

TOWN OF GRANITE FALLS

ORDINANCE NO. 370

AN ORDINANCE ESTABLISHING ZONING IN THE TOWN OF GRANITE FALLS TO ASSURE ORDERLY DEVELOPMENT ACCORDING TO SPECIFIC STANDARDS ESTABLISHED FOR THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE AND TO IMPLEMENT THE ADOPTED COMPREHENSIVE PLAN IN ACCORDANCE WITH CHAPTER 35.63 REVISED CODE OF WASHINGTON; AND REPEALING ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH.

1.0 PURPOSE AND SCOPE

1.1 PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare by guiding the development of the town by means of a Comprehensive Plan which is, in part, carried out by the provisions of this Ordinance. It is further intended to provide regulations and standards which will:

- (A) Encourage the most appropriate use of land throughout the municipality;
- (B) Lessen traffic congestion and accidents;
- (C) Secure safety from fire;
- (D) Provide adequate light and air;
- (E) Prevent overcrowding of land;
- (F) Promote coordinated development of unbuilt areas;
- (G) Encourage the formation of neighborhood and community units;
- (H) Secure an appropriate allotment of land area in new developments for all the requirements of community life;
- (I) Conserve and manage environmental and natural resources; and
- (J) Facilitate the adequate provision of transportation, water, sewerage, and other public requirements.

1.2 SCOPE

1.2.1 The provisions of this Ordinance shall apply to all uses of land in the Town of Granite Falls.

1.2.2 The provisions of this Ordinance shall be interpreted as the minimum requirements necessary to protect the health, safety and general welfare of the public.

1.2.3 Where the provisions of this Ordinance impose restrictions on the use of land or structures greater than are imposed by other public or private regulations, the provisions of this Ordinance shall control.

1.3

SEVERABILITY

It is expressly declared that each section, subsection, paragraph, sentence, clause, phrase, and word of this Ordinance would have been prepared, proposed, adopted, approved, and ratified irrespective of any declaration of invalidity or unconstitutionality of any part of this Ordinance. Therefore, should any part of this Ordinance be declared invalid or unconstitutional for any reason, this declaration shall not affect the validity or constitutionality of the remaining parts of this Ordinance.

1.4

EFFECT

This Ordinance shall take effect from and after its passage, approval and posting, according to law.

THIS ORDINANCE IS HEREBY ADOPTED by the COUNCIL of the TOWN OF GRANITE FALLS this 23 day of October, 1985.

Approved by the Mayor this 23 day of October, 1985.


MAYOR

ATTEST:

Gerry James
Town Clerk

CERTIFICATE

I, Gerry James, being first duly appointed, qualified and acting Clerk of the Town of Granite Falls, Washington, a municipal corporation, do hereby certify that the foregoing Ordinance NO. 370 is a full, true and correct copy of the Original Ordinance passed on the 23 day of October, 1985, as said Ordinance appears in the Ordinance Book of the Town and said Ordinance became effective on the 23 day of October, 1985, and the same is duly posted on the 23 day of October, 1985, at the following three public places of said Town:

1. U.S. Post Office
2. Town Hall
3. Konnerups

TABLE OF CONTENTS (continued)

CHAPTER	PAGE
4. GENERAL PROVISIONS AND STANDARDS	33
Section 1. Yards	33
2. Accessory Buildings	33
3. Home Occupations	33
4. Required Open Space	34
5. Outside Storage and Vehicular Parking	35
6. Modular and Mobile Homes	35
7. Off Street Parking	35
5. PERFORMANCE STANDARDS	41
Section 1. Scope	41
2. Standards of Performance	41
3. Investigation and Compliance	42
4. Enforcement	43
6. CONDITIONAL USES	44
Section 1. Permit Required	44
2. Conditions Imposed	44
3. Required Findings	44
4. General Requirements	44
7. VARIANCES	46
Section 1. Required Findings	46
2. General Requirements	47
8. NON-CONFORMING USES, STRUCTURES AND LOTS	48
Section 1. Non-conforming Uses	48
2. Non-conforming Structures	48
3. Non-conforming Lots	48
9. ADMINISTRATION	49
Section 1. Applications	49
2. Application Review	50
3. Planning Commission Actions	51
4. Optional Hearing Examiner	52
5. Town Council Actions	52
6. Notification	53
7. Review and Consideration	54
8. Denied or Revoked Approvals and	Permits 55
9. Remanded Actions	55
10. Procedural Irregularities	55
11. Filing	55

TABLE OF CONTENTS (continued)

CHAPTER	PAGE
10. REZONES AND ORDINANCE AMENDMENTS	57
Section 1. Scope	57
2. Text Amendments	57
3. Rezones	57
4. Contract Rezones	58
11. ENFORCEMENT	59
Section 1. Enforcing Official	59
2. Right of Entry	59
3. Liability	59
4. Licenses and Permits	59
12. FEES AND EXPENSES	60
Section 1. Time of Payment	60
2. Fee Schedule	60
3. Expenses	60
13. SURETIES	61
Section 1. Site Improvement Sureties	61
2. Maintenance Sureties	61
3. Release of Sureties	61
14. PENALTIES AND CIVIL PROCEEDINGS	62

2.0

DEFINITIONS

2.1

RULES FOR INTERPRETATION

- (A) For the purposes of the zoning ordinance, all words used in the ordinance shall have their normal and customary meanings, unless specifically defined otherwise in this Ordinance.
- (B) Words used in the present tense include the future.
- (C) The plural includes the singular and vice-versa.
- (D) The word "shall" and phrases "may not" and "no...may" are mandatory.
- (E) The word "may" indicates that discretion is allowed.
- (F) The word "used" includes "designed, intended, or arranged" to be used.
- (G) The masculine gender includes the feminine and vice-versa.
- (H) Distances shall be measured horizontally unless otherwise specified.

2.2

"A" TERMS

2.2.1 Accessory Building. A building which is subordinate to the main building, and is incidental to the use of the main building on the same lot.

2.2.3 Accessory use. A use incidental and subordinate to the use of the main building on the same lot.

2.2.4 Alley. Any public space or thoroughfare less than 16 feet but not less than 10 feet in width which has been dedicated or deeded to the public for public use.

2.2.5 Alteration. Any change, addition or modification in construction or any change of occupancy from one trade to another or from one division of a trade to another.

2.3

"B" TERMS

2.3.1 Binding Site Plan. A drawing to scale specified by this Ordinance which: (A) identifies and shows the locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (B) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and (C) contains provisions making any development be in conformity with the site plan.

2.3.2 Boarding House. A building, other than a hotel, where meals and lodging are provided for compensation to non-transient persons.

- 2.3.3 Building. Any structure having a roof supported by columns or walls designed for the shelter of persons, animals or property of any kind.
- 2.3.4 Building Area. The portion of a lot within which a structure may be built, bounded by the yard setbacks.
- 2.3.5 Building, Principal or Main. The building which accommodates the principal use of a site or lot.

Building Site. See "building area."

2.4 "C" TERMS

- 2.4.1 Commercial Kennel. A building in which four or more domestic animals at least four months of age are kept commercially for boarding or breeding or treatment.
- 2.4.2 Conditional Use. A use allowed in one or more zones as defined by the zoning ordinance but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible to other existing or permissible uses in the same zone.
- 2.4.3 Corner Lot. A lot which has frontage on two or more streets where the streets meet.
- 2.4.4 Coverage. The total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members.

2.5 "D" TERMS

- 2.5.1 Day Care Center. A building used to provide licensed child care services.
- 2.5.2 Dedication. The gift of land to the Town for any public use.
- 2.5.3 Density. The number of permitted dwelling units allowed on each acre of land or fraction thereof.
- 2.5.4 Duplex. A residential structure containing two dwelling units, which structure is located on one lot, but which term shall not include mobile homes.
- 2.5.5 Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family. Dwelling unit does not include recreation vehicles or mobile homes. (See also Multi-family Dwelling" and "Family.")

2.6

"E" TERMS

- 2.6.1 Easement. A grant, by the owner of land, to others for the use of a portion of the land for specified purposes.
- 2.6.2 Easement, Access. A private right-of-way no less than 20 feet wide which provides vehicular access to a street from no more than three lots.

2.7

"F" TERMS

- 2.7.1 Family. One or more persons related by blood, marriage, adoption, or a group of not more than six persons, not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.
- 2.7.2 Floor Area. The sum of the gross horizontal area of the floor or floors of all buildings on a building site, measured from the exterior faces of the exterior walls, including stairwells on each floor and all areas having a ceiling height of seven feet or more; but excluding all parking and loading spaces, unroofed areas, roofed areas open on two or more sides, areas having a ceiling height of less than seven feet, and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment.
- 2.7.3 Foster Home. A home licensed and regulated by the State and classified by the State as a foster home, providing care and guidance for not more than five unrelated juveniles, adults or both.
- 2.7.4 Front Lot Line. See "Street Lot."

2.8

"G" TERMS

- 2.8.1 Garage, Parking or Commercial. A building used for storage, repair, or servicing of motor vehicles as a commercial use.
- 2.8.2 Garage, Private. An accessory building or a portion of the principal building designed and used for the shelter and storage of vehicles.

2.9

"H" TERMS

- 2.9.1 Health Care Facility. A building designed and used for the provision of human health care services.
- 2.9.2 Hedge. A fence or boundary formed by a dense row of shrubs or low trees.

