line of the required front yard to the rear lot line; provided, that on corner lots with normal frontage there will be only one side yard adjacent to the interior lot; and further provided, that in through lots the side yard shall extend from the rear lines of the front yards required.

(Ord. 539 § 2.77, 1984)

17.06.790 - Zoning administrator.

"Zoning administrator" means the duly authorized representative of the city appointed by the city council.

(Ord. 539 § 2.78, 1984)



CHAPTER 17.09 - ZONING MAP AND DISTRICTS

17.09.010 - Districts established.

In order to classify, segregate and regulate the uses of land, buildings and structures, the city is divided into the following zoning districts:

R-75, Residential—Single-Family.

R-60, Residential—Single-Family.

RM, Residential—Multiple Family.

CG, Commercial—General.

DMU, Downtown Mixed Use.

IL, Industrial—Light.

CN, Commercial—Neighborhood.

PR, Public Reserve.

PUD, Planned Unit Development.

MHP, Mobile Home Park.

AA, Airport Approach.

(Ord. 539 § 3.01, 1984)

(Ord. No. 1033, § 1, 1-11-2010; Ord. No. 1058, § 1, 7-9-2012))

17.09.020 - Zoning map adopted by reference.

The boundaries of the zoning districts as outlined in Section 17.09.010 are shown on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this title. The regulations of this title governing the uses of land, buildings and structures, the size of yards and other matters as set forth in this title are established and declared to be in effect upon all land encompassed within the boundaries of each district as shown on the official zoning map.

(Ord. 539 § 3.02, 1984)

17.09.030 - Rules of interpretation.

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules of interpretation shall apply:

- A. Where district boundaries are indicated as appearing to follow the centerlines of streets, alleys or highways, the actual centerline shall be construed to be the boundary.
- B. Where district boundaries are indicated as appearing to follow the lot or tract lines the actual lot or tract line shall be construed to be the boundaries of such district.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
- D. Boundaries indicated as following railroad lines shall be construed to be following the closest right-of-way line or easement line.
- E. Where a public street or alley is officially vacated or abandoned, the district regulations applicable to the abutting property to which the vacated portion shall revert shall apply to such vacated street or alley.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E of this section shall be so construed. Distances not specially indicated on the official zoning map shall be determined by the scale of the map.
- G. In case uncertainty exists which cannot be determined by application of the foregoing rules, the zoning administrator shall determine the location of such district boundaries.

(Ord. 539 § 3.03, 1984)

CHAPTER 17.12 - R-75 SINGLE-FAMILY RESIDENTIAL DISTRICT

17.12.010 - Purpose.

It is the purpose of the R-75 single-family district to stabilize and protect single-family residential neighborhoods; to prevent intrusion by incompatible uses; and to permit principal and accessory uses which will enhance the district's single-family residential character.

(Ord. 539 § 4.00, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.12.020 - Permitted principal uses.

Permitted principal uses in the R-75 district include the following:

- A. Adult family home when in compliance with Section 17.06.045
- B. General farming;
- C. Group home when in compliance with Section 17.06.370
- D. Group home for the developmentally disabled when in compliance with Section 17.06.380
- E. Parks and playgrounds;
- F. Single-family dwellings.

(Ord. 539 § 4.01, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.12.030 - Permitted accessory uses.

Permitted accessory uses in the R-75 district include the following:

- A. Animals as regulated by Chapter 17.54
- B. Any use customarily incidental to a permitted principal use;
- C. Family day care provider when in compliance with Section 17.06.305
- D. Garden house, tool shed, swimming pool, tennis court, playhouse or greenhouse not used for commercial purposes;
- E. Home occupation when in compliance with Section 17.06.390
- F. Private garage;
- G. Rooms within the principal dwelling for use by domestic employees of the owner, lessee or occupant of the principal dwelling; provided, however, if such rooms meet the definitions of a dwelling unit, lot area requirements shall be met.

(Ord. 539 § 4.02, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.12.040 - Conditional use permits.

Uses in the R-75 district that may be permitted by approval of a conditional use permit in accordance with Chapter 17.57 of this title are as follows:

- A. Churches;
- B. Golf courses;
- C. Public elementary, secondary and high schools, colleges and private parochial schools with curricula equivalent to public elementary, secondary, high schools, or colleges;
- D. Public utilities as defined in Section 17.06.750
- E. Produce stand;

- F. Christmas tree sales lot;
- G. Animal kennels when in compliance with Chapter 17.54 of this title;
- H. Convalescent, nursing or retirement homes;
- I. One accessory dwelling unit; provided, that the following conditions are met:
 1. This shall apply only to situations where there exists a personal hardship related to the aged, infirm or to persons incapable of maintaining a separate residence, whereby it is necessary to have someone living on the same premises,
 2. The accessory dwelling unit may be attached to or within the principal residence, or be a travel trailer or mobile home,
 3. A signed doctor's statement indicating the need for care or supervision shall be submitted,
 4. The permit shall be issued for a specific person(s), being relative(s) and/or legal guardian(s) and for a period of one year, requiring annual review and renewal by the administrator. No change in occupancy shall take place without review of the planning commission,
 5. The use of the accessory dwelling unit as a separate unit shall not constitute an approval to divide land. The accessory use shall cease within 30 days after the original need has ceased. If the accessory unit is detached, and is either a mobile home or a travel trailer, it shall cease to be used for live-in purposes and shall be disconnected from city utilities. In the case of the mobile home, it shall be removed from the premises,
 6. All yard setbacks of a district shall be met,
 7. The accessory dwelling unit must be connected to city utilities;
- J. Fences over six feet in height.

(Zoning Amend. No. 12 (part), 1987; Ord. 539 § 4.03, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.12.050 - Height, setback and area requirements.

For height, setback and area requirements in the R-75 district, refer to Chapter 17.42 of this title.

(Ord. 539 § 4.04, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.12.060 - Off-street parking requirements.

For off-street parking requirements pertaining to uses in the R-75 district, refer to Chapter 17.48 of this title.

(Ord. 539 § 4.05, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

CHAPTER 17.15 - R-60 SINGLE-FAMILY RESIDENTIAL DISTRICT

17.15.010 - Purpose.

It is the purpose of the R-60 single-family district to create a higher density single-family residential district which may provide a transition between single-family and multifamily residential districts. A further purpose of this district is to encourage a greater variety of housing types and residential environments by accommodating duplex development.

(Ord. 539 § 5.00, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.15.020 - Permitted principal uses.

Permitted principal uses in the R-60 district include the following:

- A. Adult family home when in compliance with Section 17.06.045
- B. General farming;
- C. Group home when in compliance with Section 17.06.370
- D. Group home for the developmentally disabled when in compliance with Section 17.06.380
- E. Parks and playgrounds;
- F. Single-family dwellings;
- G. Two-family dwellings (duplex).

(Ord. 539 § 5.01, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.15.030 - Accessory uses.

Permitted accessory uses in the R-60 district include the following:

- A. Animals as regulated by Chapter 17.54
- B. Any use customarily incidental to a permitted principal use;
- C. Family day care provider when in compliance with Section 17.06.305
- D. Garden house, tool shed, swimming pool, tennis court, playhouse or greenhouse not used for commercial purposes;
- E. Home occupation when in compliance with Section 17.06.390
- F. Private garage;
- G. Rooms within the principal dwelling for use by domestic employees of the owner, lessee or occupant of the principal dwelling; provided, however, if such rooms meet the definitions of a dwelling unit, lot area requirements shall be met.

(Ord. 539 § 5.02, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.15.040 - Conditional use permits.

Uses in the R-60 district that may be permitted by approval of a conditional use permit in accordance with Chapter 17.57 of this title are as follows:

- A. Churches;
- B. Golf courses and public tennis courts;
- C. Public elementary, secondary and high schools, colleges and private parochial schools with curricula equivalent to public elementary, secondary high schools or colleges;
- D. Public utilities as defined in Section 17.06.750
- E. Convalescent, nursing and retirement homes;
- F. Produce stand;
- G. Christmas tree sales lots;
- H. Animal kennels when in compliance with Chapter 17.54 of this title;
- I. Nurseries or greenhouses;
- J. Fences over six feet in height;
- K. One accessory dwelling unit, provided the following conditions are met:
 - 1. This shall apply only to situations where there exists a personal hardship related to the aged, infirm or to persons incapable of maintaining a separate residence whereby it is necessary to have someone living on the premises,
 - 2. The accessory dwelling unit may be attached to or within the principal residence or be a travel trailer or mobile home,
 - 3. A signed doctor's statement indicating the need for supervision shall be submitted,
 - 4. The permit shall be issued for a specific person or persons, being relative(s) and/or legal guardian(s), and for a period of one year requiring annual review and renewal by the administrator. No change in occupancy shall take place without review of the planning commission,
 - 5. Use of the accessory dwelling unit as a separate dwelling unit shall not constitute an approval to divide land. The accessory use shall cease within 30 days after the original need has ceased. If the accessory unit is detached, and is either a mobile home or a travel trailer, it shall cease to be used for live-in purposes and shall be disconnected from city utilities. In the case of the mobile home, it shall be removed from the premises,
 - 6. All yard setbacks of the district shall be met,
 - 7. The accessory dwelling unit must be connected to city utilities.

(Zoning Amend. No. 12 (part), 1987; Ord. 539 § 5.03, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.15.050 - Height, setback and area requirements.

For height, setback and area requirements in the R-60 district, refer to Chapter 17.42 of this title.

(Ord. 539 § 5.04, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.15.060 - Off-street parking requirements.

For off-street parking requirements pertaining to uses permitted in the R-60 district, refer to Chapter 17.48 of this title.

(Ord. 539 § 5.50, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

CHAPTER 17.18 - RM MULTIFAMILY RESIDENTIAL DISTRICT

17.18.010 - Purpose.

The purpose of the RM multifamily residential district is to accommodate multifamily residences in the vicinity of existing high density residential areas, institutions, commercial areas and major transportation routes, in general. In addition, the RM district encourages efficient residential use while still maintaining a desirable living environment for its inhabitants.

(Ord. 539 § 6.00, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.18.020 - Permitted principal uses.

Permitted principal uses in the RM district include the following:

- A. Adult family home when in compliance with Section 17.06.045
- B. Boarding, rooming and lodging houses;
- C. Convalescent, nursing or retirement homes;
- D. Dormitories;
- E. General farming;
- F. Group home when in compliance with Section 17.06.370
- G. Group home for the developmentally disabled when in compliance with Section 17.06.380
- H. Lodges, fraternal and social organizations not conducted primarily for financial gain;
- I. Multifamily dwellings;
- J. Parks and playgrounds;
- K. Public or commercial swimming pools;
- L. Public libraries, museums and art galleries;
- M. Public libraries, museums and art galleries;
- N. Single-family dwellings;
- O. Two-family dwellings (duplexes).

(Ord. 539 § 6.01, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.18.030 - Permitted accessory uses.

Permitted accessory uses in the RM district include the following:

- A. Animals as regulated by Chapter 17.54
- B. Any use customarily incidental to a permitted principal use;
- C. Family day care provider when in compliance with Section 17.06.305
- D. Garden house, tool shed, swimming pools, tennis courts, playhouse or greenhouse not used for commercial purposes;
- E. Home occupation when in compliance with Section 17.06.390
- F. Private garage;
- G. Rooms within the principal dwelling for use by domestic employees of the owner, lessee or occupant of the principal dwelling; provided, however, if such rooms meet the definition of a dwelling unit, lot area requirements shall be met.

(Ord. 539 § 6.02, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.18.040 - Conditional use permits.

Uses in the RM district that may be permitted by approval of a conditional use permit in accordance with Chapter 17.57 of this title are as follows:

- A. Churches;
- B. Golf courses and driving ranges;
- C. Public elementary, secondary and high schools, colleges and private parochial schools with curricula equivalent to public elementary, secondary, high schools or colleges;
- D. Public utilities as defined in Section 17.06.750
- E. Recreational facilities and community center buildings, including gymnasiums, athletic and sports complexes, public and private racquet clubs, health spas and the like;
- F. Vocational and trade schools, business colleges, music conservatories, dancing schools and similar uses;
- G. Professional, governmental and general office buildings where no activity is carried on catering to retail trade and storage of goods for sale;
- H. Hospitals and sanitariums;
- I. Seasonal amusement parks such as carnivals, circuses, festivals and fairs;
- J. Produce stands;
- K. Christmas tree sales lots;
- L. Animal kennels when in compliance with Chapter 17.54 of this title;
- M. Greenhouses or nurseries;
- N. Miniwarehouses;
- O. Fences over six feet in height;
- P. One accessory dwelling unit, provided the following conditions are met:

1. This shall apply only to situations where there exists a personal hardship related to the aged, infirm or to persons incapable of maintaining a separate residence whereby it is necessary to have someone living on the premises,
2. The accessory dwelling unit may be attached to or within the principal residence or be a travel trailer or mobile home,
3. A signed doctor's statement indicating the need for supervision shall be submitted,
4. The permit shall be issued for a specific person or persons, being relative(s) and/or legal guardian(s), and for a period of one year requiring annual review and renewal by the administrator. No change in occupancy shall take place without review of the planning commission,
5. Use of the accessory dwelling unit as a separate dwelling unit shall not constitute an approval to divide land. The accessory use shall cease within 30 days after the original need has ceased. If the accessory unit is detached, and is either a mobile home or a travel trailer, it shall cease to be used for live-in purposes and shall be disconnected from city utilities. In the case of the mobile home, it shall be removed from the premises,
6. All yard setbacks of the district shall be met,
7. The accessory dwelling unit must be connected to city utilities.

(Zoning Amend. No. 12 (part), 1987; Ord. 539 § 6.03, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.18.050 - Height, setback and area requirements.

For height, setback and area requirements in the RM district, refer to Chapter 17.42 of this title.

(Ord. 539 § 6.04, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.18.060 - Off-street parking requirements.

For off-street parking requirements pertaining to uses permitted in the RM zoning district, refer to Chapter 17.48 of this title.

(Ord. 539 § 6.05, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

CHAPTER 17.21 - CG GENERAL COMMERCIAL DISTRICT

17.21.010 - Purpose.

It is the purpose of the CG general commercial district to provide a location for the concentrated grouping of diversified retail trade, administrative, and professional offices and services. This district encourages a full range of commercial activities, including convenience, comparison and professional shops and businesses serving the entire community trading area.

(Ord. 539 § 7.00, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.21.020 - Permitted principal uses.

Permitted principal uses in the CG district include the following:

- A. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
- B. Personal service establishments, banks and financial institutions, business and professional offices, laundry (including self-service), dry cleaning establishments, appliance repair shops, shoe repair shops and the like;
- C. Hotels and motels;
- D. Restaurants or other places serving and/or selling food and beverages, including entertainment;
- E. Automobile service stations (gasoline and oil) including minor engine repair and excluding auto body and auto wrecking activities, major repair and overhaul, machine shop functions, steam and pressure cleaning and use of oxyacetylene and electric cutting and welding;
- F. Amusement enterprises similar to bowling alleys, roller and ice skating rinks, and assembly halls;
- G. Cultural centers such as libraries, museums, art galleries;
- H. Lodges, fraternal and social organizations;
- I. Commercial recreation facilities such as gymnasiums, racquet clubs, health spas, but not including land-extensive outdoor recreation facilities (e.g., golf courses, baseball stadiums, coliseums, amusement parks and the like);
- J. General farming;
- K. Other uses similar to the above and consistent with the established purposes of this district;
- L. Child day care center when in compliance with Section 17.06.065.

(Ord. 809 § 1, 1999; Ord. 539 § 7.01, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.21.030 - Permitted accessory uses.

Permitted accessory uses in the CG district include the following:

- A. Any use customarily incidental to a principal permitted use;
- B. Home occupation as defined in Section 17.06.390
- C. Storage and incidental light manufacturing provided that such use is clearly accessory, secondary and necessary for the operation of a permitted principal use.

(Ord. 539 § 7.02, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.21.040 - Conditional use permits.

Uses in the CG district that may be permitted by approval of a conditional use permit in accordance with Chapter 17.57 of this title are as follows:

- A. Veterinary hospitals and clinics;
- B. Public utilities as defined in Section 17.-06.750;
- C. Amusement enterprises such as billiards, shooting galleries and dancehalls;
- D. Auto body, major repair and overhaul, welding and light machine shop and associated function;
- E. Repealed;
- F. Live theater, movie theaters and drive-in theaters.

(Ord. 809 § 2, 1999; Ord. 539 § 7.03, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.21.050 - Prohibited uses.

Uses that are prohibited in the CG district are:

- A. Pornographic, discriminatory and/or exploitive use of sex in any way.

(Ord. 539 § 7.04, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.21.060 - Height, setback and area requirements.

For height, setback and area requirements in the CG district, refer to Chapter 17.42 of this title.

(Ord. 539 § 7.05, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

17.21.070 - Off-street parking requirements.

For off-street parking requirements pertaining to uses permitted in the CG district, refer to Chapter 17.48 of this title.

(Ord. 539 § 7.06, 1984)

(Ord. No. 1056, § 1, 5-14-2012)

CHAPTER 17.22 - DMU DOWNTOWN MIXED USE DISTRICT

17.22.010 - Purpose.

It is the purpose of the DMU downtown mixed use district to ensure innovative, well designed, mixed-use, higher density development to be located along College Avenue. The DMU district is hereby created to:

- A. Be consistent with City of College Place Comprehensive Plan goals and policies by encouraging more compact, higher density, mixed use development of retail, office and residential uses within the same building;
- B.

Provide a compatible mix of residential and retail/services with commercial uses being the primary focus;

- C. Ensure innovative site and building design to achieve above purposes by allowing flexibility within and modification from existing codes through flexible residential densities while not compromising the requirements established within the College Place Municipal Code.

(Ord. No. 1033, § 2, 1-11-2010; Ord. No. 1056, § 1, 5-14-2012)

17.22.020 - Permitted principal uses.

