

MANSFIELD ZONING CODE

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CHAPTER I GENERAL PROVISIONS

- Sections:
1. Title.
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1. Title. This ordinance shall be known as the "Mansfield Zoning Code".

2. Purpose. The general purposes of this code are to promote the public health, safety, general welfare and interest in the Town by:

- A. Establishing a desirable pattern of land use that reflects the needs of the residents of the Town;
- B. Insuring the efficient use of public investment in community facilities, roads and utilities;
- C. Providing clear and stable guidelines for public and private development;
- D. Providing flexible means to stimulate creativity while maintaining sufficient control to achieve the objectives of the Town's comprehensive plan;
- E. Establishing adequate building setbacks and regulations to insure adequate light, air and open space as well as preventing the spread of fire;
- F. Providing for residential, commercial, recreational and industrial sites that satisfy the needs of the residents of the Town;
- G. Preventing and abating conditions considered by the Town and its residents to be nuisances that degrade the value of property and quality of life;
- H. Furthering the goals and policies of the Town's comprehensive plan;
- I. Complying with the provisions of Chapter 35.63 RCW and the Growth Management Act, both as amended.

3. Authority. The ordinance codified in this code is adopted pursuant to the provisions of Chapter 35.63 RCW and Chapter 36.70A RCW, both as amended, which empower the Town to enact a zoning ordinance and provide for its administration and amendment.

4. Compliance. After the effective date of the ordinance codified in this code, no building or structure shall be erected, reconstructed, altered, or relocated; nor shall any building, structure, or premises be used for any purpose unless such action is in compliance with the provisions of this code.

5. Scope. This code shall apply to all lands located within the Town of Mansfield to the extent authorized under the constitution and laws of the State of Washington and of the United States.

6. Interpretation - Conflicting Provisions. The provisions of this code shall be held to constitute the minimum requirements for the protection of the public health, safety and welfare of the people of the Town of Mansfield. It is not the intent of this code to interfere with, abrogate or annul any private easement, covenant or other agreement between parties; provided, that where this code or other official codes or ordinances impose greater restriction upon the use of land or buildings, or requires a larger space than is imposed or required by said private codes, the provisions of the official codes shall control.

7. Relationship to Other Regulations. Other official ordinances, regulations and plans have a direct impact on the development of land in the Town. These include but are not necessarily limited to, the Mansfield Urban Area Comprehensive Plan, Capital Facilities Plan, Subdivision Ordinance, Environmental (Critical Areas) Ordinance, the Uniform Building Code, and other ordinances, regulations and plans of other agencies. The number and type of such ordinances may vary over time. Wherever provisions of these or other official regulations overlap or conflict with provisions of this Zoning Code, the more restrictive provisions, to the extent lawful, shall govern, and the Zoning Code provisions will be met as a minimum.

8. Severability. Shall any Chapter, section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by any reason by a court of competent authority, such decision shall not affect the validity of the remaining portion of this code.

9. Administration. The Mayor or his/her designee shall have the authority and duty to administer the provisions of this code. The Mayor or his/her designee may adopt, and revise as required, such instructions, policies and forms as are necessary to carry out the provisions of this code.

10. Repealer. Ordinance No. 343 adopted August 11, 1992 is hereby repealed.

CHAPTER 2 DEFINITIONS

- Sections:
1. Definitions Generally.
 2. Definitions.

1. Definitions generally. For the purpose of this code, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined. The word "shall" is always mandatory, words in present tense include the future, the singular includes the plural, and plural includes the singular.

2. Definitions.

Accessory Use or Building. "Accessory use" or "accessory building" means a use, structure, building, or portion of a building, devoted to an activity or use subordinate to the principal use of the premises, but located on the same lot as the principal use.

Accessory Dwelling. "Accessory dwelling" is a separate living unit (apartment) integrated within a single family dwelling, or one located as a detached accessory dwelling located on the same lot as a single family dwelling.

Administrator or Zoning Administrator. "Administrator" or "zoning administrator" means the Mayor of the Town of Mansfield or his/her designee.

Adult Family Home. "Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four people with functional disabilities who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six persons may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.110).

Agriculture. "Agriculture" means the tilling of soil, raising of crops and horticulture, EXCEPT THAT, vegetable gardens occupying less than 5,000 square feet and up to 10 fruit trees are exempt from this definition.

Alley. "Alley" means a public or private way or easement permanently reserved as a secondary means of access to abutting property, generally running down the middle of a block of lots not intended for general circulation.

Animal Shelter. "Animal Shelter" means a building or structure (including outdoor fenced cages or yards) for the care of lost, abandoned, homeless or injured animals, whether domestic or wild.

Applicant. "Applicant" means any person, entity or government agency that applies for a development proposal, permit or approval subject to review under Town codes and ordinances.

Application. “Application” means a request for any permit or approval required from the town for proposed development or action, including without limitation, building permits, conditional uses, binding site plans, short subdivisions, major subdivisions, variances, site plan development permits, site plan reviews and site specific zoning district reclassifications.

Automobile-Oriented Use. “Automobile-oriented use” means any use of land which provides a service directly to a motor vehicle; or which provides goods or services to the occupants of a motor vehicle while seated therein; or which is a free-standing eating establishment characterized by over-the-counter service of pre-prepared or quickly prepared food which is ready to eat and packaged primarily for consumption in vehicles or off-premises. For the purpose of this Chapter, automobile-oriented uses shall include, but not be limited to, such uses as service stations, car washes, drive-in banks, drive-in laundries or dry cleaners, and free-standing drive-in or carry-out eating establishments. Automobile-oriented uses shall not be interpreted to include vehicle sale, rental and service establishments.

Automobile Wrecking Yard. "Automobile wrecking yard" means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts, or the storage of motor vehicles unable to be moved under the power of the vehicle.

Bed and Breakfast. An owner-occupied single family dwelling in which not more than three (3) bedrooms for not more than six guests total are rented for money or other consideration to the traveling public. Only one meal, breakfast, may be served at a bed and breakfast.

Boarding, Lodging or Rooming House. "Boarding house," "lodging house" or "rooming house" mean a dwelling unit having only one kitchen, and used for the lodging (with or without meals) (permanent or semi-permanent) for compensation, of at least 2 but not more than five persons in addition to the related family members or operator of such dwelling unit.

Buildable Area. "Buildable area" means that portion of the land that remains on a lot after the minimum open space requirements (coverage, yards, and setbacks) have been excluded from the building site.

Building. "Building" means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Coverage. "Building coverage" means the amount of land covered, occupied or permitted to be covered/occupied by a building or buildings, usually expressed in square feet or percentage of land on the lot, and measured horizontally at the foundation.

Building Height. "Building height" means the vertical distance measured from the average elevation of the native grade adjacent to the building foundation, to the highest point of the roof, excluding chimneys, antennas, and other secondary roof structures.

Building Line. "Building line" means a line, fixed parallel to the lot line, beyond which a building cannot extend.

Bus Stop. A facility where bus passengers are picked up and dropped off, including waiting areas, but not including service or storage facilities for buses.

Bus Terminal. A facility used for the storage and service of busses.

Comprehensive Plan. "Comprehensive plan" means the Urban Area Comprehensive Land Use Plan of the Town of Mansfield.

Conditional Use. "Conditional use" means certain uses which, because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons, may be allowed in certain use districts only by the granting of a conditional use permit as described in this ordinance.

Congregate Care Home. A "Congregate care home" means any home or other institution which is advertised, announced or maintained for the express or implied purpose of providing lodging, meal service or personal care for three or more elderly and/or people with functional disabilities, not related by blood or marriage to the operator, whether or not they receive public assistance. Such facilities shall be licensed by the state and shall include congregate care facilities that are facilities operated under contract with the state.

Convalescent Center (Nursing Home). "Convalescent center or nursing home" means a facility other than a home used to house and provide nursing, dietary and other personal services for the elderly and people with functional disabilities.

County. "County" means Douglas County.

Day Care Center. "Day care center" means a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day. For the purposes of this code a day care center may include pre-school activity.

Day Care Center, Mini. "Mini day care center " means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons. For the purposes of this code a mini day care center may include pre-school activity.

Day Care, Family Home. "Family home day care" means a person regularly providing care during part of the twenty-four-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed. For the purposes of this code a day care home may include pre-school activity.

Density. "Density" means the average number of dwelling units per acre.

Developer. "Developer" means any person, corporation, government agency, partnership or other entity that makes application for a proposal, permit, approval or action governed by the codes and ordinances of the town.

Development. "Development" means any man-made use or change to improved or unimproved real estate, including without limitation; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings or any other structures; mining, filling, stockpiling; excavation and grading; and divisions of land.

Drive-in Use. "Drive-in use" means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in a motor vehicle, that provides for the ordering and pick-up of food from the window of a vehicle.

Duplex. "Duplex" means a single structure containing two dwelling units designed for occupancy by two families and connected by a common vertical wall or, in the case of multi-story building, by common ceiling and floor.

Dwelling. "Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family, multiple-family or apartment dwellings and manufactured homes, as defined herein.

Dwelling, Multi-Family. "Dwelling, multi-family" means a building containing more than two individual dwelling units. (Also, see definition for Use, multi-family)

Dwelling, Single-Family. "Single-family dwelling" means a detached building containing one dwelling unit.

Dwelling Unit. "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking and sanitation.

Engineer. "Engineer" means an individual licensed as a civil engineer pursuant to Chapter 18.48 RCW as now exists or may be hereafter amended.

Essential Public Facilities. "Essential Public Facilities" include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

Fence. "Fence" means any arrangement of wood, metal, wire or other material running around, along, or by the side of any open area to prevent or restrict passage or to mark a boundary, provided that fences composed solely of live shrubbery or plantings shall not be included under this definition.

Floor Area. "Floor area" means the total area of all floors of a building as measured to the outside surfaces of exterior walls and including hall, stairways, elevator shafts and basements. Minimum floor area calculations shall not include attached or detached garages, porches, decks or balconies.

Farmers Market. "Farmers market" means a site used for the retail sale of fresh agricultural products, grown either on or off site, but may include as incidental and accessory to the principle use, the sale of factory sealed or prepackaged food products and some limited non-food items. This definition does not include the regular sale of livestock.

Garage, Private. "Private garage" means an accessory building in which motor vehicles are stored or kept, that is used in connection with residential purposes

Grade. "Grade" (adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building (per Uniform Building Code).

Grade, Average. "Average grade" means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site.

Grade, Natural. "Natural grade" means the elevation of the ground surface in its natural state, before human-made alterations.

Group Home. "Group home" means a place for dependent or pre-delinquent children, which provides special care in a homelike environment. This definition does not include homes of this nature for three or fewer persons (excluding house parents).

Halfway House. "Halfway House" means a home for juvenile delinquents or adult offenders leaving correctional and/or mental institutions or rehabilitation centers for alcohol and/or drug users.

Hazardous Waste. "Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010.

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

Hazardous Waste Treatment. "Hazardous waste treatment" means the physical, chemical or biological processing of dangerous wastes to make them less dangerous, safer for transport, amenable for storage, or reduced in volume.

Hazardous Waste Treatment/Storage Facility, Offsite. "Offsite hazardous waste treatment and storage facility" means those treatment and storage facilities which treat and store waste from generators on properties other than those on which the off-site facilities are located. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210.

Hazardous Waste Treatment/Storage Facility, Onsite. "Onsite hazardous waste treatment and storage facility" means those treatment and storage facilities that treat and store wastes generated on the same geographically contiguous or bordering property. These facilities must comply with the state siting criteria adopted in accordance with RCW 20.105.210.

Home Occupation. "Home Occupation" means a lawful occupation carried on entirely within a residence as a clearly secondary use involving the occupant(s) and conducted in such a manner as to not manifest any outward appearance or characteristic of a business in the ordinary meaning of the term.

Hotel. "Hotel" means any building containing six or more guestrooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite.

Housing For People with Functional Disabilities. "Housing for people with functional disabilities" means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities and housing for any supported living arrangement, as herein defined.

Industrial Park. "Industrial Park" means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics and compatibility.

Impervious Surface. "Impervious surface" means any material or structure that prevents the natural absorption of water into the earth.

Junkyard. Any lot, parcel, tract of land, building, structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, vehicular parts, glass, used building materials, household appliances, brush, wood or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor or recreational vehicles or any other type of junk. This definition shall not include recycling drop off stations.