- 2.9.3 Height, Building. The vertical distance from the average of the lowest and highest point exposed by the finished ground level to the highest point of the building excluding chimneys.
- 2.9.4 Home Occupation. An economic enterprise carried on within a dwelling unit or accessory building, which is incidental and secondary to the residential use of the dwelling unit as outlined in Section 4.3 of this Ordinance.
- 2.9.5 Hotel. Any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provisions are made for cooking in any individual room or suite.
- 2.10 "I" TERMS
- 2.10.1 Interior lot. A lot fronting on only one street (also see "Lot").
- 2.10.2 Interior Side Yard. The side yard adjacent to another building site.
- 2.10.3 Irregular Lot. A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.
- 2.11 "J" TERMS
- 2.12 "K" TERMS
- 2.12.1 Kennel. See "Commercial Kennel."
- 2.12.2 Kitchen. Any room used or intended or designed to be used for cooking or preparation of food.
- 2.13 "L" TERMS
- 2.13.1 Lot. A parcel of land as shown on a recorded plat or subdivision in existence as of the effective date of this Ordinance, or as shown on any future recorded plat or subdivision intended as a unit of land for transfer of ownership or for development.
- 2.13.2 Lot Area. The total horizontal area within the boundary lines of a lot, excluding any street right-of-way or access easement.
- 2.13.3 Lot, Through. A lot fronting on two streets that is not a corner lot.
- 2.13.4 Lot Depth. The length of the lot measured on a line approximately perpendicular to the fronting street and midway between the sidelines of a lot.

- 2.13.5 Lot Line. Any line enclosing the lot area (see also "Rear Lot Line," "Side Lot Line," and "Street Lot Line").
- 2.13.6 Lot Width. The distance between the lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.
- 2.13.7 Lot of Record. An area of parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds, or as a fraction of a section.

2.14 "M" Terms

- 2.14.1 Main Building. See "Building, Principal."
- 2.14.2 Mobile Home. A single family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries. It is a dwelling which is designed for transportation after fabrication on public streets and highways on its own chasis and wheels, and which, when erected on site, is designed to be permanently connected to required utilities.
- 2.14.3 Mobile Home Park. Land under single ownership and control designed and used for the temporary or permanent parking of two or more mobile homes for human occupancy.
- 2.14.4 Motel. A building or group of buildings containing guest rooms or apartments designed or used primarily by automobile transients.
- 2.14.5 Multi-family Dwelling. A building containing two or more dwelling units.

2.15 "N" TERMS

- 2.15.1 Non-conforming Lot. A lawfully established lot which does not conform to the provisions of this Ordinance.
- 2.15.2 Non-conforming Structure. A structure which was legally constructed prior to the effective date of this Ordinance but which would not be permitted as a new structure under the terms of this Ordinance because such structure is not in conformance with the yard, height, lot coverage, or open space requirements of the zone in which it is located.
- 2.15.3 Non-conforming Use. A utilization of land or structures or both, legally established prior to the effective date of this Ordinance, which would not be permitted as a new use in the zone in which it is located under the terms of this Ordinance.

2.15.4 Nursing or Convalescent Home. An establishment which provides full time care for three or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical, or acute illness services.

2.16 "O" TERMS

2.16.1 Office. A building or separately defined space within a building used for business which does not include on-premise sales or manufacture of goods.

2.16.2 Open Space. Any part of a lot unobstructed from the ground upward. Open space shall not include required parking area.

2.17 "P" TERMS

2.17.1 Parking Facility. A land area or building used for the storage of four or more vehicles, excluding parking areas for single family residences.

2.17.2 Parking Space. An area accessible to vehicles and used exclusively or principally for vehicle storage.

2.17.3 Person. Any person, firm, business corporation, partnership, association, marital community, municipal corporation, or governmental agency.

2.17.4 Personal Service. Businesses engaged in providing care of the corporeal person or his apparel.

2.17.5 Planning Commission. The Planning Commission of the Town of Granite Falls.

2.17.6 Principal or Primary Use. The predominant use of the property to which all other uses are secondary.

2.17.7 Private Parking. Parking facilities for the non-commercial use of the occupant and guests of the occupant.

2.17.8 Public Facility. Land or structures owned or operated for the public use and necessity.

2.18 "Q" TERMS

2.19 "R" TERMS

2.19.1 Rear Lot Line. A lot line or lines which are opposite and most distant from the street lot line (also see "Lot Line").

2.19.2 Rear Setback. The minimum distance required by this Ordinance for buildings to be set back from the rear lot line.

- 2.19.3 Rezone. A change in classification of a lot or lots from one zoning district to another.
- 2.19.4 Recreational Facilities. Facilities for recreational use, such as swimming pools, athletic clubs, tennis courts, and similar uses.
- 2.20 "S" TERMS
- 2.20.1 Screen or Screening. A continuous fence, hedge, or combination of both which obscures vision through the screen area, not including drives or walkways.
- 2.20.2 Secondary Use. A use, subordinate to the primary or principal use, which may exist only when a primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the primary use.
- 2.20.3 Sign. A structure for the display of advertising, or identifying the owner or occupant of the premises, but not including real estate signs advertising the sale or rent of property upon which it stands.
- 2.20.4 Single Family Dwelling. A building containing only one dwelling unit.
- 2.20.5 Side Lot Line. Any lot line that is not a street or rear lot line (see also "Lot Line").
- 2.20.6 Side Setback. The minimum distance required by the Ordinance for a building to be set back from a side lot line or access easement.
- 2.20.7 Street. A lawfully dedicated public right-of-way which provides vehicle access to more than three lots or potential lots.
- 2.20.8 Street Lot Line. The lot line or lines along the edge of a street.
- 2.20.9 Public Facility. Land or structures owned or operated for the public use and necessity.
- 2.20.10 Structure. A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, not including residential fences less than six feet high, retaining walls, rockeries, and other similar improvements of a minor character less than three feet high.
- 2.20.11 Stock-in-Trade. Goods kept available for sale, or resale, not including samples.

2.21 "T" TERMS

2.21.1 Temporary Building or Structure. A building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

2.21.2 Through Lot. See "Lot, Through."

2.21.3 Townhouse. A dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of an adjacent unit, and which is attached to one or more other dwelling units by common walls which may be located on side lot lines.

2.22 "U" TERMS

2.22.1 Use. The purpose which land or structures now serve or for which it is occupied, maintained, arranged, designed, or intended.

2.23 "V" TERMS

2.23.1 Variance. A modification of the terms of this Ordinance to a particular piece of property which, because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges.

2.23.2 Vehicle. Any device designed for carrying passengers or goods, or perform work in motion.

2.23.3 Veterinary Hospital or Clinic. A building used to provide health care services to animals.

2.24 "W" TERMS

2.25 "X" TERMS

2.26 "Y" TERMS

2.26.1 Yard. An open space on a lot which is required by this Ordinance to be unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

2.26.2 Yard, Front. The area between the street lot line and the building line extending the full width of the lot. The street setback area.

2.26.3 Yard, side. The lot area between the side lot lines, extending the full length of the building area. The width of the side yard is the minimum distance from the side lot line to the main building, as specified for the zone in which the lot is located.

2.26.4 Yard, Rear. The area between the rear lot line and the building area extending the full width of the lot. The rear setback area.

2.27

"Z" TERMS

2.27.1 Zone, Zone District. A defined area of the Town within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this Ordinance.

3.0

ZONE DISTRICTS

3.1

PURPOSES

- 3.1.1 To assist in the implementation of the adopted Comprehensive Plan for the physical development of the Town by regulating and providing for existing uses and uses planned for the future as specified in the Comprehensive Plan.
- 3.1.2 To protect the character and stability of residential, commercial, industrial, and other uses and to ensure the orderly and beneficial development of these uses by:
- (A) Reserving and retaining appropriate areas for each type of use;
 - (B) Preventing encroachment into these areas by incompatible uses; and
 - (C) Regulating the use of individual parcels of land to prevent unreasonable detrimental effects of nearby uses.
- 3.1.3 To preserve the historic, aesthetic, and natural features of the Town by:
- (A) Establishing high standards of environmental protection; and
 - (B) Providing for design and environmental review of proposed actions and projects.

3.2

ZONES ESTABLISHED

3.2.1 Scope

All land within the Town of Granite Falls shall be included in a zone district, and all uses and structures shall conform to the special requirements of the zone district within which it is located and the other general requirements of this title.

3.2.2 Zone District Boundaries

The location of the various zone districts are shown on the Official Zoning Map of the Town of Granite Falls which is part of this Ordinance.

3.2.3 Interpretation of Boundaries

Zone district boundaries indicated on the Zoning Map shall be interpreted as follows:

- (A) Where boundaries are indicated along streets, the boundaries shall be the centerline of the street.
- (B) Where boundaries are indicated along established lot lines, the boundary shall be the lot line.

3.2.3 Interpretation of Boundaries (continued)

- (C) Where boundaries are indicated on perennial watercourses, the boundary shall be the thread of the stream.
- (D) Where boundaries are indicated on the shorelines of the Town, the boundary shall extend to the Town limits.
- (E) Upon vacation of a street, the zone district boundaries of abutting properties shall be extended to the centerline of the vacated street.
- (F) All lands annexed to the Town without an annexation zoning designation shall be classified RC 2.3.

3.2.4 Residential Zones

To provide a variety of housing types, ensure efficient utility service, minimize traffic congestion, preserve and revitalize historic structures, accommodate differing land forms and natural features and reflect the intent of the Comprehensive Plan: Residential zones are established.

3.2.5 Commercial Zone

To provide for the sale of consumer goods and services appropriate to the area of the community they serve; to ensure compatibility with nearby land uses; and to accommodate the special requirements for revitalization of the Town center: Commercial zones are established.

3.2.6 Industrial Zone

To provide areas for manufacturing, wholesaling, outdoor storage, and other similar intensive uses in locations where these activities can be made compatible with nearby land use: An industrial zone is established.

3.3 URBAN RESIDENTIAL 7200 (R 7200) ZONE

3.3.1 Principal Uses

- (A) Single family dwellings;
- (B) Townhouses in Planned Residential Developments;
- (C) Foster homes;
- (D) Boarding houses.

3.3.2 Secondary Uses

- (A) Accessory buildings, as set forth in Ch. 4.2;
- (B) Home occupations, as set forth in Ch. 4.3.

3.3.3 Conditional Uses

- (A) Day care centers;
- (B) Churches and schools;
- (C) Public facilities;
- (D) Radio transmitting antennas and satellite signal receiving antennas.
- (E) Duplexes on lots of 10,800 sq. ft. or larger.