Permitted principal uses in the DMU district include the following:

- A. Amusement enterprises similar to bowling alleys, roller and ice skating rinks, and assembly halls;
- B. Any retail business whose principal activity is the sale of merchandise in an enclosed building;
- C. Appliance repair shops;
- D. Automobile service stations (gasoline and oil) including minor engine repair and excluding auto body and auto wrecking activities, major repair and overhaul, machine shop functions, steam and pressure cleaning and use of oxyacetylene and electric cutting and welding, also see 17.22.040D of this chapter;
- E. Bakeries;
- F. Banks and financial institutions;
- G. Boarding, rooming, lodging houses, bed and breakfast;
- H. Business and professional offices;
- I. Cafes, delis;
- J. Commercial recreation facilities such as gymnasiums, racquet clubs, health spas, but not including land-extensive outdoor recreation facilities (e.g., golf courses, baseball stadiums, coliseums, amusement parks and the like);
- K. Cultural centers such as libraries, museums, art galleries;
- L. Day nursery or day care center;
- M. Drug stores;
- N. Dry cleaning establishments;
- O. Farmers markets;
- P. Government buildings (such as City Hall, police and fire stations, public purpose, etc.);
- Q. Hotels and motels;
- R. Institutions, schools and colleges;
- S. Laundromats (including self-service);
- T. Live theater, movie theaters;
- U. Lodges, fraternal and social organizations;
- V. Multi-family dwelling, when accompanied by commercial development;
- W. Personal service establishments such as barber and beauty shops;
- X. Preexisting single-family and multi-family dwelling units or its replacement, in effect at the date of adoption of the ordinance codified in this title;

- Y. Restaurants or other places serving and/or selling food and beverages, including entertainment;
- Z. Retail—Gifts, antiques, variety goods, hobby or garden supplies, light hardware, reading materials, food and meat sale, other sales;
- AA. Secondhand stores;
- BB. Shoe repair shops;
- CC. Townhouse, when accompanied by commercial development;
- DD. Vocational trade schools, business colleges, music conservatories, dancing schools;
- EE. Other uses similar to the above and consistent with the established purposes of this district;
- FF. Child day care center when in compliance with Section 17.06.065.

(Ord. No. 1033, § 2, 1-11-2010; Ord. No. 1056, § 1, 5-14-2012)

17.22.030 - Permitted accessory uses.

Permitted accessory uses in the DMU district include the following:

- A. Any use customarily incidental to a principal permitted use;
- B. Storage and incidental light manufacturing provided that such use is clearly accessory, secondary and necessary for the operation of a permitted principal use.
- C. Family day care provider when in compliance with Section 17.06.305

(Ord. No. 1033, § 2, 1-11-2010; Ord. No. 1056, § 1, 5-14-2012)

17.22.040 - Conditional use permits.

Uses in the DMU district that may be permitted by approval of a conditional use permit in accordance with Chapter 17.57 of this title are as follows:

- A. Veterinary hospitals and clinics;
- B. Public utilities as defined in Section 17.06.750
- C. Group homes, when accompanied by commercial development;
- D. Auto body, major repair and overhaul, welding and light machine shop and associated functions;
- E. Car wash;
- F. Mobile vendor.

(Ord. No. 1033, § 2, 1-11-2010; Ord. No. 1056, § 1, 5-14-2012)

17.22.050 - Prohibited uses.

Uses that are prohibited in the DMU district are:

- A. Warehouses, mini-warehouses, storage units, and storage yards.

(Ord. No. 1033, § 2, 1-11-2010; Ord. No. 1056, § 1, 5-14-2012)

17.22.060 - Development standards.

Development standards for the DMU district are:

- A.

Commercial and/or office use shall be located at a minimum on the main floor with the majority of the residential development located on the second floor. Residential development must be accompanied by commercial development. Commercial development does not need to be accompanied by residential development but is encouraged;

- B. For height, setback and area requirements in the DMU district, refer to the CG general commercial zone in Chapter 17.42 of this title;
- C. The building storefront must face College Ave. and shall be placed at back of sidewalk, allowing for a minimum ten foot wide sidewalk with 20 foot encouraged to promote sidewalk activities like outdoor dining, etc. Sidewalks shall be installed in accordance with the City of College Place Standard Specification;
- D. Screening and landscaping requirements shall be provided in accordance with Section 17.45.030 of this title and are in addition to street tree requirements;
- E. Street Tree Requirement. Street trees shall be provided, type, installation, and minimum interval as established in the City of College Place Standard Specifications. An automated low-water irrigation system shall be installed. Street trees shall be perpetually maintained and irrigated by the property owner;
- F. Street Lighting Requirement. Street lighting shall be provided; type, installation, and minimum interval as established in the City of College Place Standard Specifications;
- G. Off-Street Parking Requirement. Parking facilities shall be provided at the rear or side of the building. Parking for mixed uses or occupancies shall be computed separately and combined for the total off-street parking requirement. Where computations result in a fraction, the parking space requirement shall be rounded to the nearest whole number. Multifamily dwellings shall be provided one off-street parking space per unit up to one bedroom with an additional .5 spaces per additional bedroom. For all other off-street parking requirements pertaining to uses permitted in the DMU district refer to Chapter 17.48 of this title.
- H. Other Standards. Normal daytime display of salable items may be placed in a neat and orderly manner on the sidewalk adjacent to the merchant's business. The display shall not materially affect sidewalk traffic and shall be moved from the sidewalk at the end of each day.

(Ord. No. 1033, § 2, 1-11-2010; Ord. No. 1056, § 1, 5-14-2012)

CHAPTER 17.24 - IL LIGHT INDUSTRIAL DISTRICT

17.24.010 - Purpose.

It is the purpose of the IL light industrial district to provide for the location and grouping of industrial activities that do not generate offensive external impacts such as excessive noise, pollution or emissions, involve limited assembly, fabrication and handling of products, include research and technological processes and do not create exceptional demands upon public facilities and services. A further purpose is to afford protection to the industries so located by prohibiting the intrusion of incompatible influences.

(Ord. 539 § 8.00, 1984)

17.24.020 - Permitted principal uses.

Permitted principal uses in the IL district include:

- A. The manufacture, fabrication, assembly, packaging, handling and storage of previously prepared materials which conform to the established purpose of the light industrial district, provided there shall be no manufacture, refining or treatment of any of the following products or materials:
1. Asphalt, tar,
 2. Acetylene,
 3. Brick, tile, terra cotta,
 4. Concrete, cement, lime, gypsum and plaster of paris,
 5. Chemicals of a hazardous, noxious or a poisonous nature such as and similar to strong acids and alkalines, ammonia, bleaching powder, chlorine, dyestuff, glue, gelatin, herbicides and pesticides,
 6. Explosive or highly flammable material,
 7. Fats, oils and soaps,
 8. Fertilizer, offal, bones and the reduction of dead animals,
 9. Forging or smelting of metal,
 10. Lampblack and stove or shoe polish,
 11. Heavy timber lumber and planing mills,
 12. Oilcloth and linoleum,
 13. Paint, shellac, turpentine, lacquer and varnish,
 14. Petroleum,
 15. Primary manufacture of paper and pulp,
 16. Slaughtering and processing of meat and fish products,
 17. Tannery and curing of raw hide;
- B. Warehouses (including miniwarehouses) and storage yards provided that the screening standards of Chapter 17.51 are met;
- C. Storage of flammable material and liquid, provided the tanks are no more than 10,000 gallons each in capacity. Such tanks shall be located no less than 25 feet from any building, property line or similar tank and built in accordance with applicable codes (NFPA and UBC);
- D. Public utilities as defined in Section 17.06.750
- E. Auto body repair, engine repair;
- F. Salvage and wrecking operations provided the performance standards of Chapter 17.51 are met;
- G. Commercial horse and pony boarding, riding stables and schools when in compliance with Chapter 17.54 of this title;
- H. Animal kennels when in compliance with Chapter 17.54 of this title;
- I. General farming;
- J. Other uses similar to the above and consistent with the established purposes of this district.

(Ord. 539 § 8.01, 1984)

17.24.030 - Permitted accessory uses.

Permitted accessory uses in the IL district include the following:

- A. Any uses customarily incidental to a permitted principal use;
- B. Single-family dwelling or mobile (manufactured) home principally for use by security personnel employed by a principally permitted use.

(Ord. 539 § 8.02, 1984)

17.24.040 - Conditional uses.

Uses in the IL district that may be permitted by approval of a conditional use permit in accordance with Chapter 17.57 of this title are as follows:

- A. Storage of flammable material and liquid, stored in tanks of more than 10,000 gallons each;
- B. Energy recovery operations utilizing and/or producing garbage, paper, alcohol and gasohol;
- C. Replaning mills.

(Ord. 539 § 8.03, 1984)

17.24.050 - Height, setback and area requirements.

For height, setback and area requirements in the IL zoning district, refer to Chapter 17.42 of this title.

(Ord. 539 § 8.04, 1984)

17.24.060 - Off-street parking requirements.

For off-street parking requirements pertaining to uses permitted in the IL district, refer to Chapter 17.48 of this title.

(Ord. 539 § 8.05, 1984)

CHAPTER 17.27 - CN NEIGHBORHOOD COMMERCIAL DISTRICT

17.27.010 - Purpose.

It is the purpose of the CN neighborhood commercial district to provide a mechanism whereby convenience shopping centers limited to the provision of day-to-day goods and services can be dispersed throughout the community when consistent with the goals of the comprehensive plan. The neighborhood commercial district is a floating (unmapped) zone which is "anchored" to the land after approval of an applicant's petition for rezone. It is also the purpose of this district to maintain a high standard of landscaping design requirements around such development, since these areas are usually closely associated with the residential environment.

(Ord. 539 § 9.00, 1984)

17.27.020 - Permitted principal uses.

Permitted principal uses in the CN district include the following:

- A. Retail food and meat sales;
- B. Drug stores;
- C. Retail stores selling such items as gifts, antiques, variety goods, hobby or garden supplies, light hardware, reading materials and other small items used primarily in or about a residence;
- D. Personal services such as barber and beauty shop;
- E. Business and professional offices;
- F. Public utilities as defined in Section 17.06.750
- G. Banks and financial institutions;
- H. Automobile service stations (gasoline and oil) excluding auto body and wrecking activities;
- I. Cafes, delis, etc.;
- J. Other uses similar to the above, which are consistent with the purpose of the neighborhood commercial district.

(Ord. 539 § 9.01, 1984)

17.27.030 - Permitted accessory uses.

Permitted accessory uses in the CN district include the following:

- A. Any use customarily incidental to a permitted principal use;
- B. Home occupation as defined in Section 17.06.390
- C. Single- and two-family dwellings when located within a structure housing a permitted commercial activity as its principal use.

(Ord. 539 § 9.02, 1984)

17.27.040 - Height, setback and area requirements.

For height, setback and area requirements in the CN district, refer to Chapter 17.42 of this title.

(Ord. 539 § 9.03, 1984)

17.27.050 - Off-street parking requirements.

For off-street parking requirements pertaining to uses permitted in the CN district refer to Chapter 17.48 of this title.

(Ord. 539 § 9.04, 1984)

17.27.060 - Expiration of neighborhood commercial district approval.

- A. Approval of a rezone to neighborhood commercial district shall expire within two years of the effective date of council approval if use of the property as authorized by the rezone has not begun, unless an extension of the time limit is granted by council. Time limit extensions shall not exceed one year in length and no more than one extension shall be granted by council.
- B. Immediately following rezone approval expiration, the land shall automatically, without further public hearing, return to its previous zoning classification before the rezone was granted.

(Ord. 539 § 9.05, 1984)

CHAPTER 17.30 - PR PUBLIC RESERVE DISTRICT

17.30.010 - Purpose.

It is the purpose of the PR public reserve district to provide for the retention of lands necessary for open spaces, parks and structures for educational, cultural and similar public and quasipublic institutions. The public reserve district is a floating (unmapped) zone which is "anchored" to the land after approval of an applicant's petition for rezone.

(Ord. 539 § 10.00, 1984)

17.30.020 - Permitted principal uses.

Permitted principal uses in the PR district include the following:

- A. Institutions, such as schools (including day nurseries and preschools), colleges, hospitals, sanitariums, convalescent centers and charitable uses;
- B. Libraries, museums, art galleries or similar cultural institutions as such;
- C. Churches;
- D. Governmental buildings or offices, such as City Hall, police and fire stations;
- E. Parks, greenbelts and open space for active or passive recreation, community meeting or recreation halls, amusement parks, carnivals, circuses, fairs, or zoos and athletic and sports complexes including coliseums, stadiums and other large-scale assembly buildings;
- F. Public utilities as defined in Section 17.06.750
- G. Cemeteries and mausoleums;
- H. Other uses similar to the above which are consistent with the purposes of the PR district.

(Ord. 539 § 10.01, 1984)

17.30.030 - Permitted accessory uses.

Permitted accessory uses in the PR district include the following:

- A. Any use customarily incidental to a permitted principal use;
- B. Single-family dwelling principally for use by security personnel employed by a principally permitted use.

(Ord. 539 § 10.02, 1984)

17.30.040 - Height, setback and area requirements.

For height, setback and area requirements in the PR zoning district, refer to Chapter 17.42 of this title.

(Ord. 539 § 10.03, 1984)

17.30.050 - Off-street parking requirements.

For off-street parking requirements pertaining to uses permitted in the PR district, refer to Chapter 17.48 of this title.

(Ord. 539 § 10.04, 1984)

17.30.060 - Expiration of public reserve district approval.

- A. Approval of a rezone to public reserve district shall expire within two years of the effective date of council approval if use of the property as authorized by the rezone has not begun, unless an extension of the time limit is granted by council. Time limit extensions shall not exceed one year in length and no more than one extension shall be granted by council.
- B. Immediately following rezone approval expiration, the land shall automatically, without further public hearing, return to its previous zoning classification before the rezone was granted.

(Ord. 539 § 10.05, 1984)

CHAPTER 17.33 - PUD PLANNED UNIT DEVELOPMENT DISTRICT

17.33.010 - Purpose.

The planned unit development district is a floating (unmapped) zone which is "anchored" to the land after approval of an applicant's petition for rezone. The planned unit development (PUD) district has the following purposes:

- A. To permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open space, layout of streets, utility systems and other public improvements, while at the same time maintaining substantially the same overall dwelling unit density and area coverage.
- B. To allow development which is as good or better than that resulting from traditional lot-by-lot development, by applying unified design to larger land areas, while still maintaining the same principles and purposes inherent in the requirements applying to individual lots.
- C. To permit flexibility in design, placement of buildings, use of open spaces, off-street parking and circulation plans, and to best utilize the potentials of the site's unique features in a manner which preserves or creates environmental amenities superior to those generally found in traditional land development.

(Ord. 539 § 11.00, 1984)

17.33.020 - Approval procedure.

The procedure for approval of a PUD consists of the following four principal steps:

- A. Planning commission review of conceptual PUD;
- B. Planning commission review and recommendation to council on the preliminary PUD;
- C. City council review and approval of the preliminary PUD;
- D. City council review and approval of the final PUD.

(Ord. 539 § 11.01, 1984)

17.33.030 - Phased development.

Development of a planned unit development may be phased, in which case all the property anticipated for PUD development shall be submitted as a preliminary PUD, showing a conceptual depiction of the property's eventual development through all phases. Subsequent to planning commission and council review and approval of the preliminary PUD, portions of the development may be submitted as final PUD's for review and ultimate approval by the council.

(Ord. 539 § 11.02, 1984)

17.33.040 - Combined preliminary and final PUD.

In all cases the preliminary PUD and the final PUD may be combined and together processed through review as a final PUD; provided, however, in this case, the planning commission (prior to council consideration) shall review and make a recommendation on the combined preliminary and final PUD.

(Ord. 539 § 11.03, 1984)

17.33.050 - Conceptual PUD—Application.

A. PUD projects may be applied for by:

1. The owner of all property involved, if under one ownership; or by
2. An application filed jointly, by all owners having title to all of the property proposed for the PUD project, if there is more than one owner; or by
3. A governmental agency.

B. The applicant shall file with the administrator a conceptual PUD which includes the following:

1. Written documents including but not limited to:
 - a. Legal description,
 - b. Statement of present ownership,
 - c. Statement of intent as to final ownership, including any and all plans for rental, sale or combination thereof and basic content of covenants and continuous maintenance provisions for the development,
 - d. Statement of planning objectives to be achieved by the PUD, including a description of the nature of the development and its relation to the comprehensive plan and an explanation of the factors that determined the particular scheme proposed,
 - e. Written description of the site including topography, soil type, significant land forms, bodies of water, vegetation and any unique physical features of the land,
 - f. Specific quantitative information such as number and types of structure, proposed dwelling unit density, amount of common and private open space and proposed uses,
 - g. Tentative schedule of development,
 - h. Fee as prescribed by Chapter 17.78 of this title;
2. Graphic and illustrative documents, including but not limited to:
 - a. A vicinity map showing subject property in relation to surrounding properties,
 - b. Six copies of a conceptual plan showing proposed topographic contours, designated placement and location, all buildings, rights-of-way, easements, parking areas, recreation areas, other open space and a preliminary utility and drainage layout.

(Ord. 539 § 11.04, 1984)

17.33.060 - Conceptual PUD—Planning commission consideration.

The planning commission shall consider the conceptual PUD at a public meeting. After review of the application, the planning commission shall advise in writing the applicant as to the compliance of the proposal with the adopted plans, policies and ordinances of the city. This is intended to be a general review of the proposal and the findings of the planning commission are not to be considered all inclusive or final.

(Ord. 539 § 11.05, 1984)

17.33.070 - Preliminary PUD—Hearing before planning commission.