Kennel, Commercial. "Kennel" means any premises or building (including a residence) in which dogs or other domestic animals are housed, kept, groomed, bred, boarded, trained and/or sold, all for compensation at a profit (a commercial enterprise).

Kennel, Hobby. "Hobby Kennel" means a non-commercial kennel, associated with a residence, in which one breeding pair of dogs or other domestic animals (and their young) are housed, kept, groomed, bred, sold or trained by their owner.

Livable Space. "Livable space" means that part of a dwelling unit that meets all building code requirements for sleeping quarters.

Livestock. "Livestock" means horses, sheep, goats, cows, hogs, poultry, rabbits and other similar animals.

Lot. "Lot" means a platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with all yards, open spaces and setbacks required by this code. It is the basic development unit; an area with fixed boundaries shown on a final plat or short plat officially recorded in the Douglas County Auditor's Office.

Lot Area. "Lot area" means the total land space or area contained within the boundary lines of any lot, tract or parcel of land, exclusive of public and private rights-of-way, and may be expressed in square feet or acres.

Lot, Corner. "Corner lot" means a lot that abuts two or more intersecting streets.

Lot Coverage. "Lot coverage" means the amount of land covered or permitted to be covered by buildings or other improvements that create impervious surfaces, and by driveways and parking areas, usually measured in terms of percentage of total lot area.

Lot, Depth. "Lot depth" means the horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

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

Lot Line. "Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means that boundary of a lot that is located along an existing or dedicated public street.

Lot Line, Rear. "Rear lot line" means a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten feet in length that is either parallel to the front lot line, or intersects the two other lot lines at points most distant from the front lot line.

Lot Line, Side. "Side lot line" means any property line not a front or rear lot line.

Lot, Through. "Through lot" means a lot that fronts on two parallel or nearly parallel streets.

Lot Width. "Lot width" means the average horizontal distance between the side lot lines, ordinarily measured at the front building line.

Manufactured home. "Manufactured home" means a structure constructed after June 15, 1976 and in accordance with the US Department of Housing and Urban Development (HUD) requirements for manufactured housing, bearing the appropriate insignia indicating such compliance, and designed primarily for residential occupancy by human beings.

Manufactured home, designated. "Designated manufactured home" means a manufactured home that meets the following:

- a. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
- b. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and
- c. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single family residences.

Manufactured/mobile home park. "Manufactured/mobile home park" means an area of land occupied or designed to be occupied by two or more manufactured/mobile homes, used for permanent dwelling or sleeping purposes, on a lease basis and operated as a single development.

Mobile home. "Mobile home" means a structure, constructed before June 15, 1976, that is transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and bearing the "Mobile Home" insignia of the Washington State Department of Labor and Industries, commonly referred to as a single wide.

Modular home (factory-built home). "Modular (factory-built) home" means a residential structure which is constructed in a factory in accordance with applicable building codes and bearing the appropriate insignia indicating such compliance, transported to the building site in modules and assembled on-site on a permanent foundation.

Motel. "Motel" means a hotel designed to accommodate the automobile tourist and provide parking conveniently located near each guestroom. Facilities may include kitchenettes in the room for temporary cooking use.

Micro-Brewery/Winery. "Micro-brewery/winery" means a plant where beer and/or wine are annually produced on a scale of 250,000 gals or less.

Mini-Storage. "Mini-storage means a building(s) or site used for temporary indoor or outdoor storage on a commercial basis (excluding the storage of hazardous materials and waste).

Multi Family. "Multi family" means three or more living units under the same ownership where land has not been divided, i.e., triplex, quadraplex and apartment units.

Multiple Use Building. "Multiple use building" means a building containing uses for more than one land use classification.

Nonconforming Building or Structure. "Nonconforming buildings or structure" means a building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of the ordinance codified in this code, which does not conform with the requirements of this code.

Nonconforming Lot. "Nonconforming lot" means a parcel of land, in separate ownership, and of record prior to the effective date of the ordinance codified in this code, which does not conform with the dimensional or area requirements of this code.

Nonconforming Use. "Nonconforming use" means an activity in a structure or on a tract of land that was legally in existence prior to the effective date of the ordinance codified in this code, which does not conform with the use regulations of the use district in which it is located.

Nursery (Greenhouse). "Nursery (greenhouse)" means a facility, structure or use of land for the commercial production of bedding plants, street stock or associated horticultural products.

Open Space. "Open space" means that portion of a lot or parcel not developed or built upon or occupied by buildings, parking areas, driveways and the like; generally the front, rear and side yards of a lot.

Open Space, Common. "Common open space" means that portion of a lot or parcel not developed, built upon or occupied by buildings, parking areas, driveways and the like; other than minimal appurtenances such as walkways designed and intended to make such open space usable and accessible, and the use of which is intended for and accessible to all of the persons residing in the development of which the open space is a part.

Open Space, Usable. "Usable open space: means undeveloped or unbuilt portions of land designed and maintained in a manner which makes such open space accessible and usable by and for the persons for whom the space is intended.

Parking Area. "Parking area" means an open area, other than a street or alley, which contains one or more parking spaces and the aisles which provide access to such spaces.

Parking, Off-Street. "Off-street parking" means an area devoted to the parking of vehicles and located within the boundaries of a lot.

Parking Space. "Parking space" means an unobstructed space or area, other than a street or alley, which is permanently reserved and maintained, for the parking of one motor vehicle.

People with Functional Disabilities. "People with functional disabilities" means:

- A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
 - 0. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
 - 0. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
 - 0. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
 - 0. Having a record of having such an impairment; and
- B. A person being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

Planning Commission. "Planning Commission" means the Town of Mansfield Planning Commission.

Preschool. "Preschool" means a place where pre-kindergarten children are taught that meets all state and Town requirements to conduct such activity.

Principal Use. "Principal use" means the specific and primary purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Professional Office. "Professional office" means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, and persons engaged in other similar occupations.

Property Line. "Property line" means a line bounding and indicating the ownership, or intended ownership, of a parcel of land.

Recreational Facilities. "Recreational facilities" means a structure or use designed to provide indoor or outdoor recreation opportunities for the public.

Recreational Vehicle. "Recreational vehicle" means a portable structure such as a motor home, travel trailer, equivalent facilities in or on an automotive vehicle, tent, or other short-term recreational shelter designed as temporary living quarters for travel, recreation and vacation uses.

Recreational Vehicle Park. "Recreational vehicle park" means a parcel or tract of land under single ownership or control having designated areas for rent to one or more persons for temporary parking or placement of a recreational vehicle, as opposed to permanent year-round occupancy.

Recreational Vehicle Site. "Recreational vehicle site" means a plot of ground within a recreational vehicle park available for accommodation of a recreational vehicle.

Recycling Center. "Recycling center" means a facility where discarded recyclable products such as aluminum and tin cans, glass, paper, and other similar individual consumer products are deposited and stored for future reprocessing. (Excluding drop stations).

Recycling Drop Station. "Recycling Drop Station" means a facility or area for consumer deposit of small recyclable household items (glass, paper, aluminum, etc.) in enclosed containers which are collected and emptied on a regular basis without processing, crushing or other handling, and which does not create a nuisance due to odor, noise, appearance, rodent or bug attraction.

Residential Care Facility. "Residential care facility" means a facility, licensed by the state, that cares for at least five but not more than fifteen people with functional disabilities, that has not been licensed as an Adult Family Home pursuant to RCW 70.128.010.

Riding Stable. "Riding stable" means facilities designed or intended for the keeping of horses for public hire, rent, training or equestrian events.

Right-of-way. "Right-of-way" means the platted, dedicated, or reserved portion of a development for purposes of a street or alley for vehicular and/or pedestrian access.

Setback. "Setback" means the required distance between structures and all lot lines. The term "setback" is synonymous with the term "yard."

Sign. "Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business, or profession.

Small Appliance. "Small appliance" means indoor household appliances weighing 50 pounds or less that can be hand carried by one person.

Small Engine Repair. "Repair, small engine" includes the repair of lawn mowers, chainsaw and similar size equipment.

Storage Facilities, Bulk. "Storage Facilities, Bulk" means either enclosed or outdoor areas designed for the storage of either large quantities of materials or materials of a large size.

Street. "Street" means a public right-of-way for roadway, sidewalk and utility installation.

Street, Arterial. "Arterial street" means a roadway designed to carry a high proportion of the total urban area traffic, and usually either serves traffic going from the central business district to outlying residential areas, or traffic entering and leaving the urban area. They also provide a connection to collector streets, and provide intra-community continuity while maintaining identifiable neighborhoods.

Street, Collector. "Collector street" means a roadway designed to provide access service and traffic circulation within residential neighborhoods and commercial/industrial areas. They differ from the arterial streets in that they may penetrate residential neighborhoods, distributing traffic from arterials to the ultimate destination or vice-versa.

Street, Local Access. "Local access street" means a roadway designed to provide access to abutting land and to collector and arterial streets. They offer the lowest level of mobility, particularly to through traffic in residential neighborhoods.

Structural Alteration. "Structural alteration" means any change to the supporting members of a structure, including but not limited to, foundations, bearing walls or partitions, columns, beams, girders, trusses or any structural change in the roof or exterior walls.

Structure. "Structure" means anything constructed or erected on the ground, or which is attached to something located on the ground. The term includes buildings, radio and TV towers, sheds and signs. The term does not include residential fences and retaining walls less than three feet in height, rockeries, sidewalks and other paved surfaces, and similar improvements of a minor character.

Supported Living Arrangement. "Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

Temporary Use. "Temporary Use" a use located on a lot, for a period not to exceed six (6) months, with the intent to discontinue such use after the time period expires.

Town. "Town" means the Town of Mansfield.

Town Council. "Town Council" means the Town Council of the Town of Mansfield.

Town Engineer. "Town Engineer" means an engineer selected by the Mayor.

Use. "Use" means the purpose for which land or a structure is primarily designed, arranged or intended; or for which it is primarily occupied or maintained.

Use District. "Use district" means a specific zoned area or district designated on the official zone map. Such area is subject to all the regulations applicable to the districts that are contained in this code.

Variance. "Variance" means a modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this code would pose undue hardship unnecessary in carrying out the spirit of this code.

Vocational School. "Vocational school" means a school for educating, training or retraining persons in a trade, vocation or other technical field.

Warehouse. "Warehouse" means a structure used for the storage of goods and materials.

Yard. "Yard" means an open space on a lot, lying between the property line and building line, which is unobstructed from the ground upward except as otherwise provided for in this code.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, and lying between the front line of the lot and the building setback line.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot and lying between the back line of the lot and the building setback line, and typically abutting platted alleys. Corner lots with two front yards shall designate one rear yard area; and, when applicable, the yard abutting a platted alley shall be the rear yard.

Yard, Side. "Side yard" means a yard between the side line of the lot and the nearest point of the building, exclusive of eaves and cornices on pitched roofs, and extending from the front yard to the rear yard.

Yard, Street Side. “Street side yard” means a yard area that is adjacent to a public street right-of-way, but that does not provide the primary vehicular access to the residential structure, and that does not serve as the street address for the residence.

Zoning District. “Zoning district” means a section of the Town designated in this Chapter in which requirements of the use of land and building and development standard are prescribed.

Zoning Envelope. “Zoning envelope” means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and other bulk regulations.

Zoning Map. "Zoning map" means the map delineating the boundaries of districts that, along with the zoning text of this code, comprise the zoning ordinance of the Town.

CHAPTER 3 USE DISTRICTS

- Sections:
1. Use Districts and Regulations Established
 2. Zoning Map
 3. Interpretation of Zoning Map

I. Use Districts And Regulations Established. To carry out the purpose of this code, the Town is divided into the following districts:

- R1: Single Family District
- R2: Multi Family District
- CBD: Central Business District
- P: Public District
- I: Industrial District
- MCR: Mixed Commercial/High Density Residential

These use districts and standards specific to each district are established for use throughout the Town and are described in the different sections of this code. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance the provisions of this code.

2. Zoning Map. The location and boundaries of the districts designated in this ordinance are established as shown on the map entitled the "Mansfield Zoning Map." The zoning map shall be dated with the effective date of this ordinance, and signed by the Mayor and the Clerk of the Town of Mansfield. The signed map shall be maintained on file with the Clerk of the Town of Mansfield and is made a part of this ordinance.