3.3.4 Minimum Lot Size

Seventy-two-hundred (7200) square feet.

3.3.5 Minimum Lot Width

Sixty (60) feet. Corner lots shall have a lot width of not less than sixty-five (65) feet.

3.3.6 Minimum Building Setbacks

- (A) Front yard: Twenty (20) feet from property line except alleys which setback will be ten (10) feet.
- (B) Side yards: Five (5) feet on each side, provided that corner lots shall observe the front yard setback from any street or private road.
- (C) Rear yards: Ten (10) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.

3.3.7 Maximum Height

Thirty (30) feet.

3.3.8 Maximum Lot Coverage

Thirty-five percent (35%).

3.3.9 Maximum Density

Six (6) dwelling units per acre in a Planned Residential Development.

3.4 SUBURBAN RESIDENTIAL 9600 (R 9600) ZONE

3.4.1 Principal Uses

- (A) Single family dwellings;
- (B) Townhouses in planned residential developments;
- (C) Foster homes;
- (D) Boarding houses.

3.4.2 Secondary Uses

- (A) Accessory buildings, as set forth in Ch. 4.2;
- (B) Home occupations, as set forth in Ch. 4.3.

3.4.3 Conditional Uses

- (A) Day care centers;
- (B) Churches and schools;
- (C) Public facilities;
- (D) Radio transmitting antennas, satellite signal receiving antennas;
- (E) Duplexes on lots 14,400 sq. ft. or larger.

3.4.4 Minimum Lot Size

Ninety-six hundred (9600) square feet.

3.4.5 Minimum Lot Width

Seventy-five (75) feet. Corner lots shall not be less than eighty (80) feet in width.

3.4.6 Minimum Building Setbacks

- (A) Front yard: Twenty (20) feet from property line except alleys which setback will be ten (10) feet.
- (B) Side yards: Five (5) feet on each side, provided that corner lots shall observe the front yard setback from any street or private road.
- (C) Rear yards: Ten (10) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.

3.4.7 Maximum Height

Thirty (30) feet.

3.4.8 Maximum Lot Coverage

Thirty-five percent (35%).

3.4.9 Maximum Density

Four (4) dwelling units per acre in Planned Residential Developments.

3.5 LOW DENSITY MULTIPLE RESIDENTIAL (MR 4000) ZONE

3.5.1 Principal Uses

- (A) Single family dwellings;
- (B) Multi-family dwellings;
- (C) Foster homes;
- (D) Boarding houses;
- (E) Nursing homes;
- (F) Mobile homes in planned residential developments at a maximum density of seven (7) units per acre.

3.5.2 Secondary Uses

- (A) Accessory buildings, as set forth in Ch. 4.2;
- (B) Home occupations, as set forth in Ch. 4.3;
- (C) Day care centers.

3.5.3 Conditional Uses

- (A) Churches and schools;
- (B) Public facilities;
- (C) Health care facilities;
- (D) Radio transmitting and satellite receiving antennas.

3.5.4 Minimum Lot Size

Four thousand (4000) square feet per dwelling unit, or three thousand four hundred (3400) square feet per dwelling unit in a Planned Residential Development, provided no lot shall be less than seven thousand two hundred (7200) square feet.

3.5.5 Minimum Lot Width

Sixty (60) feet. Corner lots shall have a lot width of not less than seventy (70) feet.

3.5.6 Minimum Building Setbacks

- (A) Front yard: Twenty (20) feet from property line except alleys which setback will be ten (10) feet.
- (B) Side yards: Five (5) feet on each side, provided that corner lots shall observe the front yard setback from any street or private road.
- (C) Rear yards: Ten (10) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.
- (D) In the case of multi-story structures over two stories high, the base yard requirements of subsections (A), (B) and (C) of this section shall be increased by an amount equal to five (5) feet for the sum of the side yards and three (3) feet each for the minimum width side yard, designated rear yard and designated front yard for each story of building height over two (2).
- (E) No portion of any multi-family structure shall be closer than fifteen (15) feet from any other such structure, nor, in the case of multi-storied structures over two (2) stories high, closer than an additional five (5) feet for each story over two (2).

3.5.7 Maximum Height
Thirty-five (35) feet.

3.5.8 Maximum Lot Coverage
Forty (40) percent.

3.5.9 Maximum Density
Twelve (12) dwelling units per acre.

3.6 MULTIPLE RESIDENTIAL (MR 2500) ZONE

3.6.1 Principal Uses

- (A) Single family dwellings;
- (B) Multi-family dwellings;
- (C) Foster homes;
- (D) Boarding houses;
- (E) Nursing homes;
- (F) Mobile homes in planned residential developments at a maximum density of seven (7) units per acre.

3.6.2 Secondary Uses

- (A) Accessory buildings, as set forth in Ch. 4.2;
- (B) Home occupations, as set forth in Ch. 4.3;
- (C) Day care centers.

3.6.3 Conditional Uses

- (A) Churches and schools;
- (B) Public facilities;
- (C) Health care facilities;
- (D) Radio transmitting and satellite receiving antennas.

3.6.4 Minimum Lot Size

Two thousand five hundred (2500) square feet per dwelling unit, of two thousand one hundred twenty-five (2125) square feet per dwelling unit in a Planned Residential Development, provided that no lot shall be less than seven thousand two hundred (7200) square feet.

3.6.5 Minimum Lot Width

Sixty (60) feet. Corner lots shall have a lot width of not less than seventy (70) feet.

3.6.6 Minimum Building Setbacks

All dwellings in this zone shall have the minimum yards required by Ch. 3.5.6.

3.6.7 Maximum Height

Thirty-five (35) feet.

3.6.8 Maximum Lot Coverage

Forty percent (40%).

3.6.9 Maximum Density

Eighteen (18) dwelling units per acre.

3.7 RURAL RESERVE (RR 2.3) ZONE

3.7.1 Principal Uses

- (A) Single family dwellings;
- (B) Day care centers;
- (C) Foster homes;
- (D) Boarding houses;
- (E) Mobile homes;
- (F) Agriculture and livestock raising;
- (G) Commercial kennels

3.7.2 Secondary Uses

- (A) Accessory buildings, as set forth in CH. 4.2;
- (B) Home occupations, as set forth in Ch. 4.3;
- (C) Radio transmitting and satellite signal receiving antennas.

3.7.3 Conditional Uses

- (A) Churches and schools;
- (B) Public facilities;
- (C) Veterinary clinics;
- (D) Buildings over thirty (30) feet high;
- (E) Private recreational facilities not providing overnight facilities or accommodations.

3.7.4 Minimal Lot Size

One hundred thousand (100,000) square feet.

3.7.5 Minimal Lot Width

One hundred sixty-five (165) feet.

3.7.6 Minimum Building Setbacks:

- (A) Front yard: Twenty (20) feet from property line except alleys which setback will be ten (10) feet.
- (B) Side yards: Five (5) feet on each side, provided that corner lots shall observe the front yard setback from any street or private road.
- (C) Rear yards: Ten (10) feet from property line for principal buildings and five (5) feet from property line for accessory buildings.

3.7.7 Maximum Height

Thirty (30) feet.

3.7.8 Maximum Lot Coverage

Thirty percent (30%).

3.8 COMMUNITY BUSINESS (CB) ZONE

3.8.1 Principal Uses

- (A) Retail and wholesale sales;
- (B) Personal services, including self service;
- (C) Offices;
- (D) Restaurants and taverns;
- (E) Health care facilities, excluding overnight accommodations;
- (F) Social and recreational facilities;
- (G) Hotels and motels;
- (H) Accessory structures and uses;
- (I) Parking facilities.

3.8.2 Secondary Uses

- (A) Single and multi-family dwellings in principal buildings;
- (B) Consumer goods repair.

3.8.3 Conditional Uses

- (A) Outside storage and display;
- (B) Veterinary clinics;
- (C) Churches and schools;
- (D) Public facilities;
- (E) Structures over thirty (30) feet high;
- (F) Service stations;
- (G) Vehicle sales and service.

3.8.4 Minimum Lot Size

Seventy-two hundred (7200) square feet.

3.8.5 Maximum Lot Coverage

None.

3.8.6 Maximum Height

Fifty (50) feet.

3.8.7 Minimum Building Setbacks

- (A) Front yard: None;
- (B) Side yards: None, except when abutting residentially designated property, which shall then be five (5) feet;
- (C) Rear yard: Five (5) feet.

3.9

INDUSTRIAL PARK (IP) ZONE

3.9.1 Principal Uses

- (A) Manufacturing;
- (B) Wholesale Sales;
- (C) Warehousing;
- (D) Accessory uses and structures.

3.9.2 Secondary Uses

- (A) Outside storage;
- (B) Night watchman's quarters occupied by an employee of the operator of the principal use.

3.9.3 Conditional Uses

- (A) Surface mining;
- (B) Structures over fifty (50) feet in height.

3.9.4 Minimum Lot Size

None.

3.9.5 Maximum Lot Coverage

None.

3.9.6 Maximum Building Height

Fifty (50) feet.

3.9.7 Minimum Building Setbacks

- (A) Street/public right of way: Twenty (20) feet;
- (B) Side yards: None, except when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot of height of the structure nearest the side lot line, whichever is greater;
- (C) Rear yard: None, except when abutting a residential or commercial zone or comprehensive plan designation which shall then be twenty (20) feet or one (1) foot for each foot in height of the structure nearest the rear lot line, whichever is greater.

3.9.8 Required Landscaping

All street setback areas, and side and rear setback areas which border residential or commercial zones (or comprehensive plan designations), shall be landscaped to a depth of at least twenty (20) feet with natural or installed plant material which will form a sight obscuring screen. Landscaping in setback areas which border residential zones shall include a minimum five (5) foot high earth berm, and plantings which will reach a mature height of eight (8) feet from the ground level of the lot within two (2) years. Such plantings may be installed on the top of the berm and shall be spaced to provide a continuous screen at maturity.