- A. A preliminary PUD shall consist of the items in Sections 17.33.050(A)(1) and (A)(2)(a) and detailed site plans showing proposed topographic contours, designated placement, location and dimension of all buildings, right-of-way, easements, parking areas (including individual spaces), recreation areas, other open space, preliminary landscape treatment, fences and a preliminary utility and drainage layout.
- B. The preliminary PUD shall be considered at a public hearing before the planning commission after notice given as required by Chapter 17.75 of this title.
- C. Following the public hearing, the commission may recommend approval or denial of the application and accompanying PUD plans or recommend imposition of such conditions of approval as are in its judgment necessary to ensure conformity to all applicable criteria and regulations and the purposes of the PUD district. Prior to the commission's recommending approval or approval with conditions, it must first conclude that the planned unit development:
 1. Will not be detrimental to surrounding land use and that land surrounding the proposed development can be planned in coordination with the proposed development so as to be mutually compatible;
 2. Streets and sidewalks (both public and private) existing and proposed, are suitable and adequate to carry anticipated on- and off-site traffic;
 3. Utility services and other improvements existing and proposed are adequate for development;
 4. Each phase of the proposed development as it is planned to be completed, includes the required parking spaces, open spaces and landscaping necessary to create a desirable and stable development;
 5. That the unique physical features of the site have been protected and enhanced in a manner which creates a desirable environment;
 6. The proposed development conforms with the purposes and standards prescribed in this chapter; and
 7. That development aspects of the PUD complement the 1983 comprehensive plan.
- D. The commission's recommendation for approval, conditional approval or denial, together with findings of fact supporting such determination shall be forwarded to the council for consideration at their public meeting.

(Ord. 539 § 11.06, 1984)

17.33.080 - Preliminary PUD—Hearing before council.

Upon receipt of the planning commission's recommendation, the city council shall advertise and hold a public hearing as required by state statute. At the public hearing council shall consider the planning commission's recommendation and any other relevant information presented by persons appearing before it. Following the public hearing, the council may approve the preliminary PUD, may approve the same with

conditions, remand for reconsideration before the planning commission, or may deny it. In case of phased or staged PUDs, the council, if it approves the preliminary PUD, shall prescribe a timetable for the development of subsequent phases. See Section 17.33.100. All council determinations shall be supported by findings of fact and shall be final.

(Ord. 539 § 11.07, 1984)

17.33.090 - Preliminary PUD—Effect.

Approval by council of the preliminary PUD shall constitute authorization for the developer to prepare detailed construction plans, profiles and specification for the required public improvements, if any, for approval by the city engineer. Upon approval by the city engineer, the developer may develop the PUDs public facilities and improvements in strict accordance with such construction plans, the approved PUD plans and the provisions of this chapter.

(Ord. 539 § 11.08, 1984)

17.33.100 - Preliminary PUD—Approval expiration.

Preliminary PUD approval shall be effective for 24 months from the date of approval by the city council during which time a final PUD for the first phase of a staged PUD shall be submitted. In the case of phased PUDs, subsequent final PUD phases shall be submitted in accordance with a timetable approved by council. If the final PUD or initial phase of a staged PUD is not submitted within the two-year approval period, the preliminary PUD shall be null and void, unless the city council grants an extension, not to exceed one year, to preliminary PUD approval.

(Ord. 539 § 11.09, 1984)

17.33.110 - Final PUD—Application.

The applicant may file with the administrator within the time period specified in Section 17.33.100 a final PUD conforming to the approved preliminary PUD. In addition to the information required under Section 17.33.050 for the preliminary PUD, a final PUD application shall include the following:

- A. A survey of the subject property, showing existing and proposed contours, buildings (including dimensions and placement), trees over four inches in diameter, fences, utility and vehicular easements, rights-of-way and existing land use;
- B. Elevation and perspective drawings of project structures and improvements;
- C. Covenants, homeowners agreements or other provisions which will govern the use, maintenance and perpetual care of the PUD and all of its open space and recreational facilities;
- D. An off-street parking plan;
- E. A circulation plan indicating the proposed movement of vehicles and pedestrians within and along the periphery of the development;
- F. Landscaping and tree planting plan;
- G. Utilities and drainage plan;
- H.

A bond issued by a surety company authorized to do business in the state to be executed between the city and the property developer or other guarantee acceptable to the city, in an amount equal to 125 percent of the city engineer's estimate of the cost of all public improvements and utilities still remaining to be completed and conditioned upon the property developer's completion of such portions of the project according to the approved construction plans and the provisions of this chapter. In addition, the bond or other suitable guarantee acceptable to the city shall provide that no change, extension of time, alteration or addition to the project will in any way affect the obligation of the bond or other suitable guarantee acceptable to the city. When a bond or other suitable guarantee acceptable to the city is forfeited, any balance remaining after completion of public improvements may be returned to the bonding agency or appropriate party. See Section 17.33.180

(Ord. 539 § 11.10, 1984)

17.33.120 - Final PUD—Hearing before council.

- A. The final PUD shall be transmitted to the city council for consideration at a public hearing with notice given as provided in Chapter 17.75 of this title. At its public hearing the council shall determine:
1. Whether conditions imposed when the preliminary PUD was approved have been met;
 2. Whether the bond, if there is one, by its essential terms guarantees completion of improvements;
 3. Whether the provisions of this chapter and any other applicable laws have been satisfied.
- B. Following the public hearing, the council may approve the final PUD, may approve the same with conditions, or may deny it. The council's determination shall be supported by findings of fact and shall be final.

(Ord. 539 § 11.11, 1984)

17.33.130 - Final PUD approval—Effect.

Approval by the council of the final PUD and execution of the bond as provided in Section 17.33.110 shall authorize the property developer to proceed with the project and shall bind such developer to the implementation of such final PUD and to the construction and maintenance of the planned unit development in strict adherence to the approved plans and the provisions of this chapter. See Section 17.33.180.

(Ord. 539 § 11.12, 1984)

17.33.140 - Building permits—Issued when.

The building official shall issue only building permits and certificates of occupancy which specifically conform to the approved final PUD and with all other applicable city ordinances and regulations. The construction and development of all open spaces and public recreation facilities of each project phase must be completed before any certificates of occupancy will be issued.

(Ord. 539 § 11.13, 1984)

17.33.150 - Zoning map revision.

After final approval by city council, the official zoning map shall be revised to indicate the establishment of a PUD thereon.

(Ord. 539 § 11.14, 1984)

17.33.160 - Platting requirement—Sales of lots.

- A. Platting shall be required of all PUDs that involve the subdivision of lands in accordance with the procedure set forth in Title 16 of this code.
- B. Lots in a platted PUD may be sold to separate owners in accordance with the plat filed and approved in connection herewith. No sale shall be permitted which conveys or otherwise subdivides a lot in such a manner as will create a new lot line, except as provided for in Section 17.33.170

(Ord. 539 § 11.15, 1984)

17.33.170 - Adjustment.

- A. No major changes such as rearrangement of lots, blocks, streets, buildings or other significant changes may be made to an approved final PUD except upon approval of the planning commission and council after each has held a public hearing with notice given in accordance with Chapter 17.75 of this title.
- B. The administrator is authorized to allow minor adjustments in the placement, height or dimensions of buildings and improvements or the adjustment of property lot lines, provided such minor adjustments do not increase the number of dwelling units authorized in the PUD, nor decrease the required amount of parking or loading facilities or open space, nor change any points of ingress or egress to the site or otherwise violate any provisions of this chapter.

(Ord. 539 § 11.16, 1984)

17.33.180 - Final PUD approval expiration—Bond forfeiture.

- A. If construction has not been started within two years from the effective date of approval of a final PUD, or if construction has been commenced but work has been abandoned for a period of one year or more and if no extension of time has been granted as provided in subsection B of this section, authorization granted for the PUD and all permits related thereto shall expire and be null and void and the land shall automatically, without further public hearing, be returned to its previous zoning district classification before the PUD district rezone was granted; further, such period of inactivity shall authorize forfeiture of any bond executed between the property developer and the city, allowing completion of required improvements obliged by bond execution.
- B. In connection with proceedings of Section 17.33.170 A, the city council may after public hearing grant relief to the developer of the PUD by approving an extension of the time limit for commencement of construction and may make adjustments to the approved schedule of development, provided the council can justify:
 - 1. That termination of PUD approval would result in an unreasonable hardship to the developer of the land involved; and
 - 2. The unforeseen conditions and circumstances have caused the delay in development; and
 - 3. That an extension of time will not be adverse to neighboring property owners of the community.

(Ord. 539 § 11.17, 1984)

17.33.190 - Permitted location—Minimum size.

- A. A planned unit development district may locate in any district and may consist of projects that are residential, commercial or industrial in nature or a mixture of land uses.
- B. No PUD shall be developed on land smaller than two acres in size.

(Ord. 539 § 11.18, 1984)

17.33.200 - Common open space requirement and maintenance.

- A. Each PUD containing residential development shall provide not less than 15 percent of the total site area for usable common open space. PUDs consisting of commercial or industrial uses shall provide ten percent of the total site for usable common open space. Common open space shall be concentrated in large, homogeneous units and designed to provide for passive or active recreation. Common open space shall not include:
 - 1. Areas reserved for the exclusive use or benefit of an individual tenant or owner;
 - 2. Dedicated vehicular and pedestrian right-of-way, easement or off-street parking areas.
- B. There shall be adequate provision for the permanent retention and perpetual maintenance of such common open space. The open space may be privately reserved for use in common or dedicated to the public. If in common ownership, maintenance of open space may be required through means of an association. The articles establishing such association shall be reviewed and approved by the city council and shall be recorded and filed with Walla Walla County.

(Ord. 539 § 11.19, 1984)

17.33.210 - Variations in requirements.

In considering a proposed PUD, the approval thereof may involve modifications in the regulations and standards of this title so as to appropriately apply such regulations to the unified development of the site. In modifying such regulations the following limitations shall apply:

- A. Minimum lot area and yard (setback) requirements of other sections of this title are waived within the planned unit development district.
- B. Distances between all structures in a PUD shall at a minimum comply with the standards prescribed by the most current edition of the Uniform Building and Fire Codes (prepared by the International Conference of Building Officials and NFPA) adopted by the city.
- C. The total required off-street parking and loading facilities shall not be less than the sum of the required parking and loading facilities for the various uses computed separately.
- D. The maximum number of dwelling units permitted in a PUD shall be determined by dividing the net development area* by the minimum lot area per dwelling unit required by the zoning district that corresponds to the 1983 comprehensive plan designation (or any amendments thereto) of the subject property. (See table below for corresponding designations). This total may be exceeded by 15 percent and an additional five percent for developments which incorporate any or all of the following:
 - 1. Street and lot orientation to maximize solar access;
 - 2. Tree plantings selected to avoid winter shading of structures;
 - 3. Solar access covenants; or
 - 4. Use of solar water heaters, passive solar space heat or other conservation/solar features.

1983 Comprehensive Plan Designation	Corresponding District
5.8 dwelling units/acre	R-75 single-family residential

7.2 dwelling units/acre	R-60 single-family residential
over 9.5 dwelling units/acre	RM multifamily residential

sz;8q * Net development area is that area designed exclusively for residential and open space use, excluding area set aside for streets, churches, schools, commercial and/or industrial uses.

(Ord. 539 § 11.20, 1984)

CHAPTER 17.36 - MHP MANUFACTURED HOME PARK DISTRICT

17.36.010 - Purpose.

It is the purpose of the MHP manufactured home park district to accommodate the placement of manufactured homes in designated park developments where individual spaces are leased or rented and not sold to the occupants. It is a further purpose of this district to establish specific performance standards for the design of such park developments. The manufactured home park district is a floating (unmapped) zone which is "anchored" to the land after approval of an applicant's petition for rezone.

(Ord. 539 § 12.00, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.020 - Procedure for approval.

The procedure for approval of a manufactured home park district classification shall be the same as that for a rezone as prescribed in Chapter 17.60 of this title. The council shall have the authority to modify and approve as modified specific site plans for development within a manufactured home park district.

(Ord. 539 § 12.01, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.030 - Application requirements.

Application requirements for a manufactured home park district shall be the same as that for a rezone application as prescribed in Section 17.60.040A.1. and in addition shall contain detailed plans including the following:

- A. Scale and north arrow of plan;
- B. Boundaries and dimensions of the manufactured home park and number of acres included;
- C. Vicinity map showing the relationship of the development to adjacent properties;
- D. Location and dimensions of each space with such spaces designated by number or other designation;

- E. Location and dimensions of each existing or proposed building;
- F. Location and width of roadways, streets, drives, sidewalks and pedestrian ways;
- G. Location of each lighting fixture for exterior lighting;
- H. Location of recreational and other common areas;
- I. Location and type of landscaping, fences, walls and other screening structures;
- J. Location, arrangement and design of all parking facilities;
- K. Location of fire hydrants;
- L. Enlarged site plan of typical space showing location of foundation, base, storage space, parking, utility connections and other improvements;
- M. Topography of the park site with contours indicated and a drainage plan;
- N. A survey plat of the property, structures to be constructed, public water system and sewage and solid waste disposal plans.

(Ord. 539 § 12.02, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.040 - Permitted locations.

The manufactured home park district is a floating zone which may be permitted only in the RM district.

(Ord. 539 § 12.03, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.050 - Permitted principal uses.

Permitted principal uses in the MHP district include the following:

- A. Manufactured homes as defined by this title;
- B. Parks and playgrounds;
- C. Clubhouses and community centers for the primary use of park residents;
- D. One single-family dwelling for the primary use of a manager or caretaker responsible for maintaining or operating the property;
- E. Adult family home when in compliance with Section 17.06.045
- F. General Farming;
- G. Group home when in compliance with Section 17.06.370
- H. Group home for the developmentally disabled when in compliance with Section 17.06.380

(Ord. 539 § 12.04, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.060 - Permitted accessory uses.

Permitted accessory uses in the MHP district include the following:

- A. Private garages and carports;

- B. Garden house, tool shed, playhouse, swimming pool, tennis court or greenhouse not used for commercial purposes;
- C. Animals as regulated by Chapter 17.54
- D. Any use customarily incidental to a permitted principal use, i.e., the sale of new manufactured homes for use within the park;
- E. Family day care provider when in compliance with Section 17.06.305
- F. Home occupation when in compliance with Section 17.06.390

(Ord. 539 § 12.05, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.070 - Conditional use permits.

Uses in the MHP district that may be permitted by approval of a conditional use permit in accordance with Chapter 17.57 of this title are as follows:

- A. Public utilities as defined in Section 17.06.750

(Ord. 539 § 12.06, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.080 - Development standards.

The following standards and requirements shall govern the development of manufactured home parks:

- A. All manufactured home parks shall provide at least two points of ingress and/or egress in the proximity of an arterial street as designated in the comprehensive plan. Additional access points may be required.
- B. All drives within a park shall meet the private road standards as established in Section 16.24.210
- C. Drive pavements shall comply with the construction and inspections standards as set forth in the most current edition of the City of College Place's Standard Specifications.
- D. Each manufactured home space shall have direct access to an interior park drive.
- E. All manufactured homes shall be located at least 15 feet from the perimeter of the park.
- F. Spaces within the park shall be a minimum of 3,600 square feet in size and 34 feet in width.
- G. Maximum area coverage permitted for each individual space is 75 percent.
- H. Only one manufactured home shall be permitted per space.
- I. Unless an intervening fire wall is provided, a manufactured home and any attachments shall not be located closer than ten feet from any other manufactured home and attachments, nor closer than ten feet from any park drive, common parking area or common walkway, or 15 feet from any dedicated street. Detached accessory structures shall not be closer than five feet from any manufactured home.
- J. All spaces shall be provided with a foundation base in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 and rules and regulations adopted thereunder, including:
 - 1.

Regulations and interpretations of the Washington State Department of Labor and Industries adopted pursuant to HUD rules;

2. Information supplied by the manufacturer of the manufactured home.
- K. Two paved off-street parking spaces (each with minimum dimensions of nine by 20 feet) shall be provided for each manufactured home space. Tandem parking is permissible. (See Chapter 17.48, Off-street Parking and Loading Requirements.)
- L. Electrical distribution and telephone service systems and all other utilities to each space shall be underground except for outlets and risers at each space.
- M. Adequate street lighting shall be provided within the park.
- N. There shall be on all sides of a park perimeter, adjacent to residential development, screening consisting of a sight-obscuring fence or dense evergreen hedge designed to constitute a solid planting to a minimum height of six feet.
- O. Park Maintenance.
1. It shall be the responsibility of the park owner or manager to assure that all required landscape areas are perpetually maintained.
 2. It shall be the responsibility of the park owner or manager to keep the park free of unsightly brush, leaves, weeds and debris which might communicate fires between manufactured homes and other improvements.
- P. A designated storage area for recreational vehicles, boats, or trailers may be provided. If provided, a six-foot-high, sight-obscuring fence shall be erected around the perimeter of such storage area. Storage of recreational vehicles, boats, or trailers on individual manufactured home spaces or required parking stalls is prohibited.
- Q. Use of recreational vehicles for permanent residences is permitted with the following provisions:
1. Utility hookups shall meet state or federal health standards for recreational vehicle parks;
 2. A recreational vehicle must contain at least one internal toilet and at least one internal shower. If the park owner or manager permits the use of recreational vehicles that do not have at least one internal toilet and shower the manufactured home community must provide toilets and showers. (See "recreational vehicle" as defined in Section 17.06.570 of this title.)
- R. All manufactured homes placed within a manufactured home park shall provide skirting (of fire- and weather-resistant materials) installed around the entire perimeter of the base of the unit prior to occupancy.
- S. Each park shall be provided with 300 square feet/manufactured home of usable common open space. This shall be concentrated in large, homogeneous, centrally located units designed to provide for active or passive recreation. There shall be adequate provision for the permanent retention and maintenance of such common open space. Common open space shall not include:
1. Areas reserved for the exclusive use or benefit of an individual tenant.
 2. Dedicated vehicular and pedestrian right-of-way, easement or off-street parking areas.
- T. All dedicated streets shall conform to the subdivision standards of Title 16 of this code and shall comply with the construction and inspections standards as set forth in the most current edition of the City of College Place's Standard Specifications to the approval of the city engineer.

(Ord. 539 § 12.07, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.090 - Building permits—Issued when.