3. Interpretation of Zoning Map. Where uncertainty exists as to the boundaries of districts as shown on the Mansfield Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following the corporate limits of the Town shall be construed as following the corporate limits of the Town;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts;
- E. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed to follow such centerlines;
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Mansfield Zoning Map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Mansfield Zoning Map or in other circumstances not covered by subsections A through F above, the administrator shall interpret the district boundaries.

CHAPTER 4 RI - SINGLE FAMILY DISTRICT

- Sections:
1. Purpose
 2. Permitted, Accessory, Conditional & Prohibited Uses
 3. Design Standards
 4. Development Criteria

1. Purpose. The purpose of the Single Family zoning district is to provide an area for low density residential uses, particularly single family homes and duplexes, consistent with the goals and policies of the Mansfield Urban Area Comprehensive Plan. This district retains and enhances established neighborhoods, as well as providing guidance to the development of new areas, making them compatible and consistent with existing development. In compliance with the Single-Family land use category in the Comprehensive Plan, the maximum density allowed in the RI - Single Family zoning district is 4 units per acre.

2. Permitted, Accessory, Conditional & Prohibited Uses. Permitted, Accessory, Conditional and Prohibited uses in this district shall be as identified in Chapter 10, District Use Chart, of this code. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Town of Mansfield rules and regulations are complied with.

3. Design Standards. All residential dwellings of any type shall meet the following provisions as minimum standards in the RI zoning district.

- A. The maximum height of all structures shall be thirty (30) feet
- B. All residential dwellings shall contain a minimum seven hundred and twenty (720) square feet of livable floor area, excluding decks, porches, patios or other attached accessory structures.
- C. The roofs of all structures shall have at least a 3:12 roof pitch, and shall be of a composition or wood shake or shingle, or coated metal material.
- D. The first finished floor level of a single story residence shall be fifteen (15) inches or less above the exterior grade of the lot. Manufactured homes shall be pit-set or back-filled to achieve this.
- E. Siding materials shall be wood, masonite, masonry, stucco, vinyl or other comparable materials, and for manufactured homes shall extend to the top of the foundation or skirting.
- F. The minimum width of the main body of the home, as assembled on-site, shall not be less than twenty-four (24) feet, as measured across the narrowest portion.
- G. A manufactured home shall have a foundation or skirting that is similar in appearance to foundations of housing built on site. Permanent, perimeter masonry or concrete foundations are strongly encouraged.
- H. Accessory buildings or structures, clearly incidental to the residential use of the lot, such as storage of personal property, including private garages to accommodate not more than four (4) vehicles. Detached accessory structures shall not exceed one thousand (1,000) square feet in gross floor area.

4. Development Criteria. All development in the R-1 Single Family zoning district shall meet all of the applicable provisions of this code, as well as the following requirements:

A. Minimum lot sizes - existing platted lots:

1. Single Family Residence = seven thousand (7,000) square feet [1 standard/average size lot in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50' x 140'); or 2 standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5' x 117)].
2. Duplex Structure = thirteen thousand (13,000) square feet, [2 standard/average size lots in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50' x 140'); or 3 standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5' x 117)].

B. Minimum lot sizes - new developments:

1. Single Family Residence = eight thousand five hundred (8,500) square feet.
2. Duplex Structure = thirteen thousand (13,000) square feet.

C. Minimum lot width: fifty (50) feet.

D. Maximum lot coverage: Not more than thirty-five (35%) percent of the area of any lot may be covered by buildings or structures.

E. Maximum density: four (4) units per acre.

F. The keeping of livestock and poultry for personal use shall meet the following minimum provisions:

1. The minimum pasture area necessary to keep animals shall be as follows:

- a. Fourteen thousand (14000) square feet for 1 or 2 larger animals such as ponies, horses, mules, cows, etc. with an additional seven thousand (7000) square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three (3). Young animals under one (1) year of age are exempt.
- b. Four thousand five hundred (4,500) square feet for smaller animals such as sheep, goats, etc. with a maximum number of 2 animals per pasture with an additional two thousand three hundred (2300) square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three (3). Young animals under six (6) months of age are exempt.
- c. A maximum of six (6) rabbits, turkeys or geese (or any combination thereof up to six total) will be permitted per ownership. A maximum of 12 chickens or ducks (or any combination thereof up to twelve total) will be permitted per ownership. Young animals under six (6) months of age are exempt.
- d. Pigs will not be allowed within the Town limits except in the case of potbelly pigs that are treated as a household, family pet, and except as provided for in conjunction with youth development projects authorized below in subsections G and H.
- e. Exotic or unique animals will be classified within one of the above categories according to similar size, weight or type of animal, as determined by the Administrator, and subject to the applicable regulations.

2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with the health district regulations.

3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulation of animal waste shall be prohibited from being stored closer than one hundred (100) feet from any off-premise dwelling and/or any domestic or irrigation wells.
 4. Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry or other similar animals or birds shall be located a minimum of fifty (50) feet from any off-premises dwellings. Rabbit hutches are exempt from this requirement.
 5. Pastures are defined as that area that is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform top cover (vegetation). Said, vegetation shall not include noxious weeds.
- G. Temporary projects (six (6) months or less) associated with youth development organizations such as 4-H or FFA are exempt from the minimum pasture requirements herein; however, once yearly, by November 15, these projects must be registered with the Town on a standard form which lists the name and address of the youth, the name of the youth organization, the number and type of animal(s) as well as location, and a parent or guardian signature. (All other applicable provisions of section 4.F. above, particularly items 2 through 5, will be enforced for youth development projects.)
- H. Youth development organization projects which involve the raising of cattle for a period of more than six (6) months will require a special approval by the Planning Commission at their regularly scheduled meeting, with possible conditions including but not limited to pasture size, location, fencing, etc.

CHAPTER 5 R2- MULTI FAMILY DISTRICT

Sections:	1	Purpose
	2	Permitted, Accessory, Conditional & Prohibited Uses
	3	Design Standards
	4	Development Criteria

1. Purpose. The purpose of the Multi Family zoning district is to provide an area for moderate density residential uses such as duplex and apartment units, as well as single family residences, consistent with the goals and policies of the Mansfield Urban Area Comprehensive Plan. In compliance with the Multi Family land use category in the Comprehensive Plan, the maximum density allowed in the R2 - Multi Family zoning district is 10 units per acre.

2. Permitted, Accessory, Conditional & Prohibited Uses. Permitted, Accessory, Conditional and Prohibited uses in this district shall be as identified in Chapter 10, District Use Chart, of this code. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Town of Mansfield rules and regulations are complied with.

3. Design Standards. All residential dwellings of any type shall meet the following provisions as minimum standards in the R2 zoning district:

- A. The maximum height of all structures shall be forty (40) feet
- B. All residential dwellings shall contain a minimum six hundred (600) square feet of livable floor area, excluding decks, porches, patios or other attached accessory structures.
- C. The roofs of all structures shall have at least a 3:12 roof pitch, and shall be of a composition or wood shake or shingle, or coated metal material.
- D. The first finished floor level of a single story residence shall be fifteen (15) inches or less above the exterior grade of the lot. Manufactured homes shall be pit-set or back-filled to achieve this.
- E. Siding materials shall be wood, masonite, masonry, stucco, vinyl or other comparable materials, and for manufactured homes shall extend to the top of the foundation or skirting.
- F. The minimum width of the main body of the home, as assembled on-site, shall not be less than twenty (20) feet, as measured across the narrowest portion.
- G. A manufactured home shall have a foundation or skirting that is similar in appearance to foundations of housing built on site. Permanent, perimeter masonry or concrete foundations are strongly encouraged.
- H. Landscaping for multi family dwellings shall be as follows:
 - 1. Landscape plans shall be submitted as a part of the development permit process. Said plans shall be reviewed by the Planning Commission, which shall make a recommendation for approval, modification or denial to the Administrator who makes the final decision.
 - 2. All landscaping must be in place prior to issuing a certificate of occupancy, and it must be maintained to assure long term viability of plantings.
 - 3. Landscaping and/or fencing shall be provided along any side and rear property lines immediately adjacent to a single-family residence.
 - 4. Parking areas and buildings shall be provided with landscaping which breaks up the visual impact of the development from adjacent properties and which prevents the occurrence

of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.

- I. For duplexes, multi family dwellings and conditional uses, visual screening from public view of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Whenever feasible, trash areas will be located outside of a front yard area and away from any property lines adjacent to a single family residence.
- J. Storm water shall be retained and disposed of on-site in an approved system designed for such runoff.
- K. Accessory buildings or structures shall be clearly incidental to the residential use of the lot, such as storage of personal property, including private garages to accommodate not more than four (4) vehicles. Detached accessory structures shall not exceed one thousand (1,000) square feet in gross floor area, when developed in conjunction with a single family dwelling.

4. Development Criteria. All development in the R2 Multi Family zoning district shall meet all of the applicable provisions of this code, as well as the following requirements:

A. Minimum lot sizes - existing platted lots:

- 1. Single Family Residence = seven thousand (7,000) square feet [1 standard/average size lot in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50' x 140'); or 2 standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5' x 117)].
- 2. Duplex Structure = thirteen thousand (13,000) square feet, [2 standard/average size lots in the plats of Mansfield Original, Mansfield 1st, 2nd and 3rd Additions (average dimension of one lot = 50' x 140'); or 3 standard/average size lots in the Fairview Addition (average dimension of one lot = 39.5' x 117)].

B. Minimum lot sizes - new developments:

- 1. Single Family Residence = eight thousand five hundred (8,500) square feet.
- 2. Duplex Structure = thirteen thousand (13,000) square feet.

C. Minimum lot sizes - multi family structure: Thirteen thousand (13,000) square feet for the first two units, and an additional one thousand two hundred (1,200) square feet for each additional unit after that.

D. Minimum lot width: Seventy (70) feet.

E. Maximum lot coverage: Not more than forty (40%) percent of the area of any lot may be covered by buildings or structures.

F. Maximum density: Ten (10) units per acre.

G. The keeping of livestock and poultry for personal use shall meet the following minimum provisions:

I. The minimum pasture area necessary to keep animals shall be as follows:

- a). Fourteen thousand (14000) square feet for 1 or 2 larger animals such as ponies, horses, mules, cows, etc. with an additional seven thousand (7000) square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three (3). Young animals under one (1) year of age are exempt.

- b). Four thousand five hundred (4,500) square feet for smaller animals such as sheep, goats, etc. with a maximum number of 2 animals per pasture with an additional two thousand three hundred (2300) square feet of contiguous pasture area needed for one additional animal. The maximum number of animals allowed per pasture is three (3). Young animals under six (6) months of age are exempt.
 - c). A maximum of six (6) rabbits, turkeys or geese (or any combination thereof up to six total) will be permitted per ownership. A maximum of 12 chickens or ducks (or any combination thereof up to twelve total) will be permitted per ownership. Young animals under six (6) months of age are exempt.
 - d). Pigs will not be allowed within the Town limits except in the case of potbelly pigs that are treated as a household, family pet, and except as provided for in conjunction with youth development projects authorized below in subsections G and H.
 - e). Exotic or unique animals will be classified within one of the above categories according to similar size, weight or type of animal, as determined by the Administrator, and subject to the applicable regulations.
2. The property shall be maintained in a clean, sanitary condition so as to be free from offensive odors, fly breeding, dust and general nuisances and shall be in compliance with the health district regulations.
 3. Adequate measures shall be taken to properly dispose of animal wastes. Accumulation of animal waste shall be prohibited from being stored closer than one hundred (100) feet from any off-premise dwelling and/or any domestic or irrigation wells.
 4. Barns, shelters or other buildings or structures for the keeping or feeding of cattle, horses, goats, sheep, poultry or other similar animals or birds shall be located a minimum of fifty (50) feet from any off-premises dwellings. Rabbit hutches are exempt from this requirement.
 5. Pastures are defined as that area that is enclosed within a perimeter fence, and shall not include that portion of the property used for residential purposes. Pasture areas shall be maintained with a permanent, uniform top cover (vegetation). Said, vegetation shall not include noxious weeds.
- H. Temporary projects (six (6) months or less) associated with youth development organizations such as 4-H or FFA are exempt from the minimum pasture requirements herein; however, once yearly, by November 15, these projects must be registered with the Town on a standard form which lists the name and address of the youth, the name of the youth organization, the number and type of animal(s) as well as location, and a parent or guardian signature. (All other applicable provisions of section 4.F. above, particularly items 2 through 5, will be enforced for youth development projects.)
 - I. Youth development organization projects which involve the raising of cattle for a period of more than six (6) months will require a special approval by the Planning Commission at their regularly scheduled meeting, with possible conditions including but not limited to pasture size, location, fencing, etc.