3.9.9 Binding Site Plan

All areas which are zones IP shall be developed in accordance with a binding site plan as set forth in Section 3.10.8, excluding part C.

3.10

PLANNED RESIDENTIAL DEVELOPMENT

3.10.1 Purposes

The purpose of this section is to permit such flexibility and provide performance criteria which can result in planned developments which produce:

- (A) A maximum choice in the types of environment and living units available to the public;
- (B) Open space and recreation areas;
- (C) A pattern of development which preserves trees and environmentally sensitive areas and prevents soil erosion;
- (D) A creative approach to the use of land and related physical development;
- (E) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs;
- (F) An environment of stable character in harmony with surrounding existing and planned land use;
- (G) A more desirable environment than would be possible through the strict application of other sections of this title.

The Planned Residential Development section is designed to provide for small and large scale developments incorporating a single type of a variety of housing types and related uses which are planned and developed as a unit. Developments may consist of individual lots, or it may have common building sites. Commonly owned land which is an essential and major element of the plan should be related to and preserve the long-term value of the homes and other development.

3.10.2 Minimum Size

Planned Residential Developments may only be located on a minimum of 2.50 acres.

3.10.2 Permissible Zones

Only the following Planned Residential Development zones may be allowed: PRD (9600), PRD (7200), PRD (MR 2500), PRD (MR 4000). The above zones may only be allowed where the density and density classification proposed are consistent with the adopted Comprehensive Plan.

3.10.4 Required Conditions

Before approval of the PRD plans by the Planning Commission, it shall be determined that the following conditions shall be met:

- (1) The maximum number of dwelling units permissible in a planned residential development shall be one hundred twenty percent (120%) of the maximum computed density of the underlying zone, derived as follows:

3.10.4 Required Conditions (continued)

- (A) Determine Gross Development Land area. Subtract from gross area (i) unbuildable land, (ii) publicly owned community facility land, and (iii) commercial or industrial land area,
 - (B) Determine Net Development area. Subtract from Gross Development area the actual percentage of Gross Development area devoted to circulation system, except that whenever the circulation system accounts for more than twenty percent (20%) of the Gross Development area, the Net Development area shall be eighty percent (80%) of the Gross Development area,
 - (C) Divide Net Development area by the minimum lot area per dwelling unit permitted in the underlying zone,
 - (D) Multiply the resulting number of units by 1.20;
- (2) Twenty percent (20%) of the Net Development area shall be established as open space and community recreational facilities. Upon approval of the hearing examiner, some unbuildable land may be included in the open space land upon a showing that such land can and will be utilized in a specific recreational use;
- (3) Unless specifically modified by this chapter, all requirements of the underlying residential zone shall apply within the Planned Residential Development;
- (4) Except for townhouse lots, the minimum lot width shall be sixty (60) feet, and corner lots shall not be less than sixty-five (65) feet. There shall be no minimum lot width for townhouse lots;
- (5) The minimum lot size for single family dwellings and duplex dwellings shall be five thousand (5000) square feet;
- (A) The minimum front yard building setback of single family dwellings and duplex dwellings shall be one-half the width of planned rights-of-way or easements as measured from the centerline of the right-of-way plus fifteen feet,
 - (B) The sum of side yards of single family dwellings and duplex dwellings shall be not less than ten (10) feet. If the side yard adjoins public open space, these yard requirements may be reduced by an amount equal to the distance from the property line to the centerline of the open space. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five (5) feet to any structure on an adjacent lot.

3.10.4 Required Conditions (continued)

- (C) Rear yards of single family dwellings and duplex dwellings shall be a minimum of five (5) feet. If the rear yard adjoins public open space, the minimum rear yard requirements may be reduced by an amount equal to the distance from the rear lot line to the centerline of the open space. Such modified setback shall be endorsed upon the approved site plan. No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space;
- (6) Minimum townhouse lot area per dwelling unit shall be an average of two thousand (2000) square feet;
 - (A) Every townhouse lot shall have a front yard of not less than fifteen (15) feet, and a rear yard of not less than five (5) feet; provided, when two (2) or more townhouse dwelling units are being developed on adjacent lots, minimum front yards may be reduced by not more than ten (10) feet in order to give individual identity and privacy to the units, as long as the average of all front yards in a townhouse structure is not less than fifteen (15) feet, and each lot has a combined total of thirty (30) feet of front and rear yards;
 - (B) Every townhouse at each end of a group of attached units shall maintain a side yard of not less than five (5) feet with a minimum building separation of not less than ten (10) feet; provided that, if the side yard adjoins public open space, this yard requirement may be reduced by an amount equal to the distance from the side lot line to the centerline of the open space. Such modified setback shall be endorsed upon the approved site plan. No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space,
 - (C) Lot coverage requirements shall be as follows:
 - (i) Townhouse and accessory structures shall together cover no more than fifty-five percent (55%) of the lot,
 - (ii) Patios, driveways and walkways shall not increase the total lot coverage to more than sixty-five percent (65%) of the lot, unless paved with perforated concrete blocks or other permeable material,
 - (D) Townhouse building height shall not exceed thirty (30) feet;
- (7) Multiple family dwellings shall also be allowed in any planned residential development, provided the following requirements are met:

3.10.4 Required Conditions (continued)

- (A) The maximum lot coverage shall be forty percent (40%),
- (B) There will be no minimum lot size,
- (C) There will be no maximum height,
- (D) Front yards and side yards facing streets shall be set back not less than one-half of the width of planned rights-of-way or easements as measured from the centerline of the right-of-way plus twenty-five (25) feet,
- (E) The sum of the side yards shall be not less than ten (10) feet with one side yard not less than five (5) feet for single story structures,
- (F) The rear yard shall be not less than twenty-five (25) feet for single story structures,
- (G) The side and rear yard setbacks of paragraphs (E) and (F) of this subsection may be modified as follows:
 - (i) If the yard adjoins a public open space, then each applicable minimum yard requirement may be reduced by an amount equal to the distance from the property line to the centerline of the open space,
 - (ii) The resultant requirement shall then be endorsed upon the approved site plan as a base yard requirement,
 - (iii) In the case of multi-story structures, the base yard requirement of subsection (ii) above for such structures is thereby increased for each story or fraction thereof by an amount equal to four feet for the sum of the side yards and two feet each for the minimum width side yard, designated rear yard and designated front yard,
- (H) No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space.

3.10.5 Multiple Zones

If a Planned Residential Development is proposed within two or more residential zones or residential plan designations, the maximum number of dwelling units will be the total allowed in each zone or plan designation combined. The permitted land uses of the more restrictive zone shall apply to the entire Planned Residential Development.

3.10.6 Private Roads and Driveways

Upon approval by the town engineer, private roads and driveways serving a limited number of dwelling units and not intended for use as a public thoroughfare may have rights-of-way less than the town minimum. Such roads shall

- 3.10.6 Private Roads and Driveways (continued)
be constructed to town road surface standards and shall be approved by the town engineer and Planning Commission as to adequacy of width, access to properties, access for emergency vehicles and turnaround space. Deeds to lands abutting such private roads and driveways must contain a warning that the road will not be maintained by the town.
- 3.10.7 Submittal Requirements
All applicants of a Planned Residential Development must also submit a binding site plan map, a written project description, and association documents for the maintenance of open space and utilities.
- 3.10.8 Binding Site Plan
The applicant or developer shall present a binding site plan map in sufficient detail to enable the Planning Commission to evaluate the proposed development in accordance with the provisions of this Ordinance and make recommendations to the Council. The binding site plan shall include:
(A) A circulation plan,
(B) Location of utilities and community facilities,
(C) Location of each residential lot showing proposed dwelling types, whether single family, townhouse or multiple,
(D) Location of all proposed structures,
(E) A detailed landscape plan showing greenbelts and open space, and indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name and taxonomic designation, and the installed and mature height of all vegetation,
(F) Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures.
- 3.10.9 Project Description
A written explanation of the design concept, Planned Residential Development features, measures taken to meet the purposes of PRDs, the proposed sequence and timing of PRDs, the provisions of ownership and management when developed, and covenants or other controls which might influence the development and operation or maintenance of the PRD.
- 3.10.10 Maintenance of Open Space and Utilities
Before approval by the Council and Planning Commission may be granted, the developer shall submit to the Council and Planning Commission covenants, deeds and homes association by-laws and other documents guaranteeing maintenance and

3.10.10 Maintenance of Open Space and Utilities (continued)
construction and common fee ownership, if applicable, of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this Ordinance prior to approval by the Council. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the Secretary of State and the county auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners' association may be recorded simultaneously with the filing of the final plat.

3.10.11 Review Process

- (A) The Planned Residential Development Plan shall be reviewed and approved in the same manner as formal subdivisions. This manner is described in RCW 58.17, unless specified by additional town subdivision regulation.
- (B) Upon evaluation by the Planning Commission, the plans shall be submitted to the Council for approval,
- (C) The developer shall submit one copy of the proposed PRD site plan to the Snohomish Health District, along with soil analysis data as required. The Planning Commission shall, at public hearing, consider any recommendation received from the Health District.
- (D) The binding site plan, as approved by the Council, shall become the official map of the PRD, and any major modification thereto shall require review in the same manner as an original application. A "major" modification means any proposed change in the basic use in a binding site plan, or any proposed change in the plans and specifications for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree,
- (E) Prior to the issuance of a building permit for any structure in a PRD zone, a final plat, subdivision, or dedication shall have been approved by appropriate authority and filed for record by the Town Clerk and Snohomish County Auditor. In PRDs not requiring a subdivision or dedication, a binding site plan and accompanying documents shall be filed with the County Auditor, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval.

3.10.12 Covenants

PRD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common.

3.10.13 Time Limit

Preliminary plat and/or binding site plan approval for the entire PRD shall expire four (4) years after preliminary approval.