The building inspector shall issue only building permits and certificates of occupancy which conform to the approved final plans of park development and all other applicable sections of this chapter and other city ordinances and regulations. No building permit for the placement of manufactured homes shall be issued prior to completion of manufactured home park improvements, including drives and screening and landscaping of required common open spaces.

(Ord. 539 § 12.08, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.100 - Adjustments.

No major changes such as rearrangement of spaces, blocks, or drives may be made to an approved manufactured home park plan without again going through the procedures provided under this chapter for original manufactured home park district approval.

(Ord. 539 § 12.09, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

17.36.110 - Expiration of manufactured home park district approval.

- A. If construction has not been started within two years from the date of approval of the manufactured home park district, or if construction has been commenced but work has been abandoned for a period of one year or more and if no extension has been granted as provided in subsection B of this section, authorization granted for the manufactured home park and all permits related thereto shall expire and be null and void and the land shall automatically, without further public hearing, be returned to its previous zoning district classification before the manufactured home park district rezone was granted.
- B. In connection with the proceedings of subsection A of this section, the city council may after public hearing grant relief to the developer of the park by approving an extension of time limit, provided the council can justify:
1. That termination of the manufactured home park district approval would result in an unreasonable hardship to the developer of the land involved; and
 2. That unforeseen conditions and circumstances have caused the delay in development; and
 3. That an extension of time will not be adverse to neighboring property owners of the community.

(Ord. 539 § 12.10, 1984)

(Ord. No. 1057, § 1, 7-9-2012)

CHAPTER 17.39 - RESERVED.

FOOTNOTE(S):

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Editor's note—Ord. No. 1058, § 1, adopted July 9, 2012, repealed Ch. 17.39, §§ 17.39.010—17.39.090, in its entirety. Former Ch. 17.39 pertained to MHS mobile home subdivision district and was derived from Ord. 539 §§ 13.00—13.08, adopted 1984.

CHAPTER 17.42 - HEIGHT, SETBACK AND AREA REQUIREMENTS

17.42.010 - Purpose.

It is the purpose of the following regulations to insure that development in the community provides adequate light, air, open space and intersection sight visibility in such a manner so as to maintain a high quality urban environment.

(Ord. 539 § 14.00, 1984)

17.42.020 - Requirements.

The height, setback and area requirements of this chapter apply to all structures, buildings and fences, with the exception of accessory buildings constructed in conformance with Section 17.42.030. See Table 17.42.020.

(Zoning Amend. No. 11, 1987; Ord. 539 § 14.01, 1984)

Table <u>17.42.020</u>						Setbacks in Feet		
Zoning District	Minimum Lot Area	Minimum Area per Dwelling Unit	Minimum Lot Width (feet)	Maximum Building Height (feet)	Maximum Lot Coverage	Front Yard	Side Yard	Rear Yard
R-75	7,500	7,500	75	35	35%	25 ⁽¹⁾	<u>5</u>	20
R-60	6,000 7,500 for duplex	3,750 sq. ft. for duplex	60	35	35% 45% duplex	20 ⁽¹⁾	<u>5</u>	20
RM	6,000	1,400 ⁽²⁾	50	35	35%	20 ⁽¹⁾	<u>5</u>	<u>15</u>
CG	none	-	none	50	100%	none	⁽³⁾	⁽⁴⁾
IL ⁵	none	-	none	50	100%	none	⁽⁶⁾	⁽⁶⁾
CN	6,000	-	50	14' eave	35%	20	<u>5</u>	<u>15</u>

				ht. ridge same as adjacent residence				
PR	none	-	none	80	100%	20	<u>5</u>	20
PUD	-	See <u>Section 17.33.200</u>	-	50	-	-	-	-
MHP	Refer to <u>Section 17.36.080</u>							
MHS	Refer to Section 17.39.070							

Notes

- (1) The second front yard on a corner lot shall be 15 feet unless the units of a duplex or multifamily structure face both streets, in which case two full front yards will be required.
- (2) In no case shall there be less than 400 square feet of living area/unit.
- (3) No setback, except where abutting an R-75, R-60, RM, MHP, MHS or PUD district, then ten feet.
- (4) No setback, except where abutting an R-75, R-60, MHP, MHS or PUD district, then 15 feet.
- (5) In IL or PR districts, all applicable standards in Chapters 17.42, 17.45 and 17.48 must be met.
- (6) No setback where abutting an R-75, R-60, MHP, MHS or PUD district, the setback shall equal the eave height.

(Ord. No. 1021, § 1, 4-27-2009)

17.42.030 - Accessory buildings—Setback adjustments.

A detached accessory building may be located up to five feet of a rear property line, provided that:

- A. The total square footage of the building is no greater than 600 square feet; and
- B. The accessory building is located within the rear one-third of the lot; and that
- C. All other provisions of this title and the Uniform Building Code are complied with and that the distance between buildings on the lot and buildings on an adjacent lot is ten feet or more.

(Zoning Amend. No. 10, 1987; Ord. 539 § 14.02, 1984)

17.42.040 - Fence height maximums.

- A. The following maximum fence height limitations apply:

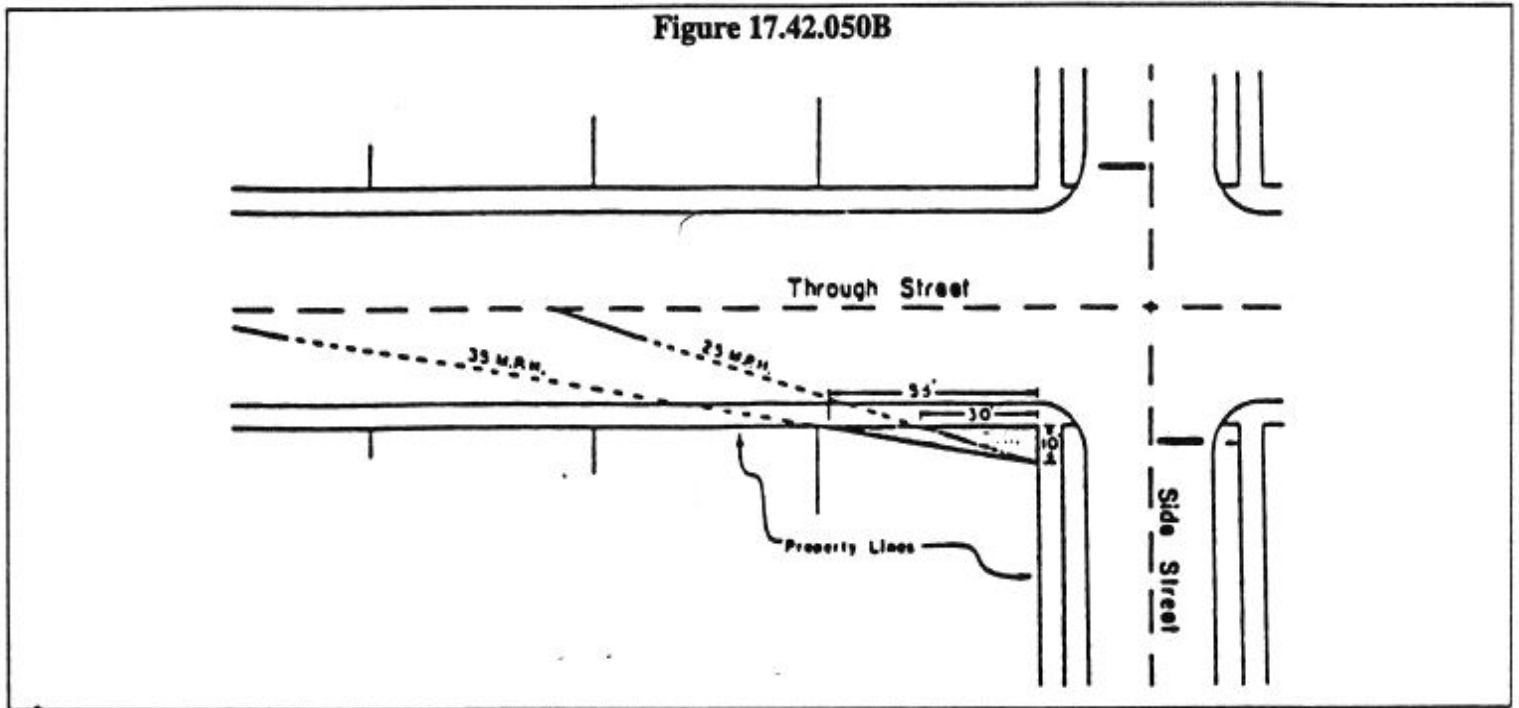
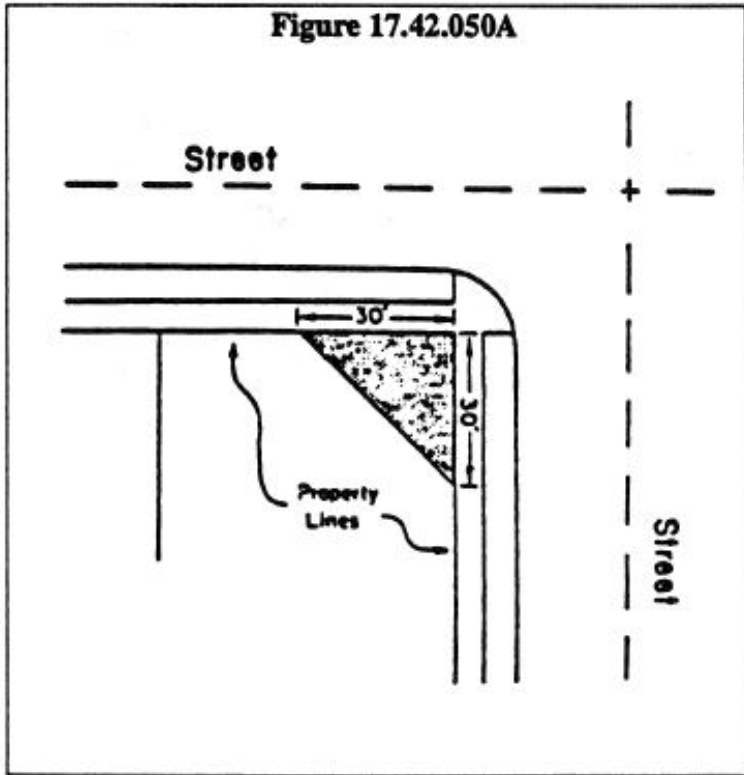
1. No fence located in any zoning district established by this title shall exceed eight feet in height. Fences exceeding six feet in height require a building permit and a conditional use permit in the R-75, R-60, RM and MHS districts and must comply with Uniform Building Code requirements.
2. No fence located within a required front yard setback (including half depth front yards) shall exceed 42 inches in height; provided, however, that in the case of corner lots, fences exceeding 42 inches in height may be erected within the required front yard setback for second front yards so long as no fence exceeding 42 inches in height is erected within 30 feet of the front property line of the primary front yard.

B. The above maximum fence height limitations are further qualified and limited by the sight visibility triangle provisions of Sections 17.42.050 through 17.42.100
(Ord. 669 § 1, 1991; Ord. 539 § 14.03, 1984)

17.42.050 - Sight visibility triangle—Dimensions.

Figure 17.42.050A illustrates dimensions and terminology used in this chapter with reference to sight visibility triangles.

- A. At uncontrolled intersections, the sight visibility triangle shall be formed by measuring back from the point where street corner property lines meet, a distance of 30 feet along the property line, with the third side of the triangle being the straight line connection between the above-mentioned side lines. (Refer to Figure 17.42.050A.)
- B. At controlled intersections the side street side of the sight visibility triangle shall be a distance of ten feet measured back from the point where street corner property lines meet; the through street side of the triangle shall be a distance of 30 feet for speed limits up to 25 miles per hour and 55 feet for speed limits up to 35 miles per hour; the third side of the triangle being the straight line connection between the above-mentioned side lines. (Refer to Figure 17.42.050B.)

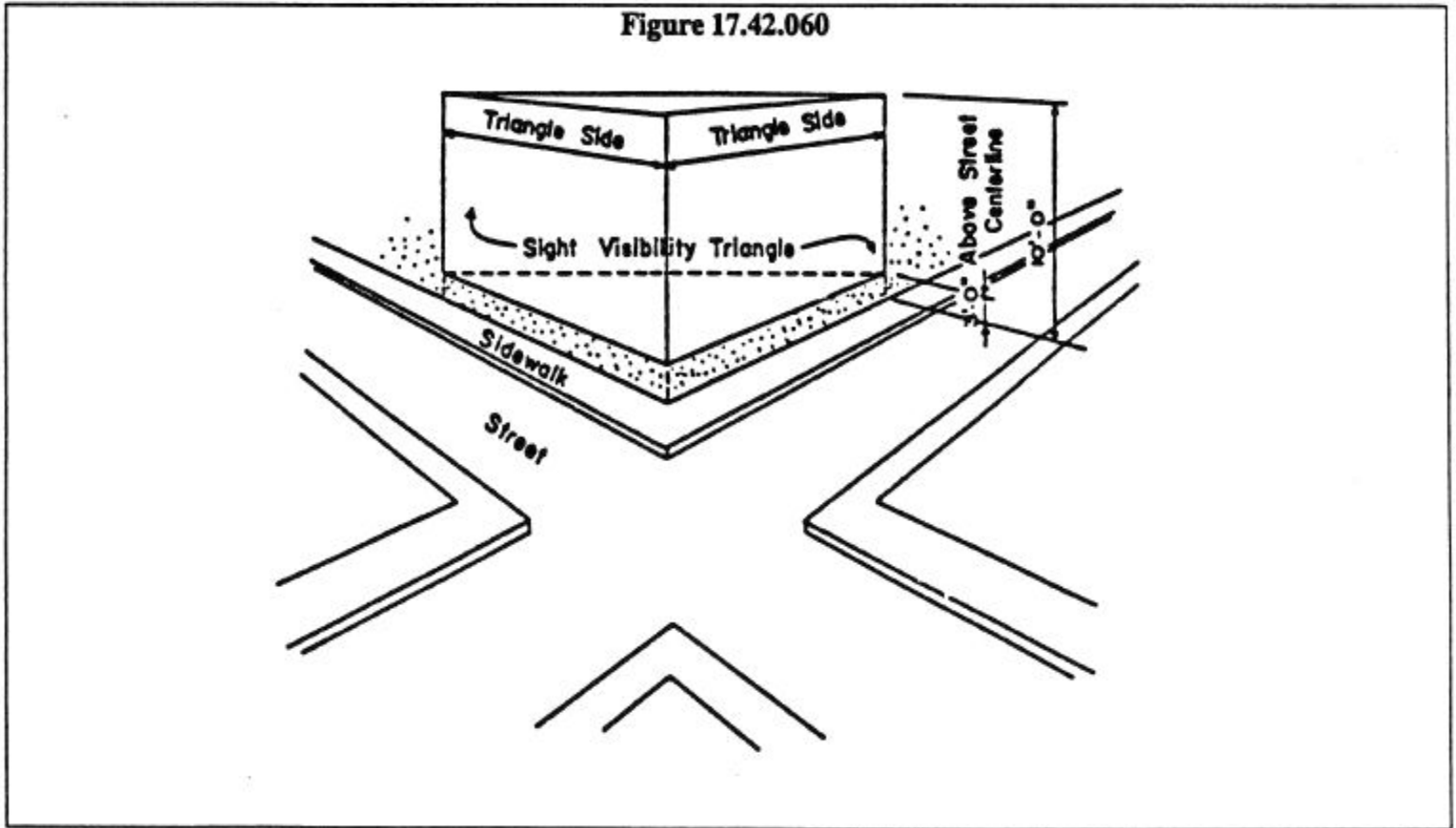


(Ord. 539 § 14.04, 1984)

17.42.060 - Sight visibility triangle—Use limitations.

On property located within any sight visibility triangle there shall be located no structure, fence, wall, hedge, natural growth, tree, sign or other object which materially impairs vision between a height of three feet and ten feet above the centerline grade of adjacent streets and/or railroad crossings except as provided for in Section 17.42.070. (Refer to Figure 17.42.060.)

(Ord. 539 § 14.05, 1984)



17.42.070 - Exemptions.

Sight visibility triangle regulations of this chapter shall not apply to:

- A. Permanent structures and fences which were existing prior to passage of this title, unless such are considered a public hazard or nuisance;
- B. Public utility poles;
- C. Trees, so long as they are not planted in the form of a hedge and are trimmed to the trunk to a height of at least ten feet above the grade level of the centerline of the intersection so as to leave, in all seasons, a clear and unobstructed cross view;
- D. Official warning signs or signals;
- E. Where the existing contour of the ground penetrates above the maximum three-foot height limitation noted in Section 17.42.060
- F. Properties located in the general commercial (CG) zone, as established in Chapter 17.21 of this title and delineated on the official zoning map of the city.

(Ord. 539 § 14.06, 1984)

17.42.080 - Sight visibility triangle requirements—Minimum.

The sight visibility triangle requirements of this chapter are declared to be minimums only and do in no way prohibit the city engineer from applying more restrictive height and location requirements where this action is warranted in consideration of the public health, safety and welfare.

(Ord. 539 § 14.07, 1984)

17.42.090 - Public nuisance declared.

Any structure, fence, wall, hedge, natural growth, tree, sign or other object erected or placed in violation of the sight visibility triangle requirements of this chapter is declared to be a public nuisance.

(Ord. 539 § 14.08, 1984)

17.42.100 - Abatement of public nuisances—Notice.

Whenever any view obstruction has become a public nuisance as herein defined, it shall be the duty of the zoning administrator to cause notice in writing to be served on the record owner of the property. Such notice shall describe the property involved and the condition to be corrected and shall require the owner to cause abatement of said condition within 20 calendar days of the date of notice. Such a notice shall be served to the record owner either personally or by certified mail. If the record owner fails to abate such public nuisance within a 20-calendar-day time period, the city council may by resolution authorize the abatement of said nuisance by city employees or under contract. Such abatement costs shall be billed to and charged against the record owner of the subject property, and said amount shall be paid by the record owner within 30 days of the billing date. Any record owner who refuses or fails for any reason to pay the amount billed to them for abatement by the city within 30 days from the billing date shall be guilty of a misdemeanor.