CHAPTER 6 CBD - CENTRAL BUSINESS DISTRICT

Sections:	1	Purpose
	2	Permitted, Accessory, Conditional & Prohibited Uses
	3	Design Standards
	4	Development Criteria

1. Purpose. The purpose of the Central Business District is to provide an area for existing and future retail and wholesale commercial activities. This district establishes opportunities for safe, aesthetically pleasing, accessible commercial development which contributes to a sound economic base for the community. It is intended that this district be a quality environment that appeals to all manner of consumers, including pedestrian shoppers, and is therefore appealing to new businesses.

2. Permitted, Accessory, Conditional & Prohibited Uses. Permitted, Accessory, Conditional and Prohibited uses in this district shall be as identified in Chapter 10-, District Use Chart, of this code. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Town of Mansfield rules and regulations are complied with.

3. Design Standards. All uses shall meet the following provisions as minimum standards in the CBD Central Business District. These standards are to be applied during the building permit application process for new structures. In the case of a change in use for an existing structure that does not require a building permit, these standards shall be met prior to the commencement of business operations. When a use continues under a new owner, compliance with these provisions must occur within the first six (6) months under new ownership, provided the use is closed for no longer than thirty (30) days. If the use is closed for more than thirty (30) days when there is a change in ownership, compliance with these standards shall occur prior to commencing business. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the Town for approval, approval with conditions, modification or denial.

- A. The maximum height of all structures shall be forty (40) feet from the natural grade to the ridgeline of the roof.
- B. Parking and loading standards for development in the CBD shall be as provided for in Chapter 13, Off-street Parking Requirements.
- C. Visual screening of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Trash and service areas will be located to the rear of the structure.
- D. Storm water shall be retained and disposed of on-site in an approved system designed for such runoff.
- E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in Section 4, Development Criteria, below. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.
- F. Display and any other exterior lighting shall be of low-intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

- G. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain. Aside from temporary (less than thirty {30} days) advertising displays placed on the sidewalk which do not interfere with free-moving pedestrian traffic, signs shall be attached to the structure, either flush with the building or perpendicular to the building, provided they are at least eight (8) feet above the grade of the sidewalk. When a sign is attached perpendicular to the structure, the overall size shall not exceed two (2) feet by four (4) feet.
- H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc. shall be provided by the owner/operator for each building or use. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.
- I. A caretaker's residence shall be a secondary, subordinate part of the commercial building, located on a second-floor of a building, and it shall be used only for housing a person or persons responsible for the security and operation of the commercial venture.

4. Development Criteria. All development shall meet all of the applicable provisions of this code, as well as the following requirements.

- A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.
- B. Maximum lot coverage: Not more than sixty (60%) percent of the area of any lot may be covered by buildings or structures.
- C. Minimum setbacks - Front: None.
- D. Minimum setbacks - Side: None, except when abutting a residential district where there is no intervening right-of-way, the setback requirement is ten (10) feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way
- E. Minimum setbacks - Rear: None, except when abutting a residential district where there is no intervening right-of-way, the setback requirement is twenty-five (25) feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way

CHAPTER 7 P - PUBLIC DISTRICT

Sections:	1	Purpose
	2	Permitted, Accessory, Conditional & Prohibited Uses
	3	Design Standards
	4	Development Criteria

1. Purpose. The purpose of the P - Public district is to help further the enhancement of existing, publicly held properties, and to promote privately owned properties to develop into community-oriented uses, particularly those of a recreational nature. Providing adequate land area for needed public and recreational land uses is integral in maintaining the pattern and ratio of land uses within the community.

2. Permitted, Accessory, Conditional & Prohibited Uses. Permitted, Accessory, Conditional and Prohibited uses in this district shall be as identified in Chapter 10-, District Use Chart, of this code. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Town of Mansfield rules and regulations are complied with.

3. Design Standards. All uses shall meet the following provisions as minimum standards in the P Public District. These standards are to be applied during the appropriate permit application process for new uses or structures. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the Town for approval, approval with conditions, modification or denial.

- A. The maximum height of all structures shall be forty (40) feet from the natural grade to the ridgeline of the roof.
- B. Parking and loading standards for development in the P district shall be as provided for in Chapter 13, Off-street Parking Requirements.
- C. Visual screening of trash, service, maintenance or other similar areas shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash.
- D. Storm water shall be retained and disposed of on-site in an approved system designed for such runoff.
- E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by providing landscaping and/or fencing on said, adjoining property lines, and any structures will meet the setback requirements required in Section 4, Development Criteria, below.
- F. Display and any other exterior lighting shall be of low-intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.
- G. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain. Aside from temporary (less than thirty {30} days) advertising displays placed on the sidewalk which do not interfere with free-moving pedestrian traffic, signs shall be attached to the structure, either flush with the building or perpendicular to the building, provided they are at least eight (8) feet above the grade of the sidewalk. When a sign is attached perpendicular to the structure, the overall size shall not exceed two (2) feet by four (4) feet.

- H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc. shall be provided for each building or use. For existing buildings, this shall be implemented if there is a change in the use/user. Continuing users are encouraged to also provide these amenities to enhance the appearance of the P Public District.
- I. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.
- J. All yard areas shall be landscaped with a mixture of trees, shrubs and other plants, with access points being left such that there is adequate site distance for ingress and egress.
- K. Graveled pedestrian/bike pathways, consistent with ADA requirements, shall be developed to facilitate connections between the uses in the district and between the different districts.

4. Development Criteria. All development shall meet all of the applicable provisions of this code, as well as the following requirements.

- A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.
- B. Maximum lot coverage: Not more than forty (40%) percent of the area of any lot may be covered by buildings, structures or impervious surfaces.
- C. Minimum setbacks - Front: Ten (10) feet from the property line when no parking areas are to be located in the front yard area.
- D. Minimum setbacks - Side and Rear: Ten (10) feet from the property line. Where an alley exists, the setback shall be five (5) feet from the property line/alley right-of-way.

CHAPTER 8
I - INDUSTRIAL DISTRICT

Sections:	1	Purpose
	2	Permitted, Accessory, Conditional & Prohibited Uses
	3	Design Standards
	4	Development Criteria

I. Purpose. The purpose of the Industrial zoning district is to provide an area that protects existing industrial uses, as well as establishing opportunities for further industrial development. This district supplies sufficient area, organized in a concentrated, positive working environment, to accommodate a broad range of industrial type activities. It is intended that this district provide flexibility in development that encourages usual as well as innovative activities which enhance the economic stability of the community, while still providing protection to the immediate, surrounding properties.

2. Permitted, Accessory, Conditional & Prohibited Uses. Permitted, Accessory, Conditional and Prohibited uses in this district shall be as identified in Chapter 10-, District Use Chart, of this code. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Town of Mansfield rules and regulations are complied with.

3. Design Standards. All uses shall meet the following provisions as minimum standards in the I Industrial District. These standards are to be applied during the appropriate permit application process for new uses or structures. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the Town for approval, approval with conditions, modification or denial.

- A. The maximum height of all structures shall be forty (40) feet from the natural grade to the ridgeline of the roof. Grain elevators are not subject to height restrictions under this ordinance.
- B. Parking and loading standards for development in the I district shall be as provided for in Chapter 13, Off-street Parking Requirements.
- C. Visual screening of trash, service, maintenance or other similar areas shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash.
- D. Storm water shall be retained and disposed of on-site in an approved system designed for such runoff.
- E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in Section 4, Development Criteria, below. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.
- F. Display and any other exterior lighting shall be of low-intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.
- G. Signs. Signs shall conform to the following:
 - I. Single business or building unless designed in conjunction with a multiple business industrial center: One (1) freestanding or monument sign for each lot not located in a multi-occupancy or

building complex. The sign shall not exceed a maximum area of fifty (50) square feet, nor exceed a height of twenty (20) feet. Signs shall be unlighted or provided with indirect illumination. One attached sign, unlighted or with low intensity lighting, placed flat against the wall of the main building, having a surface area not greater than thirty-two (32) square feet, is permitted. In lieu of a free standing or monument sign the attached sign may be increased in area to the total square footage of the freestanding or monument sign plus the square footage of the attached sign for a total of eighty-two square feet.

2. Multiple (two or more) businesses, or industrial centers: One (1) free-standing or monument park identification sign not exceeding eighty (80) square feet, nor exceeding a height of twenty (20) feet. If four (4) or more buildings, offices or business are proposed the freestanding or monument sign may be increased by ten (10) square feet for each business, however, the total sign area shall not exceed two hundred (200) square feet. Identification signs may list the names of the occupants of the multiple industrial center. Individual occupancy or buildings are not permitted separate freestanding signs.
 - a). One (1) additional free-standing sign or monument sign is permitted per center or complex if the premises extends through a block to face on two (2) or more parallel or nearly parallel roads or the sign has a minimum separation of eight hundred (800) feet. Freestanding or monument signs are prohibited on roads abutting a residential district.
 - b). One (1) wall identification sign shall be permitted for each principle building or occupancy, which does not exceed an area of thirty-two (32) square feet. Identification signs shall be attached flat against the building and shall not project above the eaves of the roof or the top of the parapet or beyond the eave lines or beyond the outer limits of the wall.
 - c). Individual occupancy signs within a multiple occupancy or building complex shall be consistent with the building architecture and similar in color, design, size, and graphics.
3. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain.

- H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc. shall be provided for each building or use. For existing buildings, this shall be implemented if there is a change in the use/user. Continuing users are encouraged to also provide these amenities to enhance the appearance of the Industrial District.
- I. Parking areas and buildings which are not built on the property line or adjacent to an existing building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas.
- J. All yard areas shall be landscaped with a mixture of trees, shrubs and other plants, with access points being left such that there is adequate site distance for ingress and egress.
- K. Storage of all raw materials, machinery, equipment or other similar items shall be screened on all sides from public view by sight obscuring landscaping and/or fencing.

4. Development Criteria. All development shall meet all of the applicable provisions of this code, as well as the following requirements.

- A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.

- B. Maximum lot coverage: Not more than sixty (60%) percent of the area of any lot may be covered by buildings, structures or impervious surfaces.
- C. Minimum setbacks - Front: Ten (10) feet from the property line when no parking areas are to be located in the front yard area.
- D. Minimum setbacks - Side and Rear: Ten (10) feet from the property line. Where an alley exists, the setback shall be five (5) feet from the property line/alley right-of-way. When an industrial use abuts any other zoning district, the setback requirement shall be twenty-five (25) feet.

CHAPTER 9
MIXED COMMERCIAL/HIGH DENSITY RESIDENTIAL (MCR)

Sections:	1	Purpose
	2	Permitted, Accessory, Conditional & Prohibited Uses
	3	Design Standards
	4	Development Criteria

1. Purpose. The purpose of the Mixed Commercial/High Density Residential district is to provide areas within the community that have a high degree of flexibility in allowed uses that recognizes the need for economic development within Mansfield. This district is intended to encourage a mix of light intensity, people-oriented commercial uses with high density residential uses.

2. Permitted, Accessory, Conditional & Prohibited Uses. Permitted, Accessory, Conditional and Prohibited uses in this district shall be as identified in Chapter 10-, District Use Chart, of this code. Said uses shall be allowed, as indicated in the district use chart, only after the provisions of this chapter and all other applicable Town of Mansfield rules and regulations are complied with.

3. Design Standards. All uses shall meet the following provisions as minimum standards in this district. These standards are to be applied during the building permit application process for new structures. In the case of a change in use for an existing structure that does not require a building permit, these standards shall be met prior to the commencement of business operations. When a use continues under a new owner, compliance with these provisions must occur within the first six (6) months under new ownership, provided the use is closed for no longer than thirty (30) days. If the use is closed for more than thirty (30) days when there is a change in ownership, compliance with these standards shall occur prior to commencing business. Site design plans demonstrating compliance with these requirements shall be submitted to and reviewed by the administrator for approval, approval with conditions, modification or denial.