3.10.14 Phased Developments

If a PRD is planned to be completed in more than two years from the date of preliminary plat/site plan approval, the PRD will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. The preliminary plat/site plan for each phase shall be approved separately. Each phase of a multi-phased PRD shall meet all the requirements of a PRD independently.

4.0

GENERAL PROVISIONS AND STANDARDS

4.1

YARDS

4.1.1

No portion of any principal building or structure over forty-two (42) inches above the finished grade shall extend into a required yard except as provided elsewhere in this Ordinance.

4.1.2

Cornices, eaves, sills, fireplaces, flues, ornamental features, or other similar features may extend or project into a required yard a distance of not more than thirty (30%) percent of the required yard and in no case shall they be closer than thirty (30) inches to any lot line.

4.1.3

Fences and hedges over forty-two (42) inches high but less than seventy-eight (78) inches high may be located in any yard. On a street setback yard, for any portion of a fence or wall over forty-two (42) inches high, eighty percent (80%) of the area shall be open to light and vision.

4.1.4

At the intersection of two (2) street setback areas, no structure or hedge shall exceed thirty-six (36) inches in height for the triangular area formed by twenty-five (25) feet of each street lot line from the point of intersection, or center of the arc of the curve, and a line connecting the ends of these lines.

4.2

ACCESSORY BUILDINGS

4.2.1

No accessory buildings shall be located in any street setback area.

4.2.2

No accessory building shall be located any closer than five (5) feet to any lot line.

4.2.3

No accessory building shall have a gross floor area greater than two thousand (2000) square feet, except in an RC zone.

4.2.4

No accessory building housing livestock or for storage of malodorous substances shall be located within forty (40) feet of a lot line or principal building.

4.3

HOME OCCUPATIONS

4.3.1

The home occupation activity shall not be operated in any manner so as to cause a public nuisance.

- 4.3.2 One sign, no more than two (2) square feet in area, externally illuminated and attached flat to the main building identifying the business activity, is permitted.
- 4.3.3 Traffic volume not compatible with the surrounding uses is not permitted.
- 4.3.4 One off-street parking space for visitors or customers must be available during hours of operation.

4.3.5 Group A Home Occupations

- (A) No employees who do not reside at the principal building may work at the home.
- (B) No more than twenty-five percent (25%) of the floor area of the principal building may be devoted to the home occupation.

Group B Home Occupations

- (A) No more than one employee who does not reside at the principal building may work at the home.
- (B) No more than twenty-five percent (25%) of the principal building and one-hundred percent (100%) of the basement may be devoted to the home occupation.
- (C) An accessory building may be used for the Group B home occupation in addition to the space permitted in a principal building.

4.4 REQUIRED OPEN SPACE

In addition to any open space required by other provisions of this ordinance, every dwelling unit, except those in commercial zones, shall be provided with two-hundred fifty (250) square feet of open space which shall meet the following standards:

- 4.4.1 Accessible to each dwelling unit;
- 4.4.2 Screened from all areas accessible to vehicles;
- 4.4.3 The length of the area shall be no more than twice the width;
- 4.4.4 The open space may be located in any required setback area, except street setbacks;
- 4.4.5 Required open space shall not have more than a five percent (5%) slope.

4.5 OUTSIDE STORAGE AND VEHICLE PARKING

4.5.1 Outside Storage

All outside storage, when permitted, shall be enclosed by a sight obscuring fence or hedge at least seventy-eight (78) inches high measured from the nearest street elevation. Fences required herein shall be landscaped at the base for a minimum of eighteen (18) inches horizontally from any portion of the fence. Fences and hedges required for screening may exceed the limitations or other fences and hedges, except at street intersections.

4.5.2 Commercial Vehicles

No more than one commercial vehicle or combination of vehicle and trailer over ten-thousand (10,000) pounds total gross weight shall be parked on any lot in a residential zone.

4.6 MODULAR AND MOBILE HOMES

4.6.1 Modular Homes

Modular homes, bearing the appropriate insignia of the Department of Labor and Industries, shall meet all requirements of this Ordinance.

4.6.2 Mobile Homes

Mobile homes, bearing the appropriate insignia of the Department of Labor and Industries, shall be located in Planned Residential Developments in the MR 2500 or MR 4000 zones and meet all requirements of this Ordinance.

4.7 OFF-STREET PARKING

4.7.1 Applicability

Off-street parking, as required by this Ordinance, shall be provided when:

- (A) A new principal building is constructed;
- (B) A principal building is relocated;
- (C) The use or building is changed or expanded to the extent that the number of required parking spaces is increased by fifteen percent (15%).

4.7.2 Maintenance of Parking Space

All required parking spaces shall remain open and accessible for parking during the hours the use is open to the public or residents.

4.7.3 Residential Requirements

- (A) Single family dwellings: 2 spaces per dwelling unit;
- (B) Multiple residential dwellings: 1.5 spaces per dwelling unit;
- (C) Boarding house: 1 space per bed;
- (D) Rest homes, elderly housing and similar uses: 1 space per 3 beds or 1 space per 3 rooms, whichever is less.

4.7.4 Non-residential Requirements

- (A) Non-residential uses open to the public fewer than 4 days per week may reduce the required parking space to 75 percent of the minimum.
- (B) Non-residential uses open to the public fewer than 2 days per week may reduce the parking space to 50 percent of the minimum.

4.7.5 Commercial

- (A) Retail stores, including convenience stores, drug stores, and grocery stores: 1 space per 300 square feet.
- (B) Furniture, appliance, and hardware stores: 1 space per 600 square feet.
- (C) Personal services: 1 space per 600 square feet.
- (D) Health care, veterinary clinics, banks: 1 space per 200 square feet.
- (E) Offices providing on-site customer services: 1 space per 400 square feet.
- (F) Offices not providing on-site customer service: 1 space per 800 square feet.
- (G) Commercial recreation: 1 space per 500 square feet or 1 space for each customer allowed by the maximum permitted occupant load, whichever is greater.
- (H) Car repair, commercial garage: 1 space per 200 square feet.
- (I) Drive-in restaurant, service station, automobile sales: 1 space per 500 square feet of lot area.
- (J) Restaurant, tavern, cocktail lounge (if less than 4,000 square feet in floor area): 1 space per 200 square feet. If over 4,000 square feet in floor area: 20 spaces plus 1 space per 100 square feet in excess of 4,000 square feet.
- (K) Outdoor nurseries: 1 space per 500 square feet of outdoor retail area.
- (L) Motels or hotels: 1 space per room or unit.
- (M) Retail warehouse, building materials yard: 1 space per 1,000 square feet of lot area plus one space per three employees.

4.7.6 Industrial

- (A) Manufacturing, laboratories, printing, research: 1 space per employee on the largest shift.
- (B) Storage warehouse: 1 space per employee.

4.7.7 Community Facilities

- (A) Outdoor places of public assembly: 1 space per eight fixed seats or 1 space per 100 square feet of assembly area, whichever is greater.
- (B) Indoor places of public assembly: 1 space per four seats or one space per 40 square feet of assembly area, whichever is greater.
- (C) Day care centers: 1 space per 300 square feet.
- (D) Municipal or utility maintenance yard: 1 space per 2 employees.

4.8

CALCULATIONS

4.8.1

Area, Square Feet

Unless otherwise specified, square feet refers to the gross building square footage, including outdoor areas, used for the same use (e.g., outdoor eating area of a restaurant).

4.8.2

Combination of Uses

Combination of uses shall meet the requirements based on the sum of all uses reduced by any applicable joint use provisions. Examples of combined uses are: A furniture store with a retail display area and an attached storage warehouse, a storage warehouse with attached office, a church with a parochial school, and so forth.

4.8.3

Different Uses on the Same Site

The requirement for different uses on the same site shall be the sum of all requirements for the individual uses, reduced by any applicable joint use provisions.

4.8.4

Fractions

When the requirements of this chapter result in a fractional number of parking spaces, one space shall be provided for a fraction of one-half or more, and no space shall be required for less than one-half.

4.9

LOCATION

Parking spaces required for residential uses shall be provided on the same lot as the principal building. Off-site parking for non-residential uses shall be within one hundred feet of the principal building or use being served. Minimum distance requirements may be increased up to 300 feet upon a showing of development difficulty satisfactory to the administrators of this Ordinance.

4.10

MIXED OCCUPANCIES

If more than one use is made of a structure, the total requirements for off-street parking shall be the sum of the various use requirements; provided, however, if the houses of use do not overlap, the requirements for the structure shall be that of the use requiring the greater amount of parking.

4.11

USES NOT SPECIFIED

Any use clearly similar to any specified use shall meet the specified use requirements. If the similarity is not apparent, the administrator of this Ordinance shall determine the standard that shall apply.

4.12

JOINT FACILITIES

In the case where there are uses in close proximity of each other that operate or are used at entirely different times of the day or week, joint parking facilities may satisfy the parking requirements of such uses if the parking facilities are within 300 feet of all uses being served and if the owners of the uses involved present a written agreement clearly setting forth the respective rights to such facilities, together with proof that the operating times are not in conflict.

4.13

DIMENSIONAL REQUIREMENTS

Each parking space shall be at least 8.5 feet wide and a minimum of 20 feet deep, exclusive of access drives on aisles, and shall be of usable shape and condition. Up to 33 percent of all required spaces may be designated and clearly marked for compact cars.

4.14

DESIGN AND CONSTRUCTION REQUIREMENTS

4.14.1

Access

All parking facilities shall have direct access to a street without backing onto the right-of-way.

4.14.2

Control Devices

All parking spaces shall be clearly designated with paint, raised rails or other devices. A wheel stop shall be provided for each space and pedestrian walkways, and structures shall be guarded with suitable control devices visible to the driver.

4.14.3

Surfacing

All parking spaces shall be hard surfaced with paving or crushed aggregate.

4.14.4

Grades

The maximum slope of a parking facility shall be 6 percent. The minimum slope shall be 1 percent.