(Ord. 539 § 14.09, 1984)

CHAPTER 17.45 - SCREENING AND LANDSCAPING REQUIREMENTS

17.45.010 - Purpose.

It is the purpose of this chapter to provide minimum screening and landscaping requirements in order to maintain and protect property values, to maintain or replace existing vegetation, to soften the visual impacts of paved surfaces and to generally enhance the city's appearance.

(Ord. 539 § 15.00, 1984)

17.45.020 - Requirements generally.

All developments throughout the city shall provide adequate screening and landscaping of their use activities so as to protect abutting residentially zoned lands from the effects of noise, light, glare, exhaust fumes and other adverse impacts and to provide an attractive urban environment. When plantings are used in screening or landscaping they shall be compatible with city area climate conditions and shall be provided with either a manual or automatic irrigation system.

(Ord. 539 § 15.01, 1984)

17.45.030 - Screening requirements—Multifamily, commercial and industrial development.

All multifamily, commercial and industrial classified districts having a common side or rear property line (when not interrupted by an alley) with a residentially classified district shall erect and maintain a sight-obscuring fence (six feet in height minimum) or dense evergreen hedge designed to constitute a solid planting to a minimum height of six feet along such common boundary for purposes of screening and controlling vehicular and pedestrian access.

- A. Detailed scaled drawings of screening and landscaping shall be submitted with plans for building and site improvements for review and approval by the zoning administrator. Included in the plans will be the type and location of the plants and materials and the location of fences and irrigation systems. Installation of all required screening or landscaping shall be completed within 12 months of development approval.
- B. All screening and landscaping established in association with land development activities shall comply with the height and location requirements for sight visibility triangles in Sections 17.42.050 through 17.42.100 of this title.
- C. All shrubs, trees and vegetative material used in the screening or landscaping of these activities shall be perpetually maintained in a healthy, growing condition. Dead or dying trees or shrubs shall be replaced immediately and planting areas shall be maintained free of trash and weeds. Fences used in screening and landscaping shall be perpetually maintained in an attractive and structurally sound condition.

(Ord. 539 § 15.02, 1984)

17.45.040 - Screening requirements—Storage areas.

For screening requirements pertaining to outside storage areas and storage in residential areas, refer to Chapter 17.51 of this title.

(Ord. 539 § 15.03, 1984)

17.45.050 - Parking area landscaping requirements.

All required off-street parking facilities which have 15 or more parking spaces shall provide landscape area of at least five percent of the total land area covered in parking. This requirement shall be in addition to any required sight screening (as required by Section 17.45.030). Landscaping shall consist of a mixture of hardy evergreen planted material including trees, low, medium and high profile shrubs, together with suitable ground cover consisting of natural grasses, vines, bark mulch, rockeries, or a combination thereof and shall be placed and maintained in such a manner as not to impair vehicular visibility at parking area points of ingress/egress. Landscaping shall be distributed throughout the parking area in a pattern that reduces the barren appearance of the parking lot.

(Ord. 539 § 15.04, 1984)

CHAPTER 17.48 - OFF-STREET PARKING AND LOADING REGULATIONS

17.48.010 - Purpose.

It is the purpose of this chapter to provide for adequate, convenient and safe off-street parking and loading areas for the various land uses addressed in this title.

(Ord. 539 § 16.00, 1984)

17.48.020 - Chapter application.

Off-street parking and loading space shall be provided as an accessory use in all districts in accordance with the requirements of this chapter at the time any building or structure is constructed, enlarged, relocated, or at the time there is a change in its principle use.

(Ord. 539 § 16.01, 1984)

17.48.030 - Requirements generally.

- A. The provision and maintenance of off-street parking and loading facilities in the extent and manner as required by this chapter shall be a continuing obligation of the owner or sponsor of a use, so long as the use is in existence and so long as parking and loading facilities are required in connection with a given use.
- B. It is unlawful to discontinue, reduce, modify, or otherwise dispense with parking and loading facilities that comply with the requirements of this chapter.
- C. With regard to preexisting parking facilities, the following shall apply:
 1. A preexisting use which does not have sufficient parking facilities to meet the requirements of this chapter may continue to operate with the parking deficiency so long as no enlargement or other change is made in the use, building size or which would require additional parking facilities;
 2. When a preexisting use is modified or enlarged so as to require additional parking facilities, the requirements of this chapter shall apply;
 3. When additional uses are placed on the same lot with the preexisting use or an enlarged lot of which the preexisting use lot is a part, the requirements of this chapter shall apply only to the additional use.

(Ord. 539 § 16.02, 1984)

17.48.040 - Design requirements.

All required off-street parking and loading facilities shall be developed in accordance with the following:

- A. Required off-street parking facilities shall be located within 500 feet of the principal use which requires them unless separate transport is provided.
- B. Minimum parking area dimensions shall be as provided in Table 17.48.040 when used in conjunction with Figure 17.48.040, Off-street Parking Area Dimensions, of this chapter.
- C. The slope of entrance and exit driveways providing access to public streets for off-street parking areas shall not exceed ten percent unless otherwise approved by the city engineer.
- D. Driveways and Maneuverability.
 1. All required parking spaces shall be in usable shape and condition and adequate ingress to and egress from each space shall be provided without moving another vehicle.

Table 17.48.040

Off-Street Parking Area Dimensions

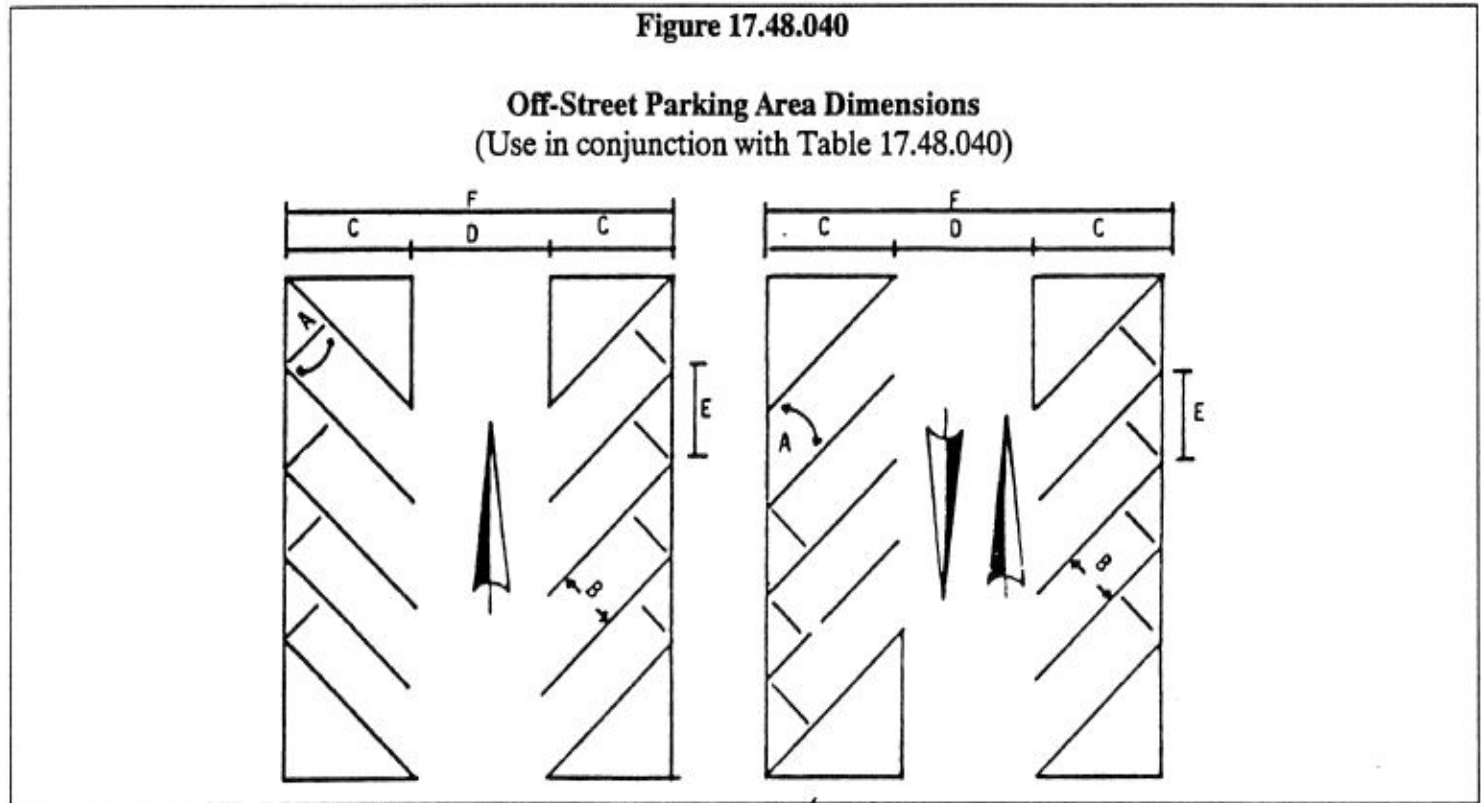
(Use in conjunction with Figure 17.48.040)

A	B	C	D		E	F	
			Aisle Width			Unit Width	
Parking Angle	Stall Width	Stall Depth	One-Way Traffic	Two-Way Traffic	Curb Length Per Car	One-Way Traffic	Two-Way Traffic
0°	8.0*	8.0*			20.0*	28.0*	36.0*
	8.5	8.5	12.0	20.0	23.0	29.0	37.0
20°	8.0*	13.0*			23.4*	37.0	46.0*
	8.5	14.5	11.0	20.0	24.9	40.0	49.0
	9.0	15.0	11.0	20.0	26.3	41.0	50.0
	9.5	16.5	11.0	20.0	27.8	42.0	51.0
30°	8.0*	14.9*			16.0*	40.8*	49.8*
	8.5	16.9	11.0	20.0	17.0	44.8	53.8
	9.0	17.5	11.0	20.0	18.0	45.6	54.6
	9.5	17.8	11.0	20.0	19.0	46.6	55.6
40°	8.0*	16.4*			12.5*	44.8*	52.8*
	8.5	18.7	12.0	20.0	13.2	49.4	57.4
	9.0	19.1	12.0	20.0	14.0	50.2	58.2
	9.5	19.5	12.0	20.0	14.8	51.0	59.0
45°	8.0*	17.0*			11.3*	46.5*	54.0*

	8.5	19.4	12.5	20.0	12.0	51.3	58.8
	9.0	19.8	12.0	20.0	12.7	51.6	59.6
	9.5	20.1	12.10	20.0	13.4	52.2	60.2
50°	8.0*	17.4*			10.4*	47.3*	54.8*
	8.5	20.0	12.5	20.0	11.1	52.5	60.0
	9.0	20.4	12.0	20.0	11.7	52.8	60.8
	9.5	20.7	12.0	20.0	12.4	53.4	61.4
60°	8.0*	17.9*			9.2*	53.3*	55.8*
	8.5	20.7	17.5	20.0	9.8	58.9	61.4
	9.0	21.0	17.0	20.0	10.4	59.0	62.0
	9.5	21.2	16.5	20.0	11.0	58.9	62.4
70°	8.0*	17.8*			8.5*	55.1*	55.6*
	8.5	20.3	19.5	20.0	9.0	61.1	61.6
	9.0	21.0	19.0	20.0	9.06	61.0	62.0
	9.5	21.2	18.5	20.0	10.1	60.9	62.4
80°	8.0*	17.2*			8.1*	57.4*	53.4*
	8.5	20.2	23.0	24.0	8.6	63.4	64.4
	9.0	20.3	22.0	24.0	9.1	62.6	61.6
	9.5	20.4	21.0	24.0	9.6	61.8	64.8
90°	8.0*	16.0*			8.0*	56.0*	57.0*
	8.5	19.0	24.0	25.0	8.5	62.0	63.0
	9.0	19.0	23.0	24.0	9.0	61.0	62.0

	9.5	19.0	22.0	24.0	9.5	60.0	62.0
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* See 17.48.080 Compact Car Allowance.



2. Turning and maneuvering space shall be located entirely on private property unless specifically approved by the city engineer.
 3. All parking spaces shall be internally accessible to one another without reentering adjoining public streets unless otherwise approved by the city engineer.
 4. Ingress and egress to and from any off-street parking area shall not be located closer than 20 feet from point of tangent to an intersection or pedestrian crosswalk unless otherwise approved by the city engineer.
 5. Separate ingress and egress may be required for smoother and safer flow of traffic.
- E. Surfacing Requirements.
1. All parking facilities providing ten spaces or more shall be paved with asphalt or concrete and shall be graded and drained so as to dispose of all surface water on site. Off-street parking facilities providing four or less parking spaces may be covered with gravel or crushed rock, provided that all required spaces are delineated by the use of wheel stops.
 2. All traffic control devices such as parking stripes designated car stalls, directional arrows or signs, wheel stops, curbs and other developments shall be installed and completed as shown on the approved plans.

- 3. Paved parking areas shall use paint or similar devices to delineate car stalls, direction of traffic flow and pedestrian walkways.
- 4. Wheel stops shall be required on the periphery of all parking lots so that cars will not protrude into the public right-of-way, off the parking lot, onto adjacent property or strike a building, fence, or landscaping. Wheel stops shall be three feet from the end of the stall for head-in parking.
- 5. All parking areas, except those in conjunction with a single-family or two-family dwelling shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
- 6. Building permits shall be required for all parking lot construction, repair or resurfacing. Parking lot servicing shall not encroach upon the public right-of-way.
- F. Any lighting on a parking lot shall illuminate only the parking lot and be designed so as to avoid undue glare or reflection on adjacent properties.
- G. Curb Cuts.
 - 1. The number of curb cuts shall be kept to a minimum whenever possible so as to reduce the potential traffic flow conflict of vehicles and pedestrians.
 - 2. All parking areas shall have specific ingress and egress areas to the street not exceeding 30 feet in width at the property line in commercial, industrial and multifamily residential districts and 20 feet in width at the property line in single-family residential districts unless otherwise approved by the city engineer.
 - 3. Joint-use or shared curb cuts shall be reviewed and approved and may be required by the city engineer.
- H. Required parking spaces shall not be used for the permanent or semi-permanent parking or storage of vehicles or materials. Parking spaces are designed for use as temporary storage of employee, visitor or resident motor vehicles only.

(Ord. 539 § 16.03, 1984)

17.48.050 - Number of spaces required.

The minimum number of off-street parking spaces shall be determined in accordance with the Table 17.48.050. Where alternative standards are indicated, the greater requirement applies. In cases of mixed uses or occupancies, the various uses shall be computed separately and combined for the total off-street parking requirement. Where computations result in a fraction, the parking space requirement shall be rounded to the nearest whole number.

(Ord. 539 § 16.04, 1984)

Table 17.48.050

Use	Spaces Required
Single-family and two-family dwellings	2 per unit
Multifamily dwellings	1 ½ per dwelling unit

Mobile home parks	2 per mobile home unit (See Section 17.36.080K)
Fraternities, sororities and dormitories	1 per 3 occupants
Hotels, motels	1 per sleeping room
Boardinghouses and lodging homes	1 per sleeping room or lodging unit
Senior citizens housing, designed with independent dwelling units	0.5 per dwelling unit
Hospitals	1 per 3 beds
Convalescent, nursing and rest homes	1 per <u>6</u> beds plus 1 per each staff member on duty on a maximum shift
Churches, mortuaries and funeral homes, auditoriums, and other enclosed places of assembly	1 per 5 fixed seats, or 1 per 100 lineal inches of bench-type seating, or 1 per 100 square feet of gross floor area used for assembly purposes
Public facilities, including libraries, police and fire stations	To be determined by the planning commission
Schools, elementary and junior high, public, private or parochial	1 per each employee and each faculty member and 1 per <u>6</u> seats of assembly area
Schools, colleges, high, public, private or parochial	1 per 15 students, plus 1 per each employee and faculty member and 1 per every 4 seats of assembly area
Retail, commercial and general office buildings	1 per 400 square feet of gross floor area

Restaurants 1 per every	3 persons based on occupancy load
Drive-in restaurants 1 per employee on maximum working shift and	1 per ¼ total floor area
Shopping centers	1 per 300 square feet of gross floor area
Theaters	1 per 3 seats
Skating rinks	1 per 100 square feet of gross floor area
Racquetball, handball and tennis courts, including accessory uses	1 per 40 square feet of assembly area plus 2 per court
Manufacturing uses, research and testing laboratories, assembly plants and similar industrial uses not including office space 1 per employee on maximum working shift	
Warehousing and storage facilities	1 per 2 employees on maximum working shift
Any use not addressed in this table	To be established by the planning commission

17.48.060 - Loading space requirements.

Off-street loading space(s) having access to a public right-of-way shall be required adjacent to each business building hereafter erected or enlarged if the use of such building entails deliveries or shipments to or from it. Such loading space(s) shall be adequate size to accommodate the number and size of vehicles simultaneously loaded or unloaded in connection with the business conducted in such building. No part of a truck, trailer, or van shall extend into the public right-of-way while using the loading space.

(Ord. 539 § 16.05, 1984)

17.48.070 - Joint use parking.

- A. The planning commission at a public meeting may authorize the joint use of parking facilities required by this chapter. Off-street parking for primarily nighttime uses such as theaters, bowling alleys, restaurants and related uses may be supplied by certain other daytime types of uses such as banks, offices, retail

businesses, personal service shops and related uses.

- B. Applications for utilization of joint use parking facilities may be approved by the planning commission provided the following conditions are met:
1. The parking facilities shall be within 500 feet of the principal buildings involved unless other transport is provided.
 2. Joint use parking agreements shall not account for more than 50 percent of required off-street parking spaces.
 3. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which a joint use of off-street parking facilities is proposed.
 4. The applicant shall execute among all parties involved a properly drawn joint-use parking agreement which is approved as to form and manner of execution by the city attorney.
- C. Following approval of such agreement by the planning commission, the agreement shall be recorded with the county auditor and filed for permanent record in the city hall.