- A. The maximum height of all structures shall be forty (40) feet from the natural grade to the ridgeline of the roof.
- B. Parking and loading standards for development in the CBD shall be as provided for in Chapter 13, Off-street Parking Requirements.
- C. Visual screening of trash areas and other service areas of the development shall be provided through landscaping, fencing or other methods which provide for visual screening and which prevent blowing trash. Trash and service areas will be located to the rear of the structure.
- D. Storm water shall be retained and disposed of on-site in an approved system designed for such runoff.
- E. When parcels in this district adjoin different use districts, particularly a residential district, a buffer area shall be created by increasing side and rear yard setbacks to those required in Section 4, Development Criteria, below. Without interfering with a required access point for trash and other service areas or required parking areas, a visual screen of landscaping and/or fencing shall be provided within required yard areas.
- F. Display and any other exterior lighting shall be of low-intensity, as well as designed and operated to minimize glare, project toward the property, avoid illuminating nearby properties and prevent hazards for public traffic.

- G. Signs shall be consistent with building design and surrounding structures, and shall be appropriate to the type of activity to which they pertain. Aside from temporary (less than thirty {30} days) advertising displays placed on the sidewalk which do not interfere with free-moving pedestrian traffic, signs shall be attached to the structure, either flush with the building or perpendicular to the building, provided they are at least eight (8) feet above the grade of the sidewalk. When a sign is attached perpendicular to the structure, the overall size shall not exceed two (2) feet by four (4) feet.
- H. Street design amenities such as benches, planters, hanging plants, trash receptacles, etc. shall be provided by the owner/operator for each building or use. Parking areas and buildings which are not built on the property line or adjacent to an existing commercial building shall be provided with landscaping designed to break up the visual impact of the development from adjacent properties and which prevents the occurrence of noxious weeds. If parking is to be provided in a front yard area, landscaping shall be located between the street (and any pedestrian ways) and such parking areas
- I. New multi-family residential uses may be developed provided they are developed in conjunction with a commercial enterprise and at least 50% of the overall total floor area is devoted to said, commercial enterprise(s), and further provided, all other requirements of this code shall be met.
- J. Accessory buildings or structures clearly incidental to the residential use of the lot, such as storage of personal property, including private garages to accommodate not more than four (4) vehicles. Detached accessory structures shall not exceed one thousand (1,000) square feet in gross floor area when built in conjunction with a single-family dwelling allowed by this Chapter. Detached accessory buildings or structures may exceed one thousand (1,000) square feet in gross floor area when built in conjunction with multi-family developments as allowed in this Chapter.
- K. When residences that exist at the effective date of the ordinance adopting this chapter are changed to a commercial use consistent with this chapter it shall not be reverted back to a residential use.

4. Development Criteria. All development shall meet all of the applicable provisions of this code, as well as the following requirements.

- A. Minimum lot sizes, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements for off-street parking, loading and unloading, and setback requirements, where applicable.
- B. Maximum lot coverage: Not more than sixty (60%) percent of the area of any lot may be covered by buildings or structures.
- C. Minimum setbacks - Front: None.
- D. Minimum setbacks - Side: None, except when abutting a residential district where there is no intervening right-of-way, the setback requirement is ten (10) feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way
- E. Minimum setbacks - Rear: None, except when abutting a residential district where there is no intervening right-of-way, the setback requirement is twenty-five (25) feet. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way
- F. Density: When new multi family residential uses are developed consistent with this chapter there is no limitation on density, provided that the floor area devoted to multi family use is only 50% of the overall floor area of the structure, with the remaining 50% floor area devoted to commercial enterprise(s) consistent with this chapter.

CHAPTER 10 DISTRICT USE CHART

Sections:	1	Purpose
	2	District Use Chart

1. Purpose. A district use chart is established and contained herein as a tool for the purpose of determining the specific uses allowed in each use district. No use shall be allowed in a zoning district that is not listed in the use chart as either permitted, accessory or conditional use, unless the Administrator determines that an unlisted use is similar to one that is already enumerated in the use chart and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Town of Mansfield rules and regulations.

2. District use chart. The use chart located on the following pages is made a part of this section. The following acronyms have the following meanings, as used in the use chart that is part of this section:

PRM	=	Permitted use
ACC	=	Accessory use
CUP	=	Conditional use

Mansfield District Use Chart

	RI	R2	CBD	P	I	MCR
RESIDENTIAL USES						
Single Family Dwelling	PRM	PRM			PRM ¹	PRM ¹
Accessory Dwelling	ACC	ACC				
Caretaker's Residence			ACC		ACC	ACC
Duplex Dwelling	PRM	PRM				PRM
Multi Family Dwelling, including retirement apartment with common dining/cooking facilities		PRM				PRM ²
Manufactured Home	PRM	PRM				
Manufactured Home, Designated	PRM	PRM			PRM ¹	PRM ¹
Modular Home (Factory-built)	PRM	PRM				
Mobile Home						
Manufactured/Mobile Home Park		CUP				
Assisted Living Facility		CUP				CUP
Convalescent Home/Nursing Home		CUP				CUP
Boarding/Lodging House	CUP	CUP				
Group Home	CUP	CUP				
Halfway House		CUP				
Family Home Day Care	ACC	ACC	ACC ³			ACC ³
Mini Day Care		CUP	CUP		ACC	CUP
Day Care Center		CUP	CUP		ACC	CUP
Garage, Private	ACC	ACC				ACC ¹
Home Occupation	CUP	CUP				
Bed & Breakfast	CUP	CUP				
PUBLIC/SEMI PUBLIC USES						
Churches (Parsonages)	CUP	CUP				
Clinic, Medical, Dental, Etc.			PRM			PRM
Community Club, Grange		CUP	PRM	PRM		PRM

¹ Only those existing as of September, 2003

² Only as authorized in Chapter 9

³ Within existing residential structures

Mansfield District Use Chart

	RI	R2	CBD	P	I	MCR
Detention Facility					CUP	
Fire/Police Station			PRM	PRM	PRM	
Essential Public Facilities (unlisted)				CUP		
Hospital			PRM			PRM
Instructional Child Care (Preschool)	CUP	CUP	CUP		CUP	CUP
Post Secondary Education Facility			CUP	CUP	CUP	CUP
Libraries				PRM		PRM
Municipal Buildings			PRM	PRM	PRM	PRM
Municipal Shop Buildings					PRM	
Parks	CUP	CUP	CUP	PRM	CUP	CUP
Post Office			PRM			PRM
Public Utility Facilities	CUP	CUP	CUP	PRM		
Recycling Drop-off/Center				CUP	PRM	
Schools, Public Primary & Secondary	CUP	CUP		CUP		
Schools, Private	CUP	CUP		CUP		
Trade/Vocational School				CUP	PRM	CUP
Bus Stop	PRM	PRM	PRM	PRM	PRM	PRM
AGRICULTURAL USES						
Agricultural Building					PRM	
Ag-Related Industry					PRM	
Animal Clinic, Hospital					PRM	
Commercial Composting					CUP	
Farm Equipment Sales/Service					PRM	
Feed Lot						
Home Fruit Stand	ACC	ACC				
Horse Boarding/Training					CUP	
Grain Elevators					PRM	
Kennels, Commercial					PRM	

Mansfield District Use Chart

	RI	R2	CBD	P	I	MCR
Kennels, Hobby	ACC	ACC			PRM	
Livestock, Commercial						
Livestock, Personal	PRM	PRM				
Nursery, Commercial/Retail			PRM		PRM	
Nursery, Wholesale					PRM	
Agriculture Packing/Storage Facility					PRM	
Riding Stable					CUP	
Row Crop Production						
Slaughterhouse					CUP	
Vineyard						
Winery					CUP	
COMMERCIAL USES						
Auto/Truck Sales & Service			CUP		PRM	CUP
Car Rental			CUP		PRM	CUP
Car Wash			CUP		PRM	CUP
Commercial Copiers/Printers			PRM			PRM
Convenience Store			PRM			PRM
Financial/Lending Institution (Bank, Etc.)			PRM			PRM
Food/Beverage Service			PRM			PRM
Gas/Service Station			CUP		PRM	CUP
Hotels/Motels		CUP	CUP			PRM
Manufactured Home Sales					PRM	
Micro Brewery			CUP		CUP	CUP
Mini-storage, Commercial Users					PRM	
Mini-storage, Personal Users			CUP		PRM	CUP
Newspaper Publishing			PRM		PRM	PRM
Personal Services (Barber, Salon, Dry Cleaner, Etc.)	Home Occ.	Home Occ.	PRM			PRM

Mansfield District Use Chart

	RI	R2	CBD	P	I	MCR
Professional Services (Lawyer, Psychiatrist, Etc.)	Home Occ.	Home Occ.	PRM			PRM
Repair Services, Electronics/Appliances	Home Occ.	Home Occ.	PRM		PRM	PRM
Repair Services, Automobile			CUP		PRM	CUP
Restaurant			PRM		PRM	PRM
Retail Stores (Grocery, Food, Etc.)			PRM			PRM
RV/Boat Sales & Service			CUP		PRM	CUP
Tavern, Etc.			PRM			PRM
INDUSTRIAL USES						
Airports/Airfields					PRM	
Apparel Manufacture, Wholesale					PRM	
Apparel Manufacture, Dressmaker			PRM			PRM
Asphalt Paving Plant					CUP	
Beverage Industry					PRM	
Canning/Packing Foods					PRM	
Cement/Concrete Plant					CUP	
Chemical Manufacture					CUP	
Electronic Product Manufacture/Assembly			CUP		PRM	CUP
Hardware Product Manufacture/Assembly					PRM	
Medical/Scientific Product Manufacture/Assembly					PRM	
Fabricated Metal Products					PRM	
Food Processing					PRM	
Furniture Products Manufacture/Assembly					PRM	
Glass Products Manufacture/Assembly					PRM	
Gravel Pit (Extraction, Crushing, Screening, Etc.)						
Hazardous Waste Storage					CUP	
Hazardous Waste Treatment					CUP	

Mansfield District Use Chart

	RI	R2	CBD	P	I	MCR
Leather Products Manufacture/Assembly					CUP	
Machinery/Heavy Equipment Manufacture/Assembly					PRM	
Paperboard Containers Manufacture					PRM	
Plastic Products Manufacture/Assembly					PRM	
Prefabricated Wood Products					PRM	
Printing, Publishing, Binding			PRM		PRM	PRM
Rendering Plants						
Rubber Products						
Sheet Metal/Welding Shops					PRM	
Wrecking/Junk Yard					CUP	
RECREATIONAL USES						
Bowling Alleys			PRM			PRM
Campground, Tents & RVs				CUP		
Drive-in Theater						
Fairgrounds				CUP		
Game, Card, Arcade Room			CUP			CUP
Golf Course, Driving Range				CUP		
Gun/Sportsmen's Club				CUP		
Exercise Facility			PRM			PRM
Miniature Golf			PRM	CUP		PRM
Playfields	CUP	CUP		PRM		PRM
Theaters			PRM			PRM
Racetrack/Speedway (Horse, Mini-Sprint, Etc.)				CUP		
Roller-skating Rink			CUP	CUP		PRM
Video Rental			PRM			PRM

CHAPTER II
(Reserved)

CHAPTER 12 GENERAL USE REGULATIONS AND STANDARDS

- Sections:
1. Purpose
 2. General Requirements
 3. Building Height Measurement
 4. Swimming Pools
 5. Fences
 6. Yards and Setbacks
 7. Residential Performance Standards
 8. Storage Standards
 9. Preservation of Public and Private Open Space
 10. Resource Disclosure Statement
 11. Access Easement and Driveway Requirements
 12. Public Right-of-Way, Ingress and Egress
 13. Light and Glare
 14. Stormwater Drainage
 15. Accessory Dwellings

1. Purpose. The purpose of the general regulations is to provide a concise reference to requirements that are common to many different zoning districts, thereby providing a more efficient utilization of this ordinance.

2. General Requirements. In order to provide for orderly development and to ensure the public, health, safety, and welfare of the community, land use activity, buildings or structures shall not be erected, moved or utilized on any lot, tract or parcel of land except in compliance with this Chapter and other applicable ordinances and codes.