4.14.5

Landscaping Requirement for Parking Areas

(A) Purpose: The purpose of the landscaping provision is as follows:

- (1) To break up the visual effect created by large expanses of barren asphalt;
- (2) To encourage the preservation of mature evergreen and other large trees which presently grow throughout the county;
- (3) To ensure the preservation of land values by creating an environmental quality which complements the objectives of the respective land uses.

4.14.5 Landscaping Requirement for Parking Areas (continued)

- (B) Landscape plans: No building permit shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the Planning Department;
- (C) Landscaping on street frontage: Parking areas or outdoor display areas fronting on a street right-of-way shall provide a minimum five (5) foot wide landscaped planting area along the entire street frontage except for driveways; PROVIDED that the plantings shall not obstruct the sight distance at street intersections;
- (D) Additional plantings: Additional plantings may be placed on street right-of-way behind the side walk line if the property owner provides the county with a written release of liability for damages which may be incurred to the planting area from any public use of right-of-way;
- (E) Amount and location: Ten percent (10%) of the parking area shall be in landscaping (exclusive of landscaping required by (C) above to be on the street frontage); PROVIDED that:
 - (1) No landscaping area shall be less than fifty (50) square feet in area,
 - (2) No parking stall shall be located more than forty-five (45) feet from a landscaped area. The Planning Department may approve landscaping plans involving alternatives to this specification for individual properties if it finds the alternative would be more effective in meeting the purposes of this section,
 - (3) All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line. No landscaping which occurs between the parking lot and a building or recreation area shall be considered in the satisfaction of these requirements: (D-23 [part] adopted April 21, 1980);
- (F) Size exception: Parking lots containing less than twenty (20) parking spaces need provide only perimeter screening to satisfy the ten percent (10%) area requirements;
- (G) Materials used: Planting areas shall include liberal landscaping using such materials as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn or combinations of such materials;
- (H) Internal property lines: When a parking area abuts residentially zoned property along any interior property line, a minimum six (6) foot high screening device, or a minimum five (5) foot wide planting area with plantings spaced to form a solid, sight-obscuring screen within a reasonable period of time, as determined by the Planning Department, shall be installed along the property line. This requirement shall not apply when the abutting residentially zoned property is six (6) feet or more above or below the elevation of the immediately adjacent parking area;

4.14.5 Landscaping Requirement for Parking Areas (continued)

- (I) Maintenance of landscaped areas: All required landscaping shall be maintained in a healthy growing condition and free of trash and debris. Dead or dying plantings shall be removed and replaced or repaired;
- (J) Protective curbing: All landscaped areas shall be protected from vehicle damage by a six (6) inch protective curbing and, if necessary, wheel blocks;
- (K) Timing of installation: All required landscaping shall be installed prior to building occupancy; PROVIDED the Planning Department may authorize up to a sixty (60) day delay where planting season conflicts would produce high probability of plant loss.

4.15

MAINTENANCE

All parking facilities shall be maintained in a clean and litter free condition. Landscaped areas shall be free of weeds and dead plant material.

4.16

CENTRAL BUSINESS DISTRICT WAIVER

5.0

PERFORMANCE STANDARDS

5.1

SCOPE

All the commercial and industrial uses shall comply with all of the standards set forth below, except:

- (A) When the violation is caused by circumstances beyond reasonable anticipation and control of the operators of the site; or
- (B) When necessary to protect the health and safety of persons and property under circumstances not caused by the operators of the site.

5.2

STANDARDS OF PERFORMANCE

5.2.1

Noise

Noise emanating from any use shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness and where use is within or adjoins a residential district. The noise loudness measured at the property line shall not exceed 45 dBA (decibels on the "A" scale) between the hours of 10:00 p.m. and 6:00 a.m. and 70 dBA at other hours.

5.2.2

lighting

Lighting shall not be used in such a manner that produces a glare on public streets and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property.

5.2.3

Odors and Gases

The emission of obnoxious odors of any kind or any toxic or corrosive fumes or gases shall not be permitted. Dust created by a use shall not be exhausted or wasted directly into the atmosphere.

5.2.4

Particulate Matter

- (A) The emission of smoke or particulate matter of a density equal to or greater than number 3 on the Ringlemann Chart, as used by the U.S. Bureau of Mines, is prohibited at all times.
- (B) Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping, paving, oiling or other acceptable means. Emission of particulate matter in excess of 0.2 grains per cubic foot of conveying gas or air measured at any property line is prohibited.
- (C) The rate of emission of particulate matter from all sources on any property shall not exceed a net weight of one pound per acre of property during any one hour.

- 5.2.5 Vibration
Vibration shall not exceed three thousandths of one inch displacement applied to the frequency range of zero to five thousand cycles per second, as measured at any point on the boundary of the property from which the vibration is produced.
- 5.2.6 Electrical Interference
All mechanical, electrical, and electronic equipment shall be shielded to the extent necessary to prevent electrical, magnetic or radiological interference with the use of any equipment or process off site.
- 5.2.7 Hazardous Materials Storage
All hazardous materials shall be stored in strict compliance with all Federal, State and local regulations.
- 5.2.8 Waste Disposal
No organic or inorganic waste materials shall be disposed of or permanently stored or emplaced on the site. Permanent storage or emplacement means a period greater than 6 months.
- 5.2.9 Open Storage
All storage of materials and equipment, except licensed motor vehicles, shall be within fully enclosed buildings or surrounded by screening. Materials in process shall be stacked, sorted or arranged in an orderly manner.
- 5.2.10 Maintenance and Alterations
All buildings and other structures shall be maintained in original condition with respect to exterior appearance. All additions to existing buildings, new structures, alterations and major maintenance which affects exterior appearance shall be subject to the same review and approval process as originally followed in approval of the principal structure. All landscaped and open space areas shall be kept free of litter and debris. All plant material shall be kept thrifty, free of disease, dead material and weeds in landscaped areas.

5.3 INVESTIGATION AND COMPLIANCE

If the Town has reasonable doubt that a business or use is, or can be, conducted within the limits of the above performance standards, it may require that the user or proposed user retain, at his/her expense, an independent, qualified testing laboratory or expert to make an analysis of the use to determine its compliance with the standards and make the results of such analysis available to the Town. If the site operator does not provide the required analysis within 30 days of the request, the Town shall initiate such investigation and bill all expenses thereof to the site operator.

5.4

ENFORCEMENT

In the event the analysis indicates existing or impending non-compliance with these standards, the Town shall require the user or proposed user to either institute remedial measures to bring the use into compliance or to cease operation.

6.0

CONDITIONAL USES

6.1

PERMIT REQUIRED

A conditional use may be approved when authorized by this Ordinance where specifically listed as a conditional use in the zone it is located and when the required findings and general requirements of this section are satisfied. All approved conditional uses shall be authorized by a permit which states the required findings and reasons therefore, the conditions imposed on the use or structure, the location of the conditional use, and time limit, if any.

6.2

CONDITIONS IMPOSED

Any condition reasonably required to allow the proposed use or activity to meet the standards of the required findings below may be imposed. Such conditions may include, but are not limited to:

- (A) Special requirements for environmental protection, as recommended in the Comprehensive Plan;
- (B) Special landscaping, drainage, clearing, planting, fencing and screening requirements;
- (C) Special requirements for site restoration, reforestation, or regrading;
- (D) Special yard setbacks, height and bulk requirements;
- (E) Special safety requirements, such as on-site fire fighting equipment, limitations on steep slopes, fencing, and pond drainage;
- (F) Special operating requirements, such as time of operations, traffic routing or limitations on processes.

6.3

REQUIRED FINDINGS

- (A) The proposed use, at the proposed location, is consistent with the purposes of the Zoning Ordinance and the zone district in which it is located, and that the proposed use will meet all applicable requirements of this Ordinance.
- (B) The use, as conditioned, will not be significantly detrimental to the public health, safety and welfare, diminish the value of nearby property or improvements, or disturb persons in the use of property unless the conditional use is a public necessity.

6.4

GENERAL REQUIREMENTS

- (A) The Town shall determine whether the conditional use permit will run with the land or be personal. If the conditional use permit is personal, the permit is not transferable to other persons. If the permit runs with the land, the Town may require the permit to be recorded with the Snohomish County Auditor as a covenant on the property.

6.4 GENERAL REQUIREMENTS (continued)

- (B) The conditional use permit must be acted upon within one year of the date of approval, or the permit shall expire. The holder of the permit may request an extension of time before the expiration date, and the Planning Commission may grant an extension of time of up to one year past the original expiration date.
- (C) The conditional use permit, even if issued to the person, applies only to the property on which it was issued, and may not be transferred to any other property.
- (D) A conditional use permit may be denied if the proposed use cannot be conditioned so that the required findings can be made.

7.0

VARIANCES

A variance to any requirement of this Ordinance, except use and procedural requirements, may only be granted when all the required findings have been made.

7.1

REQUIRED FINDINGS

7.1.1

Special Circumstances

Because of special circumstances related to the property, the strict application and enforcement of the Zoning Ordinance would deprive the owner of use rights and privileges permitted to the other properties in the vicinity with the same zoning classification.

- (A) Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity of public structures and uses, and protection of environmental features such as vegetation, streams, ponds and wildlife habitat.
- (B) Special circumstances may not be predicated upon any factor personal to the owner such as age, disability, extra expense which may be necessary to comply with the Zoning Ordinance, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the property.

7.1.2

Special Privilege

The approval of the variance will not grant special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning classification.

7.1.3

Comprehensive Plan

The approval of the variance will be consistent with the policies and intent of the Comprehensive Plan.

7.1.4

Non-detrimental

The variance, as approved or conditionally approved, will not be significantly detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity.

7.1.5

Minimum Variance

The approved variance is the minimum necessary to allow the owner the rights enjoyed by other property owners in the vicinity with the same zoning.

7.2

GENERAL REQUIREMENTS

7.2.1

Time Limitation

The variance must be acted upon within one (1) year of the date of approval, or the variance will expire. The holder of the variance may request an extension of time before the expiration of the variance, and the Planning Commission may grant an extension of time up to one year past the original date of expiration. Denial of extension may be appealable to the Town Council.