(Ord. 539 § 16.06, 1984)

17.48.080 - Compact car allowance.

- A. A maximum of 30 percent of the total required off-street parking spaces may be permitted and designated for utilization by compact cars.
- B. Each compact car space shall be designated as such.
- C. Dimensions of compact parking spaces shall conform to the standards as depicted in Table 17.48.040, Off-street Parking Area Dimensions, of this chapter.

(Ord. 539 § 16.07, 1984)

17.48.090 - Off-street parking facilities—Installation time limit.

The installation and improvement of required off-street parking facilities shall be completed to the required standards before a certificate of occupancy for a building is issued unless a time limit extension to a specified date is authorized by the city engineer.

(Ord. 539 § 16.08, 1984)

17.48.100 - Parking lot plan—Filing requirements.

Detailed plans of off-street parking areas indicating the proposed development shall be filed with the city engineer for review. These plans shall include the location, size, shape, design, curb cuts, methods of onsite drainage, adjacent streets, circulation of vehicular and pedestrian traffic, ingress and egress, parking lot lighting and other features and appurtenances of the proposed parking facility. In addition, finished grades shall be required for all paved parking areas and shall be indicated on the plans submitted.

(Ord. 539 § 16.09, 1984)

17.48.110 - Off-street parking.

The hearing examiner may, by formal action at a public meeting, waive or modify the requirements set forth in this chapter establishing the number of required parking spaces. It shall be the responsibility of the applicant to provide sufficient evidence to identify cause for such reduction or waiver.

(Ord. 539 § 16.10, 1984; Ord. No. 1085, § 1, 6-24-2013)

Editor's note— Ord. No. 1085, § 1, adopted June 24, 2013, amended the title of § 17.48.110 to read as set out herein. Previously § 17.48.110 was titled off-street parking—authority to waive or modify requirements.

17.48.120 - Required bicycle storage.

- A. Bicycle storage spaces shall be provided in conjunction with all multiple family dwelling units (three or more units) at the rate of one space/unit.
- B. Each space shall be a minimum length of six feet, a minimum width of two feet and shall be provided with a minimum overhead clearance of seven feet.
- C. In commercial districts, bicycle storage spaces shall be provided in conformance with the requirements of the administrator.

(Ord. 539 § 16.11, 1984)

17.48.130 - ADA (Americans with Disabilities Act) parking spaces.

ADA parking spaces shall be provided in accordance with the international building code.

(Ord. 539 § 16.12, 1984; Ord. No. 1085, § 1, 6-24-2013)

Editor's note— Ord. No. 1085, § 1, adopted June 24, 2013, amended the title of § 17.48.130 to read as set out herein. Previously § 17.48.130 was titled handicapped parking spaces.

CHAPTER 17.50 - WIRELESS COMMUNICATION FACILITIES

17.50.010 - Purpose.

The purpose of this chapter is to establish permit requirements and development standards for wireless communication facilities and services within the city that address the appearance, placement, and safety of antennas, facilities, and equipment associated with wireless communications; to provide predictability to service providers in the permitting process and to allow for site development issues to be addressed through clear and objective placement criteria and development standards.

(Ord. No. 1023, 8-10-2009)

17.50.020 - Severability and indemnification.

If any clause, sentence, paragraph, section, or part of this chapter or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.

This ordinance does not imply that wireless communication structures, facilities, and/or activities that are permitted within designated areas will be free from exposure or damage resulting from catastrophic natural disasters, or human error. This ordinance shall not impose or create any liability on the part of the City of

College Place, elected or appointed officials, and/or employees thereof, for any damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(Ord. No. 1023, 8-10-2009)

17.50.030 - Definitions.

Academic institution means an officially recognized and/or accredited organization that provides educational services, within private or publicly owned facilities.

Academic wireless communication means the facilities, structures, and equipment associated with providing educational, experimental, and/or instructional activities within the designated boundaries of an academic institution. This definition specifically excludes wireless communications associated with commercial and/or profit-based activities.

Alternative antenna support structures includes roofs of buildings, bell towers, clock towers, water towers, church steeples, street light standards, traffic light and traffic sign structures, bill boards and commercial signs, and other manmade structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is desirable for wireless communications signal transmission and reception.

Amateur radio service a radio communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs interested in radio solely with a personal and/or civic aim and without pecuniary interest.

Antenna means a specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas. Antennas regulated by this chapter include but are not necessarily limited to the following:

- A. Omni-directional (or "whip") antennas, designed to receive and/or transmit signals in a 360 degree pattern;
- B. Directional (or "panel") antennas, designed to receive and/or transmit signals in a directional pattern which is less than 360 degrees, typically an arc of approximately 120 degrees;
- C. Parabolic (or "dish") antennas means generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction. A "small dish" has a diameter of three feet or less; a "large dish" has a diameter of greater than three feet.

Ancillary antennas means antennas designed primarily to receive and transmit signals described as "personal wireless communications services", including global positioning satellite (GPS) data, "personal communications service" ("PCS") technology, and "pagers", or other such similar devices.

Antenna array means two or more devices used for the transmission or reception of radio frequency (RF) signals, microwave or other signals for communications purposes and may include more than one type of antenna. Two or more antennas situated or mounted upon or attached to a single platform or mounting

structure which is affixed or attached to the top of an antenna support structure or mid-way thereon, or to an alternative antenna support structure, including the roof of a building are included in the definition of antenna array.

Antenna support structure means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas; antenna support structures include the following:

- A. "Lattice tower" which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;
- B. "Mast" which is a vertical support structure consisting of a long pole commonly held up by stays or guys;
- C. "Monopole tower" which is a vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

Attached antenna means a wireless communication antenna which is fixed to an alternative antenna support structure.

Co-location means the use of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider to accommodate wireless communications facilities of two or more wireless communications service providers.

Equipment enclosure means a structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

Microcell means a wireless communications facility consisting of antenna that is either:

- A. Four feet in height and with an area of not more than 580 square inches, or;
- B. A tubular antenna, no more than four inches in diameter and no more than six feet in length. (As defined in 1996 for SEPA exemption in HB2828.)

Wireless communications facility means a facility for the transmission and/or reception of radio frequency (RF), microwave or other signals for communications purposes, typically consisting of an equipment enclosure, an antenna support structure or an alternative antenna support structure, and one or more antennas.

Wireless communications service means providing or offering for rent, sale, lease, or in exchange for other consideration, the transmittal and reception of voice, data, image, graphic, and other information by the use of wireless communications facilities; this term includes any personal wireless services as defined in the Telecommunications Act of 1996, which includes, but is not limited to, FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless communications service provider means any business or person providing wireless telecommunications service, for rent, sale, lease, or in exchange for other consideration, through the use of wireless communications facilities, whether or not such facilities are owned by or under the control of such person.

(Ord. No. 1023, 8-10-2009)

17.50.040 - Permits and exemptions.

- A. A conditional use permit (CUP) in accordance with Chapter 17.57 of this title, building permit, and mechanical permit shall be required for all wireless communications facilities unless specifically exempt under subsection (B) of this section.
- B. Exemptions:
1. The following wireless communication facilities shall be exempt from CUP requirements:
 - a. VHF and UHF receive-only television antennas.
 - b. Dish antennas designed to receive satellite service or to receive or transmit fixed wireless signals via satellite. Applies to customer-end antennas that receive and transmit fixed wireless signals.
 - c. Broadband antennas designed to receive or transmit fixed wireless signals. Applies to customer-end antennas that receive and transmit fixed wireless signals.
 - d. Amateur and academic wireless communication facilities.
 - e. Co-location on existing antenna support structures or alternative antenna support structures currently used as an antenna support structure.
 2. The following wireless communication facilities shall be exempt from building and mechanical permits:
 - a. VHF and UHF receive-only television antennas.
 - b. Dish antennas designed to receive satellite service, or to receive or transmit fixed wireless signals via satellite. Applies to customer-end antennas that receive and transmit fixed wireless signals.
 - c. Broadband antennas designed to receive or transmit fixed wireless signals. Applies to customer-end antennas that receive and transmit fixed wireless signals.
 - d. Amateur and academic antennas.
 - e. Amateur and academic "mast" support structures. ("Lattice" and "monopole" towers are subject to current state code requirements.)
- C. Existing and future Federal Communications Commission (FCC) exemptions and/or rulings not explicitly mentioned in this code shall be in effect at the time of enactment by the FCC.

(Ord. No. 1023, 8-10-2009)

17.50.050 - Permit applications.

Any non-exempt wireless communications service provider wishing to receive permits to develop and operate a wireless communications facility in the city shall submit an application package to the city planning department that contains the following information:

- A. A Conditional use permit application signed by the property owner and the applicant unless an exemption is provided under Section 17.50.040(B)(1).
- B.

Name, address, contact person and contact information for the entity seeking the permits, including copies of all current licenses and authorizations required to provide wireless communications services in the city.

- C. Complete description, including technical diagrams and specifications, photos, depictions, and plans of the proposed wireless communications facility or facilities, and a complete description of the services to be provided by such facilities.
- D. A site map depicting the location of the proposed facility.
- E. Renderings depicting the antenna support structure or alternative antenna support structure and its appearance from street level from north, south, east, and west perspectives. The renderings should be produced with the purpose of showing the proposed facility from adjacent and nearby properties as it will appear when completed, including any proposed features to conceal, camouflage, or visually blend the proposed facility into its surroundings.
- F. A completed SEPA Checklist signed by the applicant.
- G. Federal Aviation Administration aeronautical study with a "Determination of no hazard to air navigation".
- H. The application fees in immediately available funds required by the current administrative fee schedule.
- I. All information required in this section shall be provided by the applicant in a standard electronic format on standard media as specified by the city, as well as any hardcopies that the city may require.

(Ord. No. 1023, 8-10-2009)

17.50.060 - General placement criteria.

- A. Wireless communication facilities and related structures are permitted uses in all General Commercial, Light Industrial, and Public Reserve Zoning Districts. The development standards of Section 17.50.090 and Table 17.42.020 address setback and maximum structure height as well as other site specific factors. The placement criteria contained in this chapter for wireless communication facilities and related structures are necessary to encourage the placement of those facilities in locations most appropriate based on land use compatibility, neighborhood characteristics, and aesthetic considerations.
- B. Co-location on existing antenna support structures or alternative antenna support structures is preferred if technically feasible and otherwise suitable for the proposed wireless communication services. Attachment of antennas to existing nonresidential structures and buildings primarily within light industrial and commercial zoning districts is preferable to additional antenna support structures.
- C. Amateur wireless communication facilities shall not be used for the placement or operation of non-exempt wireless communication equipment, and shall not be used to provide or offer non-exempt wireless communication services.

(Ord. No. 1023, 8-10-2009)

17.50.070 - Placement near residentially zoned property.

Non-exempt, non-amateur, or non-academic wireless communication facilities and related structures shall be located not less than 100 feet from any nearby residentially zoned property, as measured from the base of the facility to the property line of each nearby residentially zoned property. Antennas located on an alternative

antenna support structure are exempt from the 100-foot requirement provided that related structures are screened in accordance with Section 17.45.030.

(Ord. No. 1023, 8-10-2009)

17.50.080 - Development standards for amateur and academic wireless communication facilities.

A. Standards for All Zoning Districts.

1. Wireless communication facilities shall not be located within any easements or building setback areas. Antenna support structures held up by stays or guys may encroach into building setback areas.
2. Mountings and antenna support structures should be no taller than the minimum required for the purposes of obtaining an obstruction-free reception/transmission window and optimal signalization.
3. "Lattice" and "monopole" towers regardless of height are subject to current state code requirements.
4. Antenna support structures shall not be used for the purposes of signage.
5. Antenna support structures may be ground or roof-mounted.
6. Amateur wireless communication facilities shall not be used for the placement or operation of non-exempt wireless communication equipment, and shall not be used to provide or offer non-exempt wireless communication services.
7. Equipment enclosures, equal to or less than 120 square feet, designed or used to accommodate amateur or academic radio equipment and/or antenna support structures shall be exempt from any development standards contained elsewhere within this chapter, except for those specified and applicable in Section 17.50.090(B).

(Ord. No. 1023, 8-10-2009)

17.50.090 - Wireless communication facilities—Development standards.

A. Development Standards for all Zoning Districts. The following standards shall be applied to all non-exempt wireless communication facilities, consisting of equipment enclosures, antenna support structures, and antennas.

1. Wireless communication facilities shall not be located within easements or any required building setback areas.
2. Wireless communication facilities shall not be used for the purposes of signage.
3. A structural engineer licensed in the state of Washington shall certify in writing that both construction plans and final construction of the antenna support structure or alternative antenna support structure upon which attached antennas may be mounted is designed to reasonably withstand wind and seismic loads as established by the International Building Code.
4. Antenna support structures and attached antennas shall be located at a point farthest from lot lines as feasible; provided that these locations allow optimal signalization.

B. Development Standards for the College Avenue Commercial Area.

1. Antenna placements in this district shall extend up no farther than 25 feet and shall be placed as far back from the building exterior as is feasible.

C. Height Limitations. The following height limitations apply to wireless communication facilities only and shall not including the antennas mounted thereon, provided the antennas do not extend further than 15 feet beyond the antenna support structure:

1. Height of wireless communication facilities is determined by the zone in which the proposed facility is to be located in accordance with Table 17.42.020

D. Screening and Landscaping Requirements. Screening of wireless communication facilities shall be provided in accordance with Section 17.45.030

(Ord. No. 1023, 8-10-2009)

17.50.100 - Removal of wireless communication facilities.

A. Provider to Give Notice of Abandonment or Discontinuance of Service:

1. No fewer than 30 days prior to the date that a wireless service provider plans to abandon or discontinue operation of a non-exempt or non-amateur wireless communication facility for a period longer than one year, the provider must notify the city in writing of the proposed date of abandonment of a facility or discontinuance of operation of such facility.
2. Failure of a service provider to give such notice will constitute grounds for the city to declare any authorization for the site to be suspended, thereby placing the facility in violation of the provisions of this chapter.

B. Disrepair, Hazard, Nuisance, Improper Maintenance - Abatement Required:

1. When the city determines that any wireless communication facility, structure, and/or antenna is in a state of disrepair, presents a safety hazard to the public, constitutes a public nuisance due to disrepair or improper maintenance, or is otherwise not properly maintained, the city shall notify the owner of the facility of such concern by certified mail. Such notice shall specify the problems and the expected resolution.
2. The facility owner shall specify in writing the actions which will be undertaken to rectify the problems with the site. The city may accept or modify the proposed actions as it determines necessary. Such actions shall be completed within 180 days of the original date of notice provided in item B1 above.
3. Failure to complete work specified by the city shall constitute a violation of the conditional use permit or other authorization as provided in this code and may result in the removal of the facility at the expense of the responsible parties.

C. Responsible Parties Determined and Responsibility Assigned:

1. The owner of the telecommunications facility, the lessee of the property upon which the facility is located (if different from the owner of the facility), and the owner of the property (if different from the owner of the facility and/or the holder of the lease) are individually, jointly, and severally responsible for removal of the facility as described in item B above.
2. Should the responsible parties fail to remove a facility or component thereof, or resolve maintenance issues, as directed by the city pursuant to this section, the city may remove the facility at the expense of the responsible parties.
3. The city may pursue recovery of costs for its actions from any and all responsible parties through any means available in courts of competent jurisdiction.

(Ord. No. 1023, 8-10-2009)

17.50.110 - Wireless communication facilities and related structures—Prohibited.

Non-exempt and non-amateur wireless communications facilities, antenna support structures, and antennas are prohibited on properties zoned residential. No structure located upon a property zoned residential may be used as an alternative support structure. This section shall not preclude co-location of facilities upon existing legally located antenna support structures or existing legally located attached antennas; provided that such co-location does not materially change the existing use or materially expand the size of the facilities at that location.

(Ord. No. 1023, 8-10-2009)

CHAPTER 17.51 - ENVIRONMENTAL PERFORMANCE STANDARDS

17.51.010 - Purpose.

It is the purpose of this chapter to establish minimum standards for the control of environmental pollution and to minimize the adverse effects of contaminants which may result from land use activities, in a manner which protects the public health and general welfare.

(Ord. 539 § 17.00, 1984)

17.51.020 - Standards.

It is the responsibility of the operator and/or proprietor of any permitted use to comply with the following environmental performance standards as set forth in this chapter. It shall further be the responsibility of the operator and/or proprietor of any permitted use to provide such reasonable evidence and technical data as the zoning administrator may require to prove compliance with this chapter, if and when such need arises.

- A. *Noise.* Noise emissions from any permitted use shall comply with the maximum permissible sound level standards or any subsequent amendments thereto, in accordance with the noise regulations of the city.
- B. *Pollutants and Contaminants.*
 1. Ambient air quality standards specified in Regulation 80-7 of the Benton—Franklin—Walla Walla Counties Air Pollution Control Authority or in any subsequent amendments thereto shall apply to all contaminants listed therein.
 2. Toxic substances (including asbestos, beryllium compounds, vinyl chlorides and benzol and any others added to the toxics list of the U.S. Environmental Protection Agency) shall be handled in accordance with U.S. Environmental Protection Agency standards. Asbestos demolition (including the handling of scrap asbestos from any source) shall be conducted in accordance with the state Department of Ecology and Benton—Franklin—Walla Walla Counties Air Pollution Control Authority requirements.
 3. Liquid or solid wastes or spills shall be disposed of in keeping with the best operating practices of the industry and in compliance with the regulations and requirements of local, regional, state or federal agencies having jurisdiction in liquid or solid waste disposal and environmental health and safety.
 - 4.

The use, transportation, storage and disposal of all radioactive materials and handling devices shall be subject to the regulatory controls of any local, regional, state or federal agency having jurisdiction.