3. Building Height Measurement. Building height shall be determined as follows:

- A. **Building Height:** Any building or structure or portion thereof hereafter erected in any use district shall not exceed the maximum height specified in the district, except as provided in subsection B, or as enumerated elsewhere in this ordinance.
- B. The following types of structures or structural parts are not subject to the building height limitation of this ordinance: aerials, belfries, chimneys, church spires, cupolas, domes, fire and hose towers; flagpoles, grain elevators, monuments, radio or television antennas, communication towers and associated antennas, water towers, windmills and other similar projections.

4. Swimming Pools. Above and below ground swimming pools are subject to the required yard and setback requirements of the underlying district and shall be enclosed by a solid or woven wire fence at least forty-two (42) inches high with a locking entry gate.

5. Fences. In any use district, the following minimum standards shall apply to fences:

- A. Fence heights:

1. Front yard: Forty-two (42) inches maximum height as measured from the finished grade of the lot within ten (10) feet of the front lot line.
 2. Side yard: A maximum of forty-two (42) inches in height as measured from the established street grade within ten (10) feet of the front lot line, at which point it may be a maximum of six (6) feet in height as measured from the finished grade of the lot.
 3. Rear yard: Six (6) feet maximum height from the finished grade of the lot.
- B. Double frontage lots within a residential district and located on a collector or arterial road may construct a fence six (6) feet high on the front lot line adjacent to the arterial or collector. The fence height shall be measured from the established road grade. The following criteria shall be met
1. Vehicular access is prohibited from the arterial or collector roadway for the affected lot;
 2. A gate is located for each affected lot and is designed for pedestrian access only; and
 3. The fence shall be maintained and kept in good repair.

6. Yards and Setbacks. The minimum yards and setbacks for permitted, accessory and conditional uses in all districts, except as enumerated elsewhere in this ordinance and specific district regulations, shall be as follows:

- A. Front Yard: No building or structure shall be erected nearer than fifty-five (55) feet from the deeded center line of any public or private road or highway, nor twenty-five (25) feet from the property line of any public or private road or highway, whichever distance is greater, except as provided below:
1. On local access roads in residential subdivisions where sidewalks have been installed, the minimum front yard shall be twenty-five (25) feet from the front property line.
 2. Boundary Roads: No building or structure shall be erected nearer than fifty-five (55) feet from the deeded, monumented or anticipated centerline of a boundary half road right-of-way or twenty-five (25) feet from the property line whichever is greater, except as provided in subsection (1) above.
 3. On corner lots with frontage on two public streets, no building or structure shall be erected nearer than 25 feet from the property line adjacent to the narrower of the two frontages, and no building or structure shall be erected nearer than 15 feet from the property line adjacent to the wider of the two frontages
- B. Side Yard: No building or portion thereof shall be erected closer than five (5) feet to any side property line.
- C. Rear Yard: No building or structure used for residential purposes shall be erected within fifteen (15) feet of any rear property line. Detached garages or other detached accessory structures (pertinent to any residence) may be erected within five (5) feet of any side or rear property line if the structure is a minimum distance of ten (10) feet from any other building or structure. Not more than fifty (50%) percent of a required rear yard area shall be covered by buildings or structures.
- D. Cornices, eaves, gutters, sunshades and other similar architectural features may project not more than two (2) feet into a required yard. Chimneys are considered a part of a structure or a building and are not permitted to project into a required yard.

- E. Cul-de-sacs or irregular lots: No building or structure shall be erected where the front building setback line measures less than sixty (60) feet wide, except when located in a manufactured home park or if specifically approved as a part of a planned residential development.
- F. Agricultural buffer: When divisions of property for residential lots, planned developments, multi-family developments or manufactured home parks are created adjacent to an agricultural district, the front, side and rear yard setbacks for any structure used for human habitation shall be increased to a distance of one hundred (100) feet as measured horizontally from the agricultural district boundary. Other buffering methods may be utilized to reduce the setback as approved by the Planning Commission and may include berms, landscaping, fencing or a combination thereof. At no time shall the buffer be reduced to less than sixty (60) feet.
- G. The required front yard may be reduced by the Administrator for a primary residential dwelling and accessory dwellings if the following apply:
 - 1. The front yard may be reduced to 20 feet from the road right-of-way or 50 feet from the deeded centerline of the road, whichever distance is greater, when the front 50 feet of the lot equals or exceeds an average of 1 foot of fall/rise in 7 feet of distance from the front lot line;
 - 2. The front yard may be reduced to 15 feet from the road right-of-way or 45 feet from the deeded road centerline, whichever distance is greater, when the front 50 feet of the lot equals or exceeds an average of 1 foot of fall/rise in 4 feet of distance from the front lot line;
 - 3. The front yard may be reduced to 12 feet from the road right-of-way or 42 feet from the deeded road centerline, whichever distance is greater, when the front 50 feet of the lot equals or exceeds an average of 2 feet of fall/rise in 5 feet of distances from the front property line.
 - 4. The front yard may be reduced if a residential dwelling(s) located on an immediately abutting or adjoining lot(s) has a front yard of less than the required depth for the district. The required front yard in these instances is determined by averaging the front yard(s) with less than the required depth and the front yard requirement of the district. The front yard setback required in the district shall be used in calculating the setback for an abutting or adjoining lot in the following circumstances:
 - a. Where no residential dwelling exists on a lot(s) adjacent to the lot proposed for development;
 - b. Where a residential dwelling exists on a lot(s) adjacent to the lot proposed for development and the existing residential dwelling(s) is (are) located at a depth greater than the front yard requirement of the district.
 - 5. If the front yard requirement is to be reduced under the conditions specified in this subsection, all driveways and entrances to garages and carports entering on to a road with a reduced setback shall be parallel or nearly parallel to the road by providing an area or hammerhead for a turn around in order to avoid the backing of vehicles directly onto the road, and to allow vehicles to be completely outside of a structure before entering the established road right-of-way.
 - a. In all cases the setback or approaches allowed under these exceptions shall be approved by the Administrator in order to ensure safe travel on adjoining roads and streets; and
 - b. The natural grade of the lot shall be maintained as much as possible.

7. Residential performance standards. All residential dwellings shall meet the following provisions as a minimum standard. Manufactured home placement in approved parks is excluded from these provisions.

- A. **Width:** The minimum width of the main body of the home, as assembled on the site, shall not be less than twenty (20) feet, as measured across the narrowest portion, except in the R-I district that distance shall be twenty-four (24) feet.
- B. **Siding Materials:** Siding materials shall be wood, masonite, masonry, stucco, vinyl, or other comparable materials. The exterior siding material shall extend to the top of the foundation or skirting.
- C. **Foundation:** Manufactured homes shall have a foundation or skirting that is similar in appearance to the foundations of site built housing.
- D. **Floor Level:** The first finished floor level of a single story residence shall be fifteen (15) inches or less above the finished grade of the lot. Manufactured homes shall be recessed (pit-set) to achieve this. Residential dwellings located on a sloping lot shall meet the following provisions:
 - 1. Up to fifty (50) percent of the perimeter of the residence may be back filled or bermed with soil; and
 - 2. The fill or berm shall extend outward a minimum of ten (10) feet from the residence into the front yard setback and a minimum of five (5) feet in the side and rear yard area of the residence. The fill or berm shall be sloped away from the residence with a slope of one quarter of one inch to one foot, ten (10) feet out from the residence in the front yard or rear yard and two (2) feet from the side yards. The remaining area shall have a slope of three (3) horizontal feet to one (1) vertical foot. A retaining wall may be constructed to satisfy the 3 to 1 slope requirement provided it meets the minimum requirements of the Uniform Building Code.
- E. **Accessory Attached or Detached Storage/Garage/Carport:** In addition to other applicable provisions of this code, the following minimum provisions shall be met:
 - 1. **Single or Duplex Dwellings:** If an accessory carport, storage or garage building is constructed in conjunction with a residential dwelling, it shall contain a minimum of three hundred (300) square feet of floor area. If an accessory carport is constructed to meet this requirement the carport shall be designed and constructed in a manner that will allow the carport to be converted to a garage or storage building in the future. Carports shall be designed to include an enclosed storage area with a minimum of sixty (60) square feet of floor area and a minimum height of six (6) feet
 - 2. **Multi-family Dwellings:** At least one (1) covered parking stall shall be provided for each multi-family dwelling unit together with a minimum of twenty (20) square feet of storage area. The storage area shall measure at least six (6) feet high and shall be accessible from outside of the dwelling unit. Storage may be provided in conjunction with the required covered parking, combined with the multi-family building complex or other means as approved by the Planning Commission.
- F. When a dwelling is occupied prior to construction of the detached accessory structure, adequate surety shall be posted to ensure completion of the detached accessory structure, pursuant to the Development Permit Procedures and Administration Ordinance.

8. Storage Standards. The following minimum provisions for storage shall be met:

- A. General: All permitted storage shall be considered accessory. Storage of materials shall be located entirely within an enclosed building or shall be screened from view of the surrounding properties with a sight obscuring fence and/or landscaping, except as otherwise required by this ordinance.
 - 1. No storage of materials shall be located within any required front yard.
 - 2. Storage of scrap lumber, metals, glass and other material sold or offered for sale is prohibited within residential classifications.
- B. Recreational Vehicles: Off-street storage or off-street parking areas shall be provided for all recreational vehicles, including without limitation, boats, motor homes, travel trailers, or similar type recreational vehicles.
 - 1. The storage of recreational vehicles shall be prohibited within a required front yard in a residential district or on the public right-of-way.
 - 2. No more than a total of five (5) cars, trucks, boats and recreational vehicles per dwelling may be located outside of an enclosed building on any lot in a R-1 district.
- C. The temporary occupancy of not more than two (2) recreational vehicles per lot is permitted for a time period not exceeding sixty (60) days in any twelve (12) month period provided that the following minimum standards are met:
 - 1. Each unit is parked in an off-road space outside of any required front yard area;
 - 2. No rental or lease fees are charged for temporary use or occupancy; and
 - 3. The recreational vehicle(s) shall be hooked up to city water and sewer, and the occupants shall obtain garbage pick-up service for the duration of any stay that exceeds 14 successive days.
- D. Refuse Storage: All outdoor trash, garbage and refuse storage areas associated with multi-family, commercial, public and/or industrial uses shall be screened on all sides from public view and at a minimum, be enclosed with a five and one-half (5-1/2) foot high wood, concrete or masonry wall, or sight obscuring fence and landscaping on all sides.
 - 1. Refuse storage shall be prohibited within a required front yard and within required rear or side yards when adjacent to a residential district.
 - 2. Refuse storage areas shall be designed in accordance with the overall architectural theme of the associated building or structure. Single family and duplex dwellings shall be exempt from this provision.

9. Preservation of Public and Private Open Space. Where required, all required open space shall be identified as a separate tract or parcel and preserved in perpetuity for that purpose as shown in a development plan. Appropriate land use restrictions shall be contained in all deeds to ensure that the open space is permanently preserved. Deed restrictions shall be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of open space for uses other than that allowed in this Chapter.

- A. On-site/open space recreation. The developer shall choose one or a combination of the following methods of administering on-site recreation.

1. A homeowners association may be formed for the purpose of maintaining the on-site/open space recreation and other open space. The association shall adopt in a form acceptable to the Town Attorney, covenants and restrictions that would ensure preservation and perpetual maintenance.
 2. A public agency which agrees to maintain the on-site recreation area, open space and/or any buildings, structures, or other improvements which have been placed on it; or
 3. A private non-profit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and as approved by the Town. The entity shall have the authority and responsibility for the maintenance and protection of the on-site recreation and all improvements located in the open space.
- B. No on-site recreation may be altered or put to a change in use in a manner inconsistent with this Chapter or the final development plan unless the Hearing Examiner approves an amendment to the final development plan. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the on-site recreation, and all right to enhance these covenants against any use permitted are expressly reserved.
- C. Transfer of ownership. Title to open space/recreation areas shall be transferred concurrent with the recording of the plat or short plat of the development.

10. Resource Disclosure Statement. A note shall be placed on all development permits, including without limitation a final plat, final short plat or final binding site plan and noted in the deed of record for each lot when a subdivision, short subdivision, binding site plan or other development is located within 500 feet of a designated agricultural or mineral resource area. The property owner shall sign an affidavit acknowledging the following statement and shall record it with the county auditor for disclosure in the deed and mortgage records of the subject property. The statement shall essentially read as follows:

“The subject property is located near designated agricultural lands or mineral resource lands on which a variety of activities may occur that are not compatible with residential or other types of development for certain periods of limited duration. Such activities may include but are not limited to noise, dust, smoke, odors and hours of operation resulting from harvesting, planting, fertilizing, pest control and other resource-related activities associated with usual and normal resource management practices which, when performed in accordance with Town, county, state and/or federal law, shall not be subject to legal action as public nuisances.”