7.2.2

Applicability

The variance applies only to the property to which it was granted, and may not be transferred to any other property.

8.0 NON-CONFORMING USES, STRUCTURES AND LOTS

8.1 NON-CONFORMING USES

8.1.1 Continuance

Non-conforming uses may be continued, if:

- (A) The use was lawful at the time it was established;
- (B) The use has not been discontinued for a period of 12 consecutive months since the non-conformity was established; and
- (C) The use has not been enlarged in scope or size.

8.1.2 Discontinuance

All non-conforming uses not conducted in buildings or accessory buildings on the same lot shall be discontinued within three years of the starting date of non-conformity.

8.2 NON-CONFORMING STRUCTURES

8.2.1 Continuance

A non-conforming structure may be continued, altered or enlarged, if:

- (A) Alterations to the structure do not increase the non-conformity;
- (B) Alterations are necessary to meet Town or State requirements;
- (C) Alterations meet the existing requirements of the zone in which the structure is located.

8.2.2 Restoration of Damage

A non-conforming structure may be restored, if damaged by fire or other disaster, in the same location and dimensions as existed before the damage occurred, if restoration begins within one year of the date the damage occurred.

8.3 NON-CONFORMING LOTS

8.3.1 Continuance

A non-conforming lot may be continued, if:

- (A) The lot was a lawfully established lot at the time the non-conformity was created;
- (B) All uses of the non-conforming lot comply with all other provisions of this Ordinance.

7.2

GENERAL REQUIREMENTS

7.2.1

Time Limitation

The variance must be acted upon within one (1) year of the date of approval, or the variance will expire. The holder of the variance may request an extension of time before the expiration of the variance, and the Planning Commission may grant an extension of time up to one year past the original date of expiration. Denial of extension may be appealable to the Town Council.

7.2.2

Applicability

The variance applies only to the property to which it was granted, and may not be transferred to any other property.

9.0

ADMINISTRATION

9.1

APPLICATIONS

9.1.1

Responsible Official

The Administrator of this Ordinance shall be designated by the executive branch of town government, the Mayor. Unless otherwise specified by the Mayor, the Planning Commission shall act as the Administrator of this Ordinance. In this case, the Planning Commission shall consult the designated Building Inspector in respect to Ordinance provisions dealing with those attributes of buildings described in plans and specifications such as height, lot coverage, location on lot, and similar matters. The Planning Commission shall interpret Ordinance provisions dealing with rezones, conditional uses, variances or subdivisions or provisions which relate to interpretation of the Comprehensive Plan.

9.1.2

Pre-application Conference

The Administrator shall meet with an applicant before submittal of an application for review under this Ordinance to determine the general nature of the proposed action and advise the applicant on the applicable Town regulations, submittal requirements, fees, expenses and the review and approval process.

9.1.3

Submittal Requirements

For each application, the Administrator shall determine the type, amount and form of information necessary to adequately review the pending application. The required submittals may include, but are not limited to:

- (A) The applicant, owner or owners' representative, names and addresses and indication of the person to be contacted regarding the application.
- (B) The names and addresses of the owners and residents of properties within 500 feet of the property which is the subject of the application.
- (C) The legal description of the property which is the subject of the application and the street address.
- (D) A written narrative description of the proposed action and purpose of the application.
- (E) A site plan, to scale, indicating the pertinent geographic, natural and cultural features, relationships to surrounding properties, and the proposed development actions.
- (F) Architectural drawings, to scale, of all exterior elevations of all structures with exterior surface materials and colors specified.
- (G) Landscape plans indicating the existing natural vegetation to be retained, vegetation to be installed, and other landscape features such as walls, patios or walks.

- 9.1.3 Submittal Requirements (continued)
- (H) A SEPA checklist and other information required to determine the likely environmental impacts of the proposed actions.
 - (I) An Environmental Impact Statement, if required.
 - (J) A written statement specifying how the proposed action meets the requirements of this Ordinance and other Town requirements.
 - (K) Descriptions of proposed covenants, agreements, contracts, maintenance and operating procedures or other conditions which apply to the proposed action.

9.2 APPLICATION REVIEW

- 9.2.1 Presentation
The Town Clerk shall receive all applications under this Ordinance and record the date the application is presented.
- 9.2.2 Submittal Review
The Administrator shall review all submittals accompanying an application for completeness and adequacy. The application shall not be accepted for review if the Administrator determines the submittal is incomplete or inadequate.
- 9.2.3 Circulation
The Administrator shall circulate the application and submittals to all appropriate commissions, departments, agencies, and individuals for their review and comment.
- 9.2.4 Retained Experts
If the Administrator determines that review of the proposed action requires the assistance of experts or specialists not employed by the Town, he may, with the Mayor's approval, retain such experts and specialists as may be necessary for adequate review of the proposal. Expenses incurred by the Town in retaining such experts and specialists for the review of an application shall be borne by the applicant.
- 9.2.5 Compliance Review
The Administrator shall review all applications for compliance with the provisions of this Ordinance and other applicable requirements.
- 9.2.6 Fees Paid
The Administrator will insure that all fees and expenses are collected.
- 9.2.7 Application Acceptance
Upon the completion of 9.1.2 through 9.2.6 above, the Administrator shall accept the application, and the Clerk shall record the date of acceptance.

9.2.8 Administrator's Report
The Administrator shall prepare a report on the application summarizing 9.1.3 through 9.2.6 above and incorporate all other pertinent information, comments, and correspondence related to the application.

9.2.9 Threshold Determination
If an Environmental Impact Statement or Proposed Notice of Determination of Non-significance is required, the date of acceptance shall be the date the final EIS or final Determination of Non-significance is available to the public.

9.2.10 Administrative Determinations
The Administrator shall interpret the meaning of this Ordinance and determine the compliance of all submittals under this Ordinance. Upon the request of an applicant, the Administrator shall state the interpretation or determination in writing and maintain a record and file of these written decisions. The record and file shall be open to public inspection.

9.2.11 Transmittal
Upon acceptance of the application, the Administrator shall forward applications which require legislative action to the Planning Commission or appropriate agency.

9.3 PLANNING COMMISSION ACTIONS

9.3.1 Public Hearings
After notification and receipt of the Administrator's report, the Planning Commission shall hold a hearing on the following applications and subjects:
(A) Rezones;
(B) Conditional Use Permits;
(C) Variances;
(D) Short Subdivision Plats;
(E) Preliminary Plats of Formal Subdivisions;
(F) Planned Residential Developments;
(G) Binding Site Plans;
(H) Draft Environmental Impact Statements;
(I) Shorelines Substantial Development Permits;
(J) Amendments to the Zoning Ordinance;
(K) Amendments to the Comprehensive Plan;
(L) Other actions requested by the Town Council.

9.3.2 Recommendations
After: 1) review of the Administrator's report, 2) consideration of public testimony at the public hearing, and 3) evaluating the proposal's consistency with the adopted Comprehensive Plan, the Planning Commission shall recommend approval, approval with conditions, denial, or denial without prejudice of the application or other proposal before it.

9.3.2 Recommendations (continued)

The recommendation shall include a summary of the testimony heard, the findings and conclusions of the Planning Commission. Within ten days of the date of action taken, the recommendation shall be forwarded by the Administrator to the City Council. A copy shall be mailed to the applicant and to any person requesting a copy.

9.4

OPTIONAL HEARING EXAMINER

Upon motion of the Town Council, a hearing examiner system may be created under which a hearing examiner may hear and decide applications for rezones, conditional uses, variances, or any other class of applications pertaining to land uses which the Town Council believes should be reviewed and decided by a hearing examiner. If the Town Council elects to use a hearing examiner pursuant to RCW 35.63.130, he shall, by ordinance, specify the legal effect of the decisions made by the examiner. The legal effect of such decisions may vary for the different classes of application decided by the examiner, but shall include one of the following:

- (A) The decision may be given the effect of a recommendation to the legislative body;
- (B) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body.

9.5

TOWN COUNCIL ACTIONS

Upon receipt of the recommendations from the Planning Commission, or appeals on actions taken by the Planning Commission or Administrator, a public hearing will be held within 45 days of the action taken.

9.5.1

Council Required Hearings

The Town Council is required to have public hearings on the following actions:

- (A) Preliminary Plats of Formal Subdivisions;
- (B) Preliminary Planned Residential Developments and Binding Site Plans;
- (C) Shoreline Substantial Development Permits;
- (D) Rezones or changes to the Official Zoning Map;
- (E) Amendments to the Zoning Ordinance;
- (F) Amendments to the Comprehensive Plan.

9.5.2

Council Review and Approval

After review of the recommendations of the Planning Commission, the Town Council may remand for further hearings or adopt the recommendations received. With the concurrence of the applicant, the Council may make minor modifications to the Planning Commission's recommendations which do not:

9.5.2 Council Review and Approval (continued)

- (A) Enlarge the area of the project;
- (B) Enlarge the scope of the project;
- (C) Increase the density (housing units per acre);
- (D) Increase the proposed building size;
- (E) Increase adverse environmental impacts.

9.5.3 Council Public Hearings

If the Town Council wishes to make major changes in the recommendations received, it shall, without further consideration, set a date for public hearing within 30 days.

After the public hearing, the Council may adopt, amend, deny or deny without prejudice the recommendation. Council action shall be final and shall state the findings, conclusions and conditions of approval by ordinance, resolution, or motion.

In the event no action is taken to confirm, amend or deny the recommendation of the Planning Commission or Administrator, the recommendation will be deemed adopted at the close of the public meeting.

9.5.4 Council Time Limitations

- (A) The Town Council shall approve or deny a preliminary plat or binding site plan within 90 days from the date of acceptance. The 90-day period will not include time required for the preparation and circulation of an EIS, if required.
- (B) Action on final plats shall be taken within 30 days from acceptance.
- (C) Time limitations may be waived by the Council with the consent of the applicant.