5. Materials used or created in any commercial/industrial process shall be handled in such a manner so as to prevent groundwater or soil contamination which destroys or endangers the support of natural vegetation or which may pollute underground aquifers or other natural drainage systems.

C. *Perceptual Nuisances.*

1. Any operation producing intense heat or glare shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line except during the period of on-site construction.
2. Exterior lighting shall be so arranged as far as practical to reflect light away from a residential use.
3. No use-activity or use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines, with the exception of the temporary vibration produced as a result of construction activity. Such temporary construction activity shall be restricted to the hours between 7:00 a.m. and 8:00 p.m. Emergency conditions, as verified by the zoning administrator, are exempt from these provisions.

(Ord. 539 § 17.01(A—C), 1984)

17.51.030 - Storage and screening requirements.

Storage and screening requirements for permitted commercial/industrial and residential uses or activities shall be as follows:

- A. Every reasonable effort shall be made by persons conducting commercial/industrial activity to store merchandise, raw materials, equipment, fixtures, scrap, junk or solid wastes in such a manner so as not to create visual nuisance conditions and shall comply with the following:
 1. All such materials shall be enclosed entirely within a building with the following exceptions:
 - a. Where such inside or screened storage is not practical or desirable when justified with regard to health, fire or safety codes,
 - b. Where the outside storage of merchandise, manufactured products or raw materials open to view from the public right-of-way is normal and standard practice, such as in the sale of auto equipment, mobile homes, recreational vehicles, nursery stock and the like, but not including the storage of secondhand or used materials or junk (see below),
 - c. Where the outside storage of junk, used or secondhand furniture, appliances and other similar items is necessary, provided in this case such items shall be entirely enclosed within a sight-obscuring fence (six feet in height minimum) with such enclosed area being located no closer than 20 feet from the right-of-way of any street as herein defined,
 - d. Where outside storage is temporary during construction only;
 2. Outside storage of such materials shall be maintained in an orderly manner consistent with good housekeeping practices and shall create no visual or noxious offense to the premises adjacent properties, or the public right-of-way, or create a fire, safety or health hazard.

B.

Storage pertaining to residential activities shall comply with the same requirements as those specified for commercial/industrial activities noted in this section, and in addition comply with the following:

1. Appliances any other mechanical equipment normally used in the residential environment which is no longer operable shall not be stored outside for a period exceeding 30 days;
2. Motor vehicles no longer operable and/or abandoned shall comply with the requirements of Chapter 10.24 of this code;
3. Boats, recreational vehicles and the like may be stored on the premises provided they are not parked within a required front yard setback area as defined in this title and provided that vehicles so stored may be used as temporary living quarters only when in compliance with Section 17.06.540

C. Storage in the public right-of-way is prohibited.

(Ord. 539 § 17.01(D), 1984)

CHAPTER 17.54 - ANIMALS

17.54.010 - Purpose.

It is the purpose of this chapter to regulate the type, location and number of animals within the community so as to allow their enjoyment without causing nuisance conditions or health hazards.

(Ord. 539 § 18.00, 1984)

17.54.020 - Table of minimum standards.

Possession of animals for individual domestic purposes not including commercial operations shall conform to the Table of Minimum Standards below. When minimum land area requirements are designated, they are considered exclusive, to be met independent of minimum land area requirements for other permitted uses, such as residences.

Table of Minimum Standards

Type of Animal	Minimum Requirements
A. Bees	See <u>Section 17.54.090</u>
B. Cows, horses, mules, donkeys, burros	A minimum of 20,000 square feet of open fenced area is required for the first animal and 10,000 additional square feet for each additional animal
C. Dogs and cats	No more than 3 dogs or cats, or any combination thereof four months of age or older, shall be permitted per dwelling unit

D. Fowls and rabbits	A maximum of 25 each are permitted per 6,000 square feet or proportion thereof, provided the animals are housed in a coop or other shelter and further enclosed by a fence
E. Sheep and goats	A minimum of 2,500 square feet of open fenced area is required per sheep or goat
F. Swine	Not permitted
G. Wild animals (bear, coyotes, etc.)	Not permitted
H. Any type of animal not addressed in this table to be established by the planning commission	

(Ord. 539 § 18.01, 1984)

17.54.030 - Keeping of animal offspring.

Offspring of animals legally permitted under the provisions of this chapter may be kept for a period not exceeding four months. Beyond this period, offspring must meet the per animal area and use limitations of this chapter.

(Ord. 539 § 18.02, 1984)

17.54.040 - Animal shelters—Location.

All buildings or structures designed for the sheltering of animals legally permitted by the provisions of this chapter shall be located no closer than 20 feet from any property line.

(Ord. 539 § 18.03, 1984)

17.54.050 - Sanitation.

All animal enclosures shall be maintained in such a manner so as to prevent the enclosure from becoming a breeding place for insects or flies or from becoming unsanitary or a nuisance.

(Ord. 539 § 18.04, 1984)

17.54.060 - Fencing of animals.

Fencing shall be not less than four feet in height, or more than six feet and shall be of a nonpenetrable type. All fencing shall be constructed so as to prevent the animals from encroaching on the abutting premises and so as to prevent the destruction of trees, shrubbery, etc. of the abutting property. Electric fences of only the intermittent type shall be permitted, if constructed a minimum of six inches inside the regular fence.

(Ord. 539 § 18.05, 1984)

17.54.070 - Riding stables and schools.

Commercial horse and pony boarding, riding stables and schools where permitted shall provide a minimum of one acre for each horse or pony with a minimum of five acres regardless of the number of animals. The animals shall be sheltered in suitable, clean structures.

(Ord. 539 § 18.06, 1984)

17.54.080 - Kennels.

Animal kennels where permitted shall shelter all overnight boarders in suitable structures which provide a clean and uncrowded environment. All structures and runs associated with the kennel shall be no closer than 100 feet from any property line. In addition to complying with the above requirements, the following criteria shall be considered when a conditional use permit application is being reviewed for an animal kennel in a residential zoning district:

- A. Noise;
- B. Proximity to and compatibility with nearby residences or residential districts;
- C. Lot size and isolation;
- D. Location of kennel facilities;
- E. Screening and buffering;
- F. Number of animal accommodations;
- G. Sanitation and health conditions.

(Ord. 539 § 18.07, 1984)

17.54.090 - Beekeeping.

Beekeeping is permitted in all zoning districts subject to the following requirements:

- A. The minimum lot size shall be one-half acre;
- B. The area around the hives shall be fenced to control access to the hives and to discourage trespass and vandalism if the lot is less than one acre in size;
- C. All hives must maintain a minimum setback of 50 feet from all property lines, except when the number exceeds two, then a 100-foot setback shall be maintained.
- D. State statutes and regulations regarding apiaries must be met.

(Ord. 539 § 18.08, 1984)

CHAPTER 17.57 - CONDITIONAL USE PERMIT

17.57.010 - Purpose.

It is the purpose of this chapter to establish review and permit approval procedure for unique or unusual types of land uses which, due to their nature, require special consideration of their impacts on the neighborhood and land uses in the vicinity. Uses requiring a conditional use permit are listed in the various zoning districts established by this title.

(Ord. 539 § 19.00, 1984; Ord. No. 1086, § 1, 6-24-2013)

17.57.020 - Hearing examiner—Authority.

Conditional use permits are reviewed during public hearing by the hearing examiner on a case-by-case basis and approved under such reasonable conditions as the hearing examiner may impose.

(Ord. 539 § 19.01, 1984; Ord. No. 1086, § 1, 6-24-2013)

Editor's note— Ord. No. 1086, § 1, adopted June 24, 2013, amended the title of § 17.57.020 to read as set out herein. Previously § 17.57.020 was titled planning commission—authority.

17.57.030 - Application—Filing requirements.

A written application for a conditional use permit shall be made to the zoning administrator on forms prescribed by that office. An application shall not be considered complete until the following is provided:

- A. Completed application form;
- B. A scaled site plan indicating the following:
 - 1. All existing and proposed lot line dimensions,
 - 2. Exact locations of all existing and proposed structures,
 - 3. Setbacks (in feet) of all structures from existing and proposed lot lines,
 - 4. Easement and right-of-way locations,
 - 5. Individual off-street parking spaces provided,
 - 6. Points of ingress and egress,
 - 7. North arrow and scale;
- C. Fee as prescribed by the most currently adopted fee schedule;
- D. Any other information determined necessary by the administrator to adequately review the proposal.

(Ord. 539 § 19.02, 1984; Ord. No. 1086, § 1, 6-24-2013)

17.57.040 - Hearing examiner—Public hearing—Notice.

Upon submittal of an application meeting the requirements of Section 17.57.030, the administrator shall schedule a public hearing before the hearing examiner to consider the conditional use permit. Public notice for such hearing shall be made in accordance with Chapter 19.12.

(Ord. 539 § 19.03, 1984; Ord. No. 1086, § 1, 6-24-2013)

Editor's note— Ord. No. 1086, § 1, adopted June 24, 2013, amended the title of § 17.57.040 to read as set out herein. Previously § 17.57.040 was titled planning commission—public hearing—notice.

17.57.050 - Hearing examiner determination—Review criteria.

- A. The hearing examiner, before he or she grants a conditional use permit, shall make findings of fact and state the reasons for granting the conditional use permit, the findings of fact to include:
1. That the use will not endanger the public health or safety if located and developed where proposed and that the use will not generate nuisance conditions to adjoining properties,
 2. That the location and character of the use if developed according to the plan as submitted and approved or conditionally approved will be compatible and in harmony with the area in which it is to be located,
 3. That conditional use permit approval would be in general conformity with the most recently adopted comprehensive plan, and
 4. That the use meets all required conditions and specifications set forth in the zone where it is proposed to be located, unless a variance has been granted by the city.
- B. To ensure the establishment of the above conditions, the hearing examiner shall have the authority to require and approve specific plans, to increase the requirements set forth above and the requirements specified elsewhere in this title. But in no case shall the hearing examiner by conditional use permit have the authority to decrease the requirements of this title. Any such decrease in the requirements of this title shall only be granted upon the issuance of a variance permit.
- C. If the potential adverse impact of permit approval cannot be adequately mitigated through imposition of conditions to a degree which assures that adjacent properties will not be unreasonably impacted, this shall constitute grounds for denial of the conditional use permit.

((Ord. 539 § 19.05, 1984; Ord. No. 1086, § 1, 6-24-2013))

Editor's note— Ord. No. 1086, § 1, adopted June 24, 2013, amended the title of § 17.57.050 to read as set out herein. Previously § 17.57.050 was titled planning commission determination—review criteria.

17.57.060 - Permit—Time limit for use.

The hearing examiner may prescribe a time limit within which the action for which the conditional use permit is required and any conditions of approval shall be begun or completed or both. Failure to begin or complete or both the action within the time limit set shall void the conditional use permit.

(Ord. 539 § 19.05, 1984; Ord. No. 1086, § 1, 6-24-2013)

17.57.070 - Revocation of permit.

The hearing examiner may revoke or modify a conditional use permit under certain circumstances. Such revocation or modification shall be made on any one or more of the following grounds:

- A. That the approval was obtained by fraud;
- B. That the use for which such approval was granted has been abandoned;
- C. That the use for which such approval was granted has at any time ceased for one-year or more;
- D. That the permit granted is being exercised contrary to the terms of the conditions of such approval, or in violation of any statute, resolution, code, law, regulation or title. Before a conditional use permit may be revoked or modified, a public hearing shall be held. Procedures concerning public notice shall be the same as those required by this title for the initial consideration of the conditional use permit application.

(Ord. 539 § 19.06, 1984; Ord. No. 1086, § 1, 6-24-2013)

17.57.080 - Performance bond.

A performance bond or suitable guarantee may be required by the hearing examiner for any elements of the proposed project which are crucial to the protection of the public welfare and are necessary to ensure completion of required improvements.

(Ord. 539 § 19.07, 1984; Ord. No. 1086, § 1, 6-24-2013)

17.57.090 - Hearing examiner action.

If the hearing examiner, after hearing and deliberation, determines that the criteria of Section 17.57.050 are met, the hearing examiner shall issue a decision on the matter within ten working days after the conclusion of all testimony and hearings.

(Ord. 539 § 19.08, 1984; Ord. No. 1086, § 1, 6-24-2013)

Editor's note— Ord. No. 1086, § 1, adopted June 24, 2013, amended the title of § 17.57.090 to read as set out herein. Previously § 17.57.090 was titled planning commission action.

17.57.100 - Examiner decision—Appeal.

The hearing examiner's decision of a conditional use permit application, may be appealed according to Chapter 19.15.

(Ord. 539 § 19.09, 1984; Ord. No. 1086, § 1, 6-24-2013)

Editor's note— Ord. No. 1086, § 1, adopted June 24, 2013, amended the title of § 17.57.100 to read as set out herein. Previously § 17.57.100 was titled commission denial—appeal to council.

17.57.110 - Resubmittal of application.

A disapproved application for a conditional use permit may not be resubmitted for a period of six months from the date of disapproval.

(Ord. 539 § 19.10, 1984; Ord. No. 1086, § 1, 6-24-2013)

CHAPTER 17.58 - RESERVED

FOOTNOTE(S):

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Editor's note—Ord. No. 1029, § VI, adopted Dec. 14, 2009, repealed Ch. 17.58, which pertained to critical areas and derived from Ord. 741, 1995.

CHAPTER 17.60 - AMENDMENTS

17.60.010 - Purpose.

There are two types of zoning-related amendments: those that request a reclassification of land allowing a change in the range of permitted uses on a specific piece of property (termed "rezones") and those which request a change in the text of this title. It is the purpose of this chapter to establish an efficient and uniform procedure for reviewing amendment requests. It is a further purpose of this chapter to ensure that amendments when made benefit the general welfare of the community as a whole and are consistent with the goals, objectives and policies of the 1983 comprehensive plan.

(Ord. 539 § 20.00, 1984)

17.60.020 - Amendments—Initiation.

The regulations, restrictions and boundaries set forth in this title and the accompanying official zoning map may from time to time be amended, supplemented, changed or repealed. Such proceedings may be initiated by:

- A. A request by the city council;
- B. An official proposal by the planning commission or the zoning administrator;
- C. A petition presented to the planning commission by any person or persons requesting amendment to the text of this title;
- D. A rezone application presented to the planning commission submitted by the property owner or contract purchaser or duly authorized representative on forms containing information prescribed by Section 17.60.040 A1.

(Ord. 539 § 20.01, 1984)

17.60.030 - Amendments—Public hearing required.

All requests for amendment, supplement, change or repeal of this title and the accompanying official zoning map shall first be referred to the planning commission for consideration at a public hearing. Notice of such public hearing shall be in accordance with Chapter 17.75 of this title.

(Ord. 539 § 20.02, 1984)

17.60.040 - Rezone procedure—Application.

- A. *Procedure.* The owner, contract purchaser or duly authorized representative of any landowner desiring a rezone shall file an application with the zoning administrator containing the following:
 1. Legal description of property;
 2. Acreage;
 3. Present improvements on property;
 4. Statement explaining how the subject property is more suitable for the uses permitted in the proposed zone rather than those permitted in the existing classification;
 5. Statement explaining how topography, arterials, adjacent land use, etc., justify the proposed rezone;
 6. Statement explaining the need for additional zoning of the type proposed;
 7. Statement giving reasons why uses permitted in the proposed zone would not be detrimental to surrounding land uses;
 - 8.

- Statement giving reasons why the proposed rezone conforms to the goals, objectives and policies of the 1983 comprehensive plan;
9. Environmental documents required by the State Environmental Policy Act (SEPA);
 10. Fee as prescribed by Chapter 17.78 of this title;
 11. Any additional information deemed necessary by the administrator to properly evaluate the proposal.
- B. *Administrator's Duties.* Following receipt of a valid application meeting the requirements of rezone application submittal, the administrator shall set a date for a public hearing before the planning commission on the rezone request and shall cause notice of such hearing to be given.
- C. *Public Hearing—Determination.* Following completion of the public hearing, the planning commission shall make the following determination:
1. If the commission, after hearing and deliberation, determines that the rezone is in conformity with the 1983 comprehensive plan and is not materially detrimental to the public welfare or the property of other persons located in the vicinity, the commission shall forward for consideration at a city council regular meeting a recommendation (supported by findings) that the proposed rezone be approved.
 2. If the commission, after hearing and deliberation, determines that the proposed rezone does not conform to the 1983 comprehensive plan or is otherwise not appropriate, the commission shall deny the application and such decision shall be both final and conclusive unless the applicant files with the zoning administrator an appeal of the planning commission's determination to the city council within ten days from the commission's hearing. (See [Section 17.60.040 E.](#)) The planning commission's action to deny the application shall be supported by findings indicating the basis for denial.
 3. If the commission after hearing and deliberation, is unable to arrive at a determination a proposed rezone shall be forwarded with no recommendation to the council for consideration at a regular meeting.
- D. *Council—Consideration.* Following receipt of the planning commission's recommendation for rezoning of property as set forth in subsection C1 of this section, or receipt of notice of no recommendation as set forth in subsection C3 of this section, city council at a public meeting shall consider the same. No public hearing by the council shall be held unless so ordered by the council. The city council at such public meeting shall vote to approve or disapprove the proposed rezone; or it shall vote to refer the matter back to the planning commission for further proceedings, in which case the commission shall report back to council within the time period specified by council its findings and recommendations on the matters referred to it; or shall set a public hearing date. Final approval of the rezone shall in any event be determined by the city council.
- E. *Denial—Appeal To Council.* Upon receiving notice of appeal of the planning commission's denial of a rezone application, the council shall at a regular meeting consider the same. No public hearing by the council on such appeal shall be held unless ordered by the council. The council at such public meeting shall vote to affirm or reverse the decision of the commission, or shall remand the matter to the commission for its reconsideration and further report to the council, or shall set a public hearing date. The commission shall report back to council within the time period specified by council and the council shall then take final action on the rezone application.
- F. *Zoning Map.* Upon effective date of adoption by ordinance of a rezone of property, the official zoning map of the city shall be amended.