11. Access Easement and Driveway Requirements. Individual residential driveway access shall be prohibited on all new lots when created on a road which has been designated as an arterial, unless the Town Engineer approves access by an easement designed and constructed to serve two or more lots. In all districts the following criteria shall apply to all new lots and/or upon the construction of new commercial, industrial or residential buildings served via a private easement.

- A. The width of an easement serving two (2) or more lots, tracts or parcels of land shall not be less than thirty (30) feet. The improved surface width shall not be less than twenty (20) feet.
- B. The travel surface shall be improved with an all weather surface, designed and constructed to withstand the imposed load of fire fighting apparatus.
- C. The length of an easement shall not exceed four hundred fifty (450) feet, excluding turnaround.
- D. Easements greater than one hundred and fifty feet in length shall be improved with an approved turn-around (e.g. hammerhead) for emergency vehicles.

- E. Easements shall not have a grade that is greater than twelve (12%) percent, unless otherwise approved by the Town Engineer,
- F. The radius at any intersection shall not be less than thirty (30) feet.
- G. All easements shall intersect the Town Street at an angle of between 75 and 90 degrees.

12. Public Right-of-way, Ingress and Egress. Ingress and egress to all commercial, industrial, multi-family, and conditional use developments shall have access to a public road with a right-of-way of not less than sixty (60) feet in width (or to the dedicated one-half thereof).

- A. Ingress and egress to a lot, tract or parcel shall be a minimum of one hundred fifty (150) feet from the intersecting roads as measured from the property corner. Access shall be prohibited on all roads designated as a local access road that abut a residential or agricultural district.
- B. Points of ingress and egress to a lot, tract, or parcel shall have a minimum separation from each other of one hundred (100) feet as measured from the edge of the driveway, unless otherwise approved by the Town Engineer. In addition, the applicant shall demonstrate that additional driveways are needed due to the amount of traffic generated by the project, traffic distribution patterns, impacts to the transportation system and public safety.

13. Light and Glare. Parking lot lights, security lights, or any exterior lighting shall be of low-intensity and designed to project toward the property, or shall be shielded to keep light from directly projecting over property lines. Single family residential dwellings are exempt from this provision.

14. Stormwater Drainage. All stormwater runoff shall be retained and disposed of on-site or disposed of in a system designed for such runoff and which does not flood or damage other properties, and it shall meet the following standards and provisions:

- A. Stormwater systems shall be designed by an engineer using the Type 2 SCS model for a storm event equal to or exceeding two (2) inches of rainfall in a ninety (90) minute time period. (This standard is based on the information contained in the Douglas County Comprehensive Stormwater Management Plan.) Stormwater retention, collection and disposal systems shall be reviewed and approved by the Town Engineer.
- B. Conceptual storm drainage plans and supporting documentation prepared in accordance with subsection A. shall accompany an application for a development permit. Final plans and supporting documentation, including a maintenance plan, shall be submitted for approval by the Town Engineer as a component of final plans prepared subsequent to preliminary development approval. Final plans shall include documents for approval by the Town Engineer and Town Attorney, and recording with the County Auditor, that specify the funding mechanism that will be instituted by the developer to assure financial resources are available for system maintenance and repair.
- C. All stormwater plans shall be implemented and systems constructed prior to final development approval. Performance assurance in lieu of actual construction may be provided. The engineer of record for the developer/applicant shall submit verification to the Town that the stormwater systems were constructed in accordance with the approved plans.
- D. All costs incurred by the Town Attorney and the Town Engineer for the review of plans and verifications, and conducting inspections shall be reimbursed by the developer.
- E. Ownership, maintenance and repair of stormwater management systems are not the responsibility of the Town. Systems shall be maintained in accordance with the approved plan. Stormwater systems shall be maintained in a husband-like manner and shall remain free of structures,

impediments, debris, junk, fill, weeds and other materials that may reduce system efficiency. Any alterations to systems shall be designed by an engineer and approved by the Town in accordance with the provisions of this section.

15. Accessory Dwellings. Where permitted, accessory dwellings shall comply with the following minimum provisions:

- A. Accessory dwellings shall be limited to a maximum of eight hundred and fifty (850) square feet in floor area and must connect, whenever feasible, to the utilities (water, power, sewer) of the primary single family dwelling.
- B. All other applicable provisions of the zoning district and general regulations shall apply to the accessory dwelling, including without limitation minimum floor area, setbacks, lot coverage, etc.
- C. Manufactured or mobile homes will not be allowed as accessory dwelling units.
- D. There shall not be more than one accessory dwelling located on a lot in addition to the primary single family residence, and for the purposes of calculating residential density, shall not count as a dwelling unit.

CHAPTER 13 OFF-STREET PARKING REQUIREMENTS

- SECTIONS:
1. Purpose
 2. Applicability
 3. Required Off-Street Parking
 4. Required Off-Street Loading
 5. Off Site Parking Facilities
 6. Performance Standards
 7. Development Standards
 8. Special Considerations

1. Purpose. It is the purpose of this Chapter to provide adequate numbers of off-street parking spaces, vehicular ingress, egress and loading facilities in order to reduce on-street parking, increase traffic safety, maintain smooth traffic flow and reduce the visual impact of parking lots.

2. Applicability. Off street parking and loading facilities shall be available prior to occupancy of a site, commencement of commercial/industrial activities, changes in use or major alteration/enlargement of the site, use or structure. All required parking spaces shall be permanently available and maintained for parking purposes only.

For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use or an addition that would increase the number of parking spaces or loading berths required by this Chapter by more than (10%) percent of the total number required prior to the alteration or enlargement.

3. Required Off-Street Parking.

A. The total number of off-street parking spaces required shall be calculated based on the total floor area of the proposed use (unless otherwise specified). The total floor area is defined as the gross floor area minus the following spaces:

1. Elevator shafts and stairways
2. Public restrooms
3. Public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior, and/or for aesthetic enhancement or natural lighting purposes
4. Permanently designated corridors.

B. The following categories shall be used in defining various types of land uses and activities:

1. Residential: single family, duplex and multi-family dwelling units.
2. Community Services: Churches, funeral homes, convalescent/nursing homes, clubs, lodges, grange halls, museums, art museums, municipal buildings etc.
3. General Retail: Grocery store, pharmacies, hardware, liquor, furniture, department, clothing stores, etc.

4. General Service: Mini-marts, gas/service stations, beauty salons, espresso stands, eating and drinking establishments, etc.
5. Transient Services: Hotels, motels, bed and breakfasts, boarding houses, etc.
6. Professional Office: Law, doctor, real estate, accounting, insurance offices, financial institutions, etc.
7. Industrial Facilities: Wholesale trade, warehousing, processing and manufacturing plants, auto recycling and heavy equipment repair shops, etc.

C. The required number of parking spaces for each land use/activity category shall be as follows:

Residential-	2 spaces/ unit
Community Services-	1 space/200 square feet
Retail Commercial-	1 space/300 square feet
Service Commercial-	1 space/100 square feet
Transient Services-	1 space/room
Professional Office-	1 space/200 square feet
Industrial Facilities-	1 space/500 square feet of retail area & 1 space/1000 square feet of gross floor area

1. Off-street parking requirements for uses not specifically defined above shall be determined by the Administrator based upon the requirement for similar uses.
2. In calculating the required number of parking spaces for facilities containing more than one use, the ratio for each use shall be applied to the total square footage for each use and then added together for the required number of parking spaces.

4. Off-Street Loading. Off-street loading shall be provided for all commercial/industrial establishments which are engaged in retailing or wholesaling of merchandise requiring frequent loading or unloading from trucks or other large vehicles.

- A. Loading space size: The required space shall be of adequate size to accommodate the maximum size of vehicles loading or unloading at the site.
- B. Loading space location: The required loading and related maneuvering space shall be located on the property served and in no case shall be allowed on public right-of-way.

5. Off Site Parking Facilities. If the required off-street parking is proposed off-site, the applicant shall provide a written contract with affected landowners stating that required off-street parking will be provided in a manner consistent with the provisions of this Chapter. All contracts shall be approved by the Town and then recorded with the Douglas County Auditor as a deed restriction encumbering the title(s) of all properties involved.

6. Performance Standards. Parking areas associated with single-family dwellings shall be exempt from the provisions of this Chapter, except as provided in Section 3 above.

- A. Lighting: Lighting shall illuminate any off-street parking or loading spaces used at night. When provided, lighting shall be directed toward the property only.
- B. Barrier Free Parking: Accessible parking shall be provided, in accordance with the Washington State Barrier Free Code.

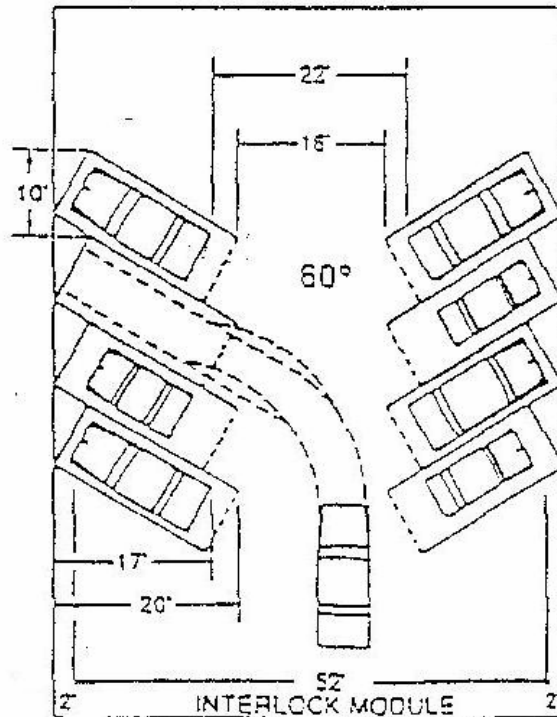
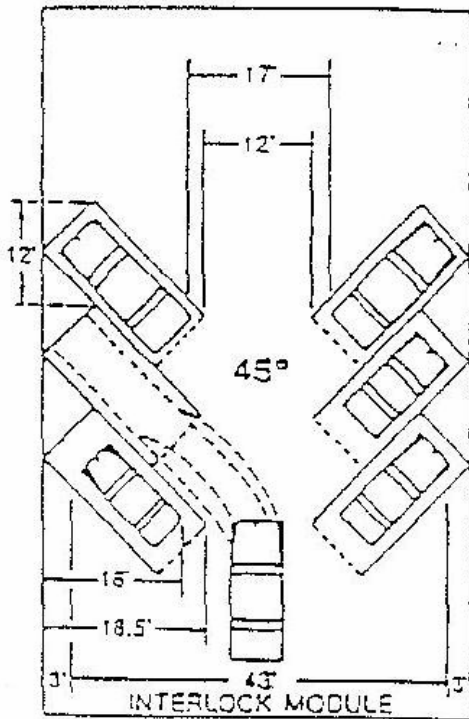
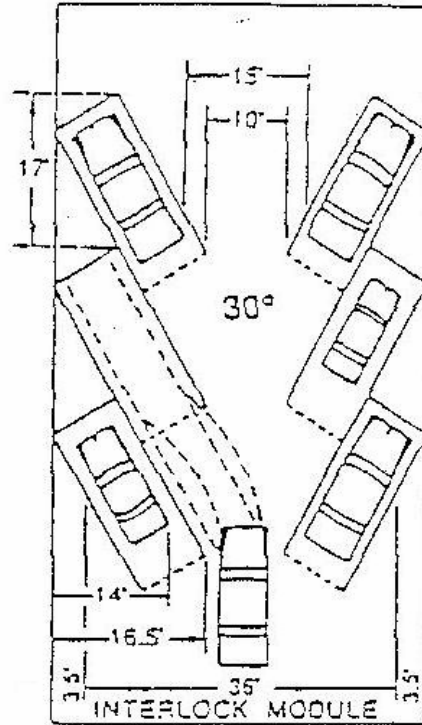
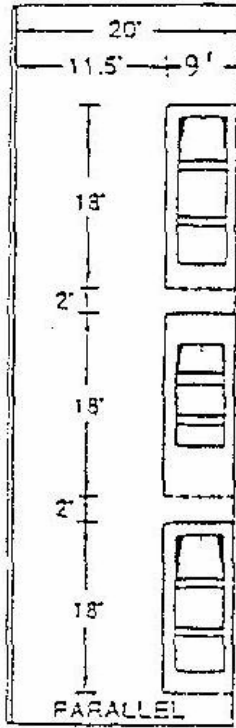
- C. Maintenance: The owner of a required parking area shall maintain the paved surface and any required landscaping, irrigation and drainage facilities in a manner complying with this Chapter and the approved site plan.