9.6

NOTIFICATION

Except as otherwise required, public notification of meetings and pending actions under this Ordinance shall be made as specified in 9.8.1 through 9.8.5.

9.6.1 Publication

At least 10 days before the date of a public hearing or pending action, in the Official Newspaper for the Town or a newspaper of general circulation in the town.

9.6.2 Mailing

At least 10 days before the date of a public hearing or pending action, to all property owners as shown on the records of the County Assessor and to all street addresses of properties within 500 feet of the boundaries of the property which is the subject of the hearing or pending action. Addresses shall be provided by the applicant.

9.6.3 Posting
At least 10 days before the hearing or pending action in at least three public places, including Town Hall and the subject property.

9.6.4 Content
The public notification shall include a general description of the action to be taken, a non-legal description of the property, the time, date and place of the public hearing, and the place where further information may be obtained.

9.6.5 Continuations
If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued at a time scheduled at the public hearing, and no further notice is required.

9.7 REVIEW AND RECONSIDERATION

9.7.1 Review of Approved Permits
Any permit or approval may be reviewed if the conditions of the permit or approval, or the requirements of this Ordinance are not being met, the use is creating a nuisance or hazard, the use permitted has been abandoned, or the approval was obtained by fraud or deception.

9.7.2 Initiation of Review
The review of an approved permit may be initiated by:
(A) The Administrator of the Zoning Ordinance;
(B) Motion of the Planning Commission;
(C) Motion of the Town Council;
(D) Petition of three property owners or three residents of separate dwelling units in the Town, stating their belief as to the non-compliance, nuisance or hazard of the permitted activity.

9.7.3 Administrator's Review
Upon receipt of Council motion or petition, the Administrator shall investigate the allegations and:
(A) Notify the property owner or permit holder of the alleged deficiencies;
(B) Direct action to remedy deficiencies within a specified time; and/or
(C) Refer the action to the Town Attorney; and/or
(D) Refer the matter to the Town Council.

9.7.4 Council Review
Upon referral from the Administrator, the Town Council shall review the permit or the approved activities following the procedures for an appeal.

9.7.5 Revocation or Modification

Upon a finding that the permitted activity does not comply with the conditions of approval or the provisions of this Ordinance, or creates a nuisance or a hazard, the Town Council may delete, modify, or impose such conditions on the approval it deems sufficient to remedy the deficiencies.

If the Council finds no reasonable conditions which would remedy the deficiencies, the permit or approval shall be revoked and become null and void, and the activity allowed by the permit shall cease.

9.8 DENIED OR REVOKED APPROVALS AND PERMITS

9.8.1 Denial or Revocation

If an application or approval is denied or revoked, no similar application shall be accepted for one year from the date of final action and appeal, if any. After one year, a similar application may be made and shall be processed as a new application.

9.8.2 Denial without Prejudice

If an application is denied without prejudice, a similar application may be accepted at any time, subject to the payment of fees and expenses of a new application, and shall be reviewed by the Administrator, Planning Commission, and Town Council, whichever took the last action on the preceding application.

9.9 REMANDED ACTIONS

When actions are remanded for further hearing or discussion, the hearing entity shall limit the testimony to issues germane to the findings in the motion to remand by the Town Council.

9.10 PROCEDURAL IRREGULARITIES

No procedural irregularity or informality in the notice, process, review, or hearing of any matter under this Ordinance shall effect the final decision unless substantial rights of a person with demonstrable beneficial interests in the decisions are affected.

9.11 FILING

- 9.11.1 Except where otherwise specified, a written appeal shall be filed with the Town Clerk within 10 days after the date of the action being appealed. The appeal shall contain:
- (A) The decision being appealed;
 - (B) The name and address of the appellant and his interests in the matter;
 - (C) The reasons why the appellant believes the decision to be wrong.

9.11.2 Effect of Filing

Upon the filing of a complete and timely appeal, the appealed decision shall be suspended until the appeal is acted upon. The time of suspended decision shall not be included in the computation of the expiration date of any permit or approval granted on the matter under appeal.

9.11.3 Notification

A copy of the appeal shall be sent to the applicant for the decision being appealed. Public notification of review shall be made in the same manner and to the same parties as the notification for the last public hearing or meeting at which an official action was taken on the matter under appeal.

9.11.4 Review and Hearing

At the next public meeting after the filing of an appeal, the Town Council shall review all material germane to the issues raised in the written appeal and may take no action. If no action is taken, the original decision will be deemed reconfirmed.

The Town Council may hold a public hearing on the appeal and shall limit the testimony to the issues raised in the written appeal. Upon taking testimony, the Council shall state its findings and conclusions and may affirm, amend, or reverse the decision under appeal.

10.0 REZONES AND ORDINANCE AMENDMENTS

10.1 SCOPE

10.2 TEXT AMENDMENTS

10.2.1 Initiation

Amendments to the text of this Ordinance may be initiated by the Town Council or Planning Commission and must be approved by the Town Council.

10.2.2 Required Findings

The text of this title may be amended upon any of the following required findings:

- (A) The amendment furthers the intent of the adopted Comprehensive Plan;
- (B) The amendment furthers the purposes of this Ordinance; and
- (C) The amendment is necessary to the efficient and effective administration of this Ordinance.

10.3 REZONES .

10.3.1 Initiation

Amendments to the zone district boundaries or classification may be initiated by the Town Council, Planning Commission or petition of owners of 51 percent of the area of the properties to be rezoned.

10.3.2 Required Findings

Amendments to the zone district boundaries or classification may be made only if all the following findings are made:

- (A) The amendment is consistent with the Comprehensive Plan;
- (B) The amendment is consistent with the purpose of this Ordinance;
- (C) The amendment is consistent and compatible with the uses and zoning of the surrounding property;
- (D) There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification;
- (E) The property is practically and physically suited for the uses allowed in the proposed zoning classification; and
- (F) The benefit or cost to the public health, safety, and welfare is sufficient to warrant the action.

CONTRACT REZONE

The applicant may propose conditions on the use and development of the property to be rezoned, which may mitigate otherwise unacceptable adverse effects of the proposed action. These conditions may be incorporated into a contract between the Town and the property owner as a necessary requirement of the rezone. Failure to fulfill the contract conditions shall void the rezone action, and the property shall revert to the previous zoning classification.

11.0

ENFORCEMENT

11.1

ENFORCING OFFICIAL

The Mayor, or other person designated by the Mayor, shall be responsible for the enforcement of this Ordinance.

11.2

RIGHT OF ENTRY

The enforcement official may enter, at reasonable times, any building, structure, or premises in the Town to perform any duty imposed upon him by this Ordinance.

11.3

LIABILITY

The enforcing official or any Town employee charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties herein impose, shall not thereby render himself liable personally, and he is relieved from all personal liability for the damages that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the enforcing official or employee because of such act or omission performed by him in the enforcement of any provision of this Ordinance shall be defended by the Town.

11.4

LICENSES AND PERMITS

- (A) No license or other permit shall be issued unless the use of a property conforms to the requirements of this Ordinance.
- (B) No building permit or other permit shall be issued until the plans, specifications, occupancy and use of the structure conforms to the requirements of this Ordinance.
- (C) No license, permit or approval shall be granted until all fees and expenses required and incurred under this Ordinance have been paid.

12.0

FEEES AND EXPENSES

12.1

TIME OF PAYMENT

All fees required under this Ordinance are due and payable upon application for the action requested. Expenses incurred by the Town in the administration of this Ordinance are due upon billing and payable within 10 days of the billing date.

12.2

FEE SCHEDULE

Conditional Use Permit	\$100.00
Rezone	\$250.00
Contract Rezone	\$250.00
Variance	\$100.00
Subdivision, Formal (5 or more lots)	
Preliminary	\$150 + \$10/lot
Final	\$150 + \$10/lot
Subdivision, Short	\$100.00
Lot Site Adjustment	\$ 25.00
Binding Site Plan	
Preliminary	\$150.00
Final	\$150.00
Shoreline Development Permit	\$ 75.00
SEPA Checklist	\$ 50.00
EIS and/or Review	Direct Expenses
Comprehensive Plan Amendment	\$250.00
Engineering Design Review	Direct Expenses
Extension of Time	No fee

12.3

EXPENSES

Expenses incurred by the Town for necessary review and evaluation of applications under this Ordinance shall be billed to the applicant at a cost plus 5 percent.

13.0

SURETIES

13.1

SITE IMPROVEMENT SURETIES

Before the issuance of any permit or approval to build, use or occupy any building or site for which site improvements are required as a condition of the permit or approval, the owner of the property shall provide a surety to ensure the site improvements are completed before use or occupancy of the site. The surety shall be in an amount no less than 130 percent of the full cost, as estimated by the Town engineer, or contracted for by the owner, of all required improvements including drainage, landscaping, and public utilities.

13.2

MAINTENANCE SURETIES

Before the release of a site improvement surety, the owner shall provide a bond or other surety to ensure the maintenance of the site improvements in an amount of 15 percent of the cost of the site improvements, and may be released two years after the release of the site improvement surety.

13.3

RELEASE OF SURETIES

The release of sureties for work completed or partially completed may be made under the following conditions:

- (A) The subdivider shall submit a schedule of partial improvements and the sequence for completion and the value of each partial completion.
- (B) Each partial improvement segment completed shall be usable if accepted by the Town.
- (C) Each partial segment shall receive final inspection approval by the Town before partial release of the surety.
- (D) Partial releases shall constitute more than 85 percent of the estimated value of the completed improvement.
- (E) Each partial release shall be approved in writing by the Town engineer.

14.0

PENALTIES/CIVIL PROCEEDINGS

The use of property contrary to the requirements of this Ordinance or any permission or approval granted under this Ordinance shall constitute a public nuisance, for the correction of which criminal remedies may not be adequate. The Town reserves and may exercise its authority to abate public nuisance and restore any property to its lawful use. The reservation of this authority is declared essential for the protection of the public health, safety, and welfare.