(Ord. 539 § 20.03(A), 1984)

17.60.050 - Amendment to text—Procedure.

- A. *Application Content.* Any request for the amendment of the text contained in this title shall be submitted to the zoning administrator and shall specifically set forth in writing the amendment being requested, supporting reasons why such amendment should be approved, those environmental documents required by the State Environmental Policy Act (SEPA) and a fee as prescribed by Chapter 17.78 of this title.
- B. *Administrator's Duties.* Following receipt of a valid application containing that information required for a text amendment application, or any additional information deemed necessary by the administrator to properly evaluate the application, the administrator shall set a date for public hearing before the planning commission on the text amendment request. Notice of the hearing shall be given as provided in Chapter 17.75 of this title.
- C. *Public Hearing—Recommendation.* Following completion of the public hearing, the planning commission shall make the following determination:
1. If the commission, after hearing and deliberation, determines (after making such changes as it deems necessary) that the text amendment is in conformity with the 1983 comprehensive plan and is not materially detrimental to the public welfare, the commission shall forward for consideration at a city council regular meeting a recommendation that the proposed text amendment be approved.
 2. If the commission, after hearing and deliberation, determines that the proposed text amendment does not conform to the 1983 comprehensive plan or is otherwise not appropriate, it shall forward its recommendation for denial to the city council for consideration at a regularly scheduled meeting of the council.
 3. If the commission, after hearing and deliberation, is unable to arrive at a determination, the proposed text amendment shall be forwarded with no recommendation to the council for consideration at a regular meeting.
- D. *Council—Determination.* Following receipt of the planning commission's recommendation for the proposed amendment, the city council at a public meeting shall consider the same. No public hearing by the city council on such matters shall be held unless so ordered by the council. The city council at such public meeting shall vote to approve or disapprove, or to modify and approve as modified, the proposed amendment, or shall vote to refer the matter back to the planning commission for further proceedings, in which case the city council shall specify the time within which the commission shall report back to council its findings and recommendations on the matters referred to it. The final form and content of this title in any event, shall be determined by the city council.

(Ord. 539 § 20.03(B), 1984)

17.60.060 - Court appeal.

Action taken by city council with regard to rezone applications and amendments to the text of this title shall be final and conclusive unless within ten days of the effective date of the council's action an aggrieved party files an appeal initiated by serving and filing an application for a writ of certiorari with the Superior Court of Washington for Walla Walla County.

(Ord. 539 § 20.04, 1984)

17.60.070 - Resubmission of disapproved application.

An application for a rezone to the same district or an amendment to the text of this title which has been disapproved by the planning commission and/or city council cannot be resubmitted to the planning commission before six months after the date of denial.

(Ord. 539 § 20.05, 1984)

CHAPTER 17.63 - BOARD OF ADJUSTMENT (RESERVED)

FOOTNOTE(S):

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Editor's note—Ord. No. 1077, § 1, adopted June 24, 2013, repealed ch. 17.63, §§ 17.63.010—17.63.050, in its entirety. Former ch. 17.63 was derived from Ord. 539 §§ 21.00—21.04, adopted 1984.

CHAPTER 17.66 - VARIANCES

17.66.010 - Purpose.

It is the purpose of this chapter to establish review and approval procedures for variance requests from the dimensional requirements of this title.

(Ord. 539 § 22.00, 1984)

17.66.020 - Hearing examiner—Authority.

Variance requests are considered during public hearing by the hearing examiner on a case-by-case basis. The review criteria listed in Section 17.66.050 serve as the basis for determinations regarding variance requests.

(Ord. 539 § 22.01, 1984; Ord. No. 1087, § 1, 6-24-2013)

Editor's note— Ord. No. 1087, § 1, adopted June 24, 2013, amended the title of § 17.66.020 to read as set out herein. Previously § 17.66.020 was titled board of adjustment—authority.

17.66.030 - Application filing requirements.

A written application for a variance shall be made to the zoning administrator on forms provided. An application shall not be considered complete until the following is provided:

- A. A completed application form;
- B. A scaled site plan indicating the following:
 1. All existing and proposed lot line dimensions,
 2. Exact location of all existing and proposed structures,
 3. Setbacks (in feet) of all structures from existing and proposed lot lines,

4. Easement and right-of-way locations,
 5. Individual off-street parking spaces provided,
 6. Points of ingress and egress,
 7. North arrow and scale;
- C. Fee as prescribed by Chapter 17.78 of this title;
- D. Any other information determined necessary by the administrator to adequately review the proposal.

(Ord. 539 § 22.02, 1984)

17.66.040 - Hearing examiner—Public hearing—Notice.

Upon submittal of an application meeting the requirements of Section 17.66.030, the zoning administrator shall schedule a public hearing before the hearing examiner to consider the variance request. Public notice of such hearing shall be made in accordance with Chapter 19.12.030.

(Ord. 539 § 22.03, 1984; Ord. No. 1087, § 1, 6-24-2013)

Editor's note— Ord. No. 1087, § 1, adopted June 24, 2013, amended the title of § 17.66.040 to read as set out herein. Previously § 17.66.040 was titled board of adjustment—public hearing—notice.

17.66.050 - Hearing examiner determination—Review criteria.

Following a public hearing the hearing examiner may approve a variance request, provided that the examiner shall make findings of fact supporting variance approval and further provided that no variance shall be approved unless the examiner finds that all of the following criteria have been met:

- A. The variance does not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the district in which the subject property is located; and
- B. That such variance approval is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property or to the structures on the property, to provide use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located or to permit the installation of a solar energy system or the orientation or siting of a building for the purpose of providing solar access; and
- C. That granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the district in which the subject property is situated, provided that for the purposes of this section, the examiner shall take into consideration the extent to which the variance would reduce the solar access of an adjacent parcel; and
- D. That granting of such a variance is necessary for preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the vicinity; and
- E. That authorization of such a variance will not adversely affect implementation of the most recently adopted comprehensive plan; and
- F. That the need for the variance has not been self-induced.

(Ord. 539 § 22.04, 1984; Ord. No. 1087, § 1, 6-24-2013)

Editor's note— Ord. No. 1087, § 1, adopted June 24, 2013, amended the title of § 17.66.050 to read as set out herein. Previously § 17.66.050 was titled board of adjustment determination—review criteria.

17.66.060 - Time limit for use.

The examiner shall prescribe a time limit within which the action for which the variance is requested shall be begun or completed or both.

Failure to begin or complete or both such actions within the time limit set shall void the variance approval.

(Ord. 539 § 22.05, 1984; Ord. No. 1087, § 1, 6-24-2013)

17.66.070 - Prohibited variance.

Under no circumstances shall the hearing examiner grant a variance to permit a use not generally or conditionally permitted to the zone involved, or any use expressly or by implication prohibited by the terms of this title in said zone.

(Ord. 539 § 22.06, 1984; Ord. No. 1087, § 1, 6-24-2013)

17.66.080 - Appeal.

Action taken by the hearing examiner with regard to variance applications shall be final and conclusive unless within 21 days of the effective date of the action an aggrieved party files an appeal with the Superior Court of Washington for Walla Walla County as per Chapter 19.15.

(Ord. 539 § 22.07, 1984; Ord. No. 1087, § 1, 6-24-2013)

17.66.090 - Resubmittal of application.

A disapproved application for a variance may not be resubmitted for a period of six months from the date of disapproval.

(Ord. 539 § 22.08, 1984)

CHAPTER 17.69 - INTERPRETATION

17.69.010 - Purpose.

It is the purpose of this chapter to establish a procedure for resolving questions of zoning code interpretation. The provisions of this chapter should encourage uniform and consistent zoning interpretation over time.

(Ord. 539 § 23.00, 1984)

17.69.020 - Authority.

All interpretations of this title shall be made by the zoning administrator. All interpretations made by the administrator shall be in writing and an orderly and retrievable record of all such interpretations shall be maintained in the office of the city clerk. When making interpretations, the administrator shall review previous interpretations on file which are similar in situation. Whenever possible zoning regulations shall be applied in a uniform and consistent manner.

(Ord. 539 § 23.01, 1984)

17.69.030 - Grievance procedure—Timeframe.

Any person or persons aggrieved by an interpretation of this title may petition the hearing examiner for review of such interpretation. The petition shall address in writing the interpretation being appealed, the interpretation being sought and reasons why the hearing examiner should support the appeal. Petitions for appeal shall be filed with the administrator within 30 days following the date of the administrator's interpretation.

(Ord. 539 § 23.02, 1984; Ord. No. 1088, § 1, 6-24-2013)

17.69.040 - Public hearing—Notice.

Following receipt of a petition for appeal complying with Section 17.69.030, the hearing examiner shall fix a date for public hearing to consider the appeal. Notice of such public hearing shall comply with the requirements of Section 17.69.030. Following the public hearing the examiner shall render a decision. The action of the hearing examiner shall be final.

(Ord. 539 § 23.03, 1984; Ord. No. 1088, § 1, 6-24-2013)

17.69.050 - Stay of proceedings upon filing.

Filing of a petition for appeal stays all proceedings and furtherance of the action appealed from unless the administrator finds that a stay would, in his opinion, cause imminent peril to life and property.

(Ord. 539 § 23.04, 1984)

17.69.060 - Appeal.

Action taken by the hearing examiner with regard to zoning interpretation shall be final and conclusive unless an aggrieved party files an appeal pursuant to the provisions of Section 19.15.050 with the Superior Court of Washington for Walla Walla County.

(Ord. 539 § 23.05, 1984; Ord. No. 1088, § 1, 6-24-2013)

CHAPTER 17.72 - NONCONFORMS

17.72.010 - Purpose.

The provisions of this chapter shall apply to legally preexisting structures, lands and uses, or any combination thereof, which are made nonconforming as a result of the application of this title (or any subsequent amendment thereto) to these preexisting structures, lands or uses. It is the purpose of this chapter to permit these nonconformities to continue until they are removed. It is further the purpose of this chapter to acknowledge that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district, nor shall they be enlarged, expanded, or extended except where expressly permitted under the provisions of this chapter.

(Ord. 539 § 24.00, 1984)

17.72.020 - Preexisting legal lots of record.

A permitted use or structure may be established on a preexisting legal lot of record as defined and containing 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.

(Ord. 539 § 24.01, 1984)

17.72.030 - Nonconforming uses of land—Continuance conditions.

Where, at the effective date of adoption or amendment of the ordinance codified in 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. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title except as provided for in Section 17.72.050 A.
- B. If any such nonconforming use of land ceases for any reason for a period of one year, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.

(Ord. 539 § 24.02, 1984)

17.72.040 - Nonconforming structures—Continuance conditions.

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title 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 on the lot, 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 in a way which increases its nonconformity, unless an enlargement or structural alteration makes the building more conforming or is required by law or as provided for in Section 17.72.050 A.
- B. Should the structure be destroyed by any means to an extent equal to or more than 50 percent as determined by the building inspector and fire chief, it shall not be reconstructed except in conformity with the provisions of this title.
- C. Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 539 § 24.03, 1984)

17.72.050 - Existing nonconforming uses of structure or land—Continuance terms and conditions.

If a lawful use of a structure or land, or of structure and premises in combination, exists at the effective date of adoption or amendment of the ordinance title codified in this title, that would not be allowed in the district under the terms of this title, the lawful use 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. Notwithstanding any other provision of this title, the hearing examiner 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 that 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. In any case, the following conditions shall be considered by the hearing examiner in determining whether or not to grant said special permit:

1. The change in said nonconforming use must generally conform to the provisions of the city comprehensive plan.
 2. Increase in existing off-street parking requirements 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 hearing examiner 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 hearing examiner may impose safeguards applicable to such new nonconforming uses which are in accord with this title.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance codified in this title, but no such use shall be extended to occupy any land outside the building.
- C. Any structure, land, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which it is located and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure, land, or structure and premises in combination, is discontinued or abandoned for one-year, 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 use is taking place, an allowed use may be carried on if the structure is reconstructed.

(Ord. 539 § 24.04, 1984; Ord. No. 1089, § 1, 6-24-2013)

17.72.060 - Public hearing required—Notice—Hearing examiner authority.

Upon receipt of a request for a change in nonconforming use, the administrator shall set a date for a public hearing and give public notice of the time and place of the hearing as required by Section 19.12.030. Findings and determination of the hearing examiner resulting from this public hearing shall be made in writing and transmitted to the applicant or petitioner within ten days after the date of the hearing.

(Ord. 539 § 24.05, 1984; Ord. No. 1089, § 1, 6-24-2013)

Editor's note— Ord. No. 1089, § 1, adopted June 24, 2013, amended the title of § 17.72.060 to read as set out herein. Previously § 17.72.060 was titled public hearing required—notice—board of adjustment authority.

17.72.070 - Hearing examiner review.

If, after consideration of the applicant's petition, the hearing examiner 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 hearing examiner may grant a special permit with conditions for the change to take place.

(Ord. 539 § 24.06, 1984; Ord. No. 1089, § 1, 6-24-2013)

Editor's note— Ord. No. 1089, § 1, adopted June 24, 2013, amended the title of § 17.72.070 to read as set out herein. Previously § 17.72.070 was titled board of adjustment review.

17.72.080 - Change in nonconforming use procedure—Petition and public hearing required.

- A. A petition for change of a nonconforming use shall be filed with the administrator by the owner, owners, or contract purchaser.
- B. When a petition has been filed with and certified by the administrator as a valid petition, notice of public hearing shall be given in accordance with Title 19.12.030
- C. The public hearing shall be held. Any party may appear in person or by agent or attorney.

(Ord. 539 § 24.07, 1984; Ord. No. 1089, § 1, 6-24-2013)

17.72.090 - Procedure—Rehearing or petition refiling.

If a petition for change of a nonconforming use is denied by the hearing examiner, another petition shall not be filed within a period of six months from the date of denial.

(Ord. 539 § 24.08, 1984; Ord. No. 1089, § 1, 6-24-2013)

17.72.100 - Repair and maintenance—Building safety.

Nothing in this chapter shall be deemed to prevent the ordinary, day-to-day minor repairs and maintenance of nonconforming structures. In addition, nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building declared to be unsafe by any city official charged with protecting the public safety upon order of such official, provided such restoration shall be limited to not more than 50 percent of the original structure in which case, the new building shall conform to the requirements of this title concerning new buildings.

(Ord. 539 § 24.09, 1984)

17.72.110 - Appeal.

Action taken by the hearing examiner with regard to permits for the change of nonconforming use shall be final and conclusive unless an aggrieved party files an appeal pursuant to the provisions of Section 19.15.050 with the Superior Court of Washington for Walla Walla County.

(Ord. 539 § 24.10, 1984; Ord. No. 1089, § 1, 6-24-2013)

CHAPTER 17.75 - HEARINGS

17.75.010 - Purpose.

It is the purpose of this chapter to encourage public participation in the land use decision-making process and further to insure that the general public is adequately notified or otherwise made aware of those land use regulations, permits and programs under consideration which may affect both directly or indirectly lands located within the community.

(Ord. 539 § 25.00, 1984)

17.75.020 - Publication.

Notice of any public hearing as required by state law or this title shall be deemed to have been given when a notice setting forth the general purpose of such hearing and the time and place thereof has been published at least one time in a newspaper of general circulation in the city at least ten days before the date set for such hearing. Public notice of one or more hearings may be included within the same notice.

(Ord. 539 § 25.01, 1984)

17.75.030 - Notice to property owners.

In addition to the requirements of Section 17.75.020, in cases of rezones, variances, conditional use permits and other applicable permit applications dealing with specific parcels of property, written notice of any public hearing shall be mailed to owners of all properties within a 300-foot radius of the exterior boundaries of the subject site. In addition, notice of said hearings shall be posted in the following places: two conspicuous places on or near the subject property; one at city hall. Such written notice and posting shall be executed no later than ten days prior to the public hearing. The property ownership records of the Walla Walla county assessor shall be used to identify surrounding property owners.

(Ord. 539 § 25.02, 1984)

CHAPTER 17.81 - ADMINISTRATION AND ENFORCEMENT

17.81.010 - Purpose.

It is the purpose of this chapter to establish a city official responsible for executing those duties associated with the administration and enforcement of this title and to establish a procedure for taking remedial action on complaints and code violations.

(Ord. 539 § 27.00, 1984)

17.81.020 - Authority.

The administrator, as nominated by the mayor and appointed by the city council, or his/her designee, shall be responsible for carrying out the provisions of this title and for taking action necessary to enforce this title. If the administrator shall find that any of the provisions of this title are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action

necessary to correct it. He/she shall be authorized to order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures; or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this title to insure compliance with or to prevent violations of its provisions.

(Ord. 539 § 27.01, 1984)

17.81.030 - Review of zoning compliance.

No department official or employee of the city shall issue a building permit until there has been endorsed thereon certification of compliance with the applicable regulations of this title by the administrator or his/her authorized representative.

(Ord. 539 § 27.02, 1984)

17.81.040 - Filing of complaints.

Whenever a violation of this title occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the administrator, who shall properly record such complaint, conduct a preliminary investigation and take such other action as he/she deems necessary.

(Ord. 539 § 27.03, 1984)

17.81.050 - Violation—Penalty.

- A. Except in the case of violations of Sections 17.54.020, 17.54.030 and 17.54.040, a violation of any provision of this title or any failure to comply with any of its requirements shall constitute a misdemeanor and shall be punished by a fine not to exceed \$1,000.00, or by imprisonment in jail for a period not to exceed 90 days, or by both such fine and imprisonment. Any person convicted of said misdemeanor shall pay all costs and expenses incurred and involved in the case. Persons violating Sections 17.54.020, 17.54.030 and 17.54.040 shall be guilty of an infraction punishable by a fine not to exceed \$100.00.
- B. The owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains the violation may each be found guilty of a separate offense and suffer the penalties provided in this section.
- C. Nothing contained in this section shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this title.

(Ord. No. 1103, § 2, 9-8-2014; Ord. 824 § 4, 1999; Ord. 539 § 27.04, 1984)