7. Development Standards. All off-street parking areas shall be constructed in the following manner:

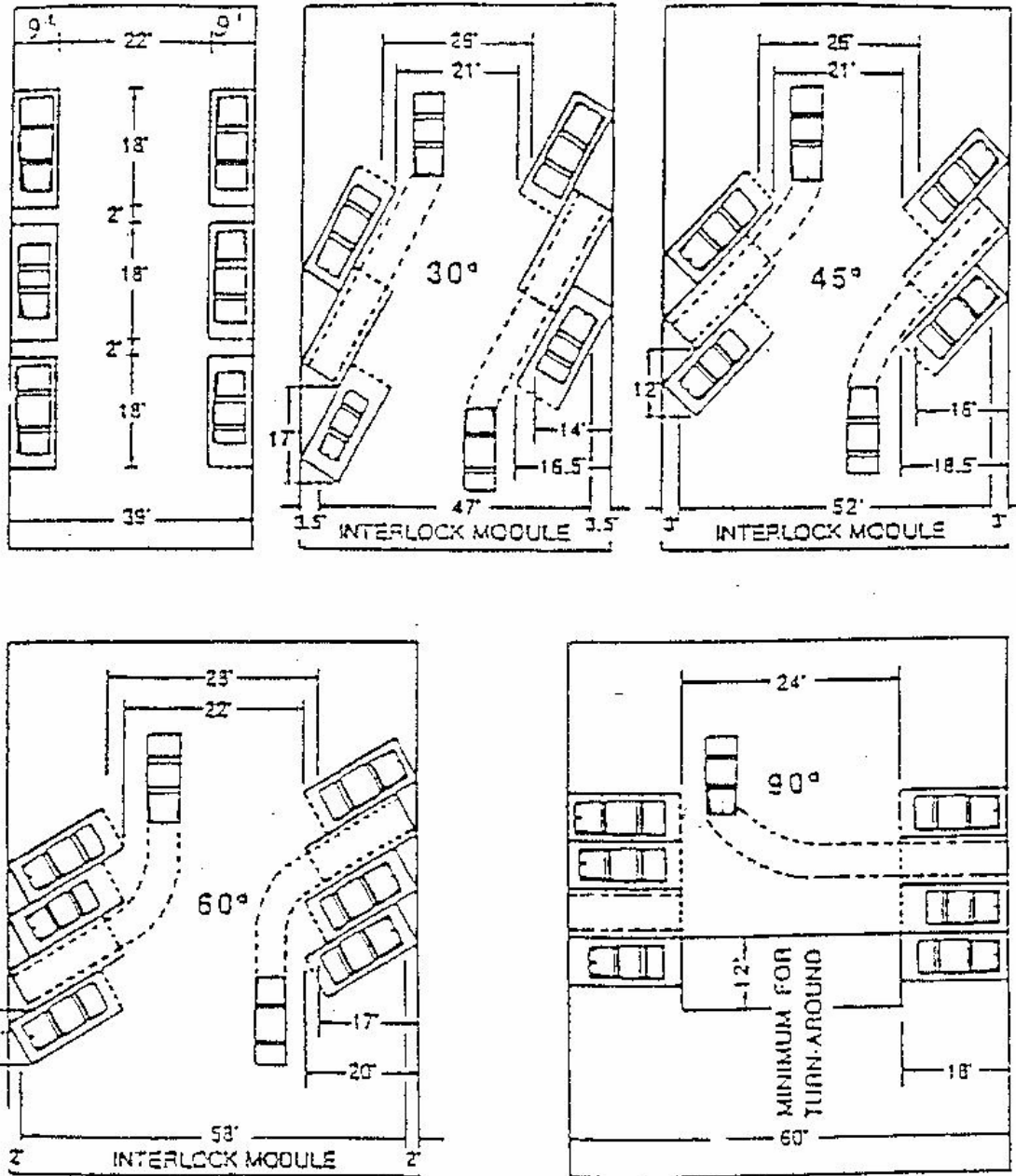
- A. Surfacing: Off-street parking areas shall be surfaced with asphalt, concrete, or similar pavement.
- B. Parking Space Dimension: Nine (9) feet in width by eighteen (18) feet in length.
- C. The minimum area requirement for each parking space, together with access and maneuvering areas shall not be less than four hundred (400) square feet per parking space or stall (see figures 1 & 2).
- D. Stormwater Drainage: All stormwater shall be accommodated pursuant to Section 14 of Chapter 12 of this ordinance.
- E. Border/barricades: Each parking space adjacent to buildings, walls, landscaped areas, street rights-of-way and/or sidewalks shall be provided with a concrete curb or bumper at least six (6) inches in height at or within two (2) feet of the front of such space.
- F. All parking spaces shall be marked by durable painted lines at least four (4) inches wide and extending the length of the stall or by curbs or other means approved by the reviewing official to indicate individual parking stalls. Directional arrows shall be clearly drawn on paved surfaces in order to provide a safe pattern of traffic movement.
- G. Entrances and Exits: All points of ingress and egress to parking areas shall have a minimum separation of one hundred (100) feet and are subject to approval by the Town Engineer.
- H. In all commercial, industrial and multifamily developments, parking areas shall be arranged to avoid any vehicles from backing onto any street or public right-of-way.

8. Reduction of Off-Street Parking Requirements. Any development that dedicates additional right-of-way for transit facilities, or provides transit facilities on site, may reduce the off-street parking requirements by fifteen (15) percent. Local transit improvements may include, but are not limited to, shelters, benches, bus turnouts and similar improvements that directly benefit the users of the development. All improvements, including any dedication of right-of-way, shall be approved by the local transit authority prior to receiving a reduction in parking requirements

**FIGURE I - Off-street Parking
Minimum Standards - One-Way Parking**



**FIGURE 2 - Off-street Parking
Minimum Standards - Two-Way Parking**



CHAPTER 14 CONDITIONAL USE PERMITS

- Sections:
1. Purpose
 2. Authorization
 3. Evaluation Criteria
 4. Governing Standards
 5. Alterations to Existing Uses
 6. Revisions to Permits
 7. Compliance
 8. Instructional Child Care/Preschool
 9. Churches, Schools, Hospitals Government Buildings
 10. Utilities, Communication and Transmission Facilities
 11. Recreational Vehicle Park or Campgrounds
 12. Essential Public Facilities
 13. Bed and Breakfast Facilities
 14. Home Occupations
 15. Manufactured Home Park

1. Purpose. Conditional uses are those uses and activities that may be appropriate, desirable, convenient or necessary in the district within which they are allowed, however, due to inherent characteristics of the use, may be injurious to the public health, safety, welfare or interest unless appropriate conditions are established. This Chapter describes the criteria for review, authority for action on and minimum conditions applied to certain uses. The requirements of this Chapter and the authorization to conduct a conditional use do not supersede, and in fact rely upon, other requirements and standards of this ordinance and other codes.

2. Authorization. The Hearing Examiner is authorized to approve, approve with conditions or deny permits for conditional uses as specified in this Chapter. Uses designated in this ordinance as conditional shall be permitted, enlarged or altered only upon approval of the Hearing Examiner in accordance with the standards and procedures specified in this ordinance and other applicable provisions of Town codes.

- A. The Town shall not accept an application for a conditional use permit which was the subject of a prior application that was denied during the previous twelve (12) months unless there has been substantial modification or reduction in the intensity of the proposal as determined by the Administrator.
- B. A conditional use permit review is categorized as “Quasi-Judicial Review” under the provisions of the Development Permit Procedures and Administration Ordinance.

3. Evaluation Criteria. The following minimum criteria shall be used to evaluate conditional uses:

- A. The proposed use will be harmonious and in accordance with the general and specific objectives of the comprehensive plan and all sub-area plans.
- B. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity of the area.

- C. The traffic generated by the proposed use shall be mitigated so as not to burden the traffic circulation system in the vicinity.
- D. The proposed use will be served adequately by facilities and services such as highways, streets, roads, law enforcement, fire protection, drainage, refuse disposal, domestic water and sanitary sewers, and schools; or that persons or agencies responsible for the establishment of the proposed use shall provide adequate services.
- E. The proposed use will not create excessive additional requirements at public cost for public facilities and services.
- F. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reasons of excessive production of traffic, noise, smoke, fumes, vibration, glare, or odors.
- G. Proposed ingress and egress, driveway widths, parking, and street improvements shall be approved pursuant to applicable Town codes and to the satisfaction of the Town Engineer.
- H. Adequate buffering devices such as fencing, landscaping, or topographic characteristics shall be in place in order to mitigate, and protect adjacent properties from potential adverse impacts of the proposed use, including visual or auditory effects.
- I. Conditional use permits shall comply with all Town codes and all other applicable local, state, or federal regulations.

4. Governing Standards. A conditional use shall ordinarily comply with the standards of the district within which the use is located and with the other applicable provisions of Town codes, except as modified by the approval of the conditional use permit and the standards of this Chapter or as otherwise specified in Town codes. The Hearing Examiner may, in addition to the standards and regulations specified in Town codes, establish other conditions found necessary to protect the health, welfare, safety and interest of surrounding properties, the neighborhood and the Town as a whole. These conditions may address the following:

- A. Increasing the required lot size or yard dimensions;
- B. Limiting the coverage or height of buildings;
- C. Mitigating traffic impacts through on-site and off-site improvements;
- D. Increasing the number of off-street parking and loading requirements;
- E. Limiting the number, location, design and size of signs and illumination devices;
- F. Increasing required landscaping components to reduce noise and visual impacts including glare;
- G. Specifying time limits for construction and operation;
- H. Requiring performance assurance, bonding or other financial guarantees;
- I. Specifying time frames for compliance review; and
- J. Other conditions deemed appropriate to address the requirements and intent of this Chapter, Town codes and the comprehensive plan.

5. Alterations to Existing Uses. A change in use, expansion or contraction of site area, or alteration of structures or uses which are classified as conditional and existed prior to the effective date of this ordinance shall conform to the provisions of this Chapter.

6. Revisions to Permits. Minor revisions to an approved conditional use may be approved by the Administrator when the revisions may affect the precise placement or dimensions of buildings but do not change approved uses, affect the basic building character or arrangement, increase the site area, increase the total floor area or required off-street parking spaces by more than five (5) percent, increase the density or intensity of residential or recreational uses or alter specific conditions of approval. Requests for minor revisions shall be considered through the process for full administrative review pursuant to the Development Permit Procedures and Administration Ordinance. Requests for revisions

determined by the Administrator not to be minor in nature shall be processed for quasi-judicial review pursuant to the Development Permit Procedures and Administration Ordinance and this Chapter.

7. Compliance. The property owner/operator of any conditional use shall maintain compliance with the standards of this ordinance and of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of Town codes not expressly modified by the permit shall be processed as a violation pursuant to Chapter 17.

8. Instructional Child Care/Preschool. The following minimum conditions shall apply:

- A. A landscape screen or fence shall be provided which is sufficient to visually separate the child care use from adjacent residences and to ensure child safety as prescribed by the Administrator;
- B. The gross floor area of the room(s) used shall provide at least thirty-five square feet per child;
- C. Any likely inconvenience or nuisance generated by the facility such as, noise, dust, lighting or traffic congestion shall be considered and adequate measures taken to protect nearby uses.
- D. Any outside play area must be completely enclosed with a fence at least forty-two (42) inches high. Fencing shall comply with the minimum provisions set forth in Chapter 12; and
- E. An appropriate off-street patron loading area shall be designated and located on the same lot as the facility. Loading areas shall be designed and located so that vehicles using these spaces do not project into any public right of way or necessitate vehicular maneuvering on a road.

9. Churches, Schools, Hospitals and Government Buildings. The following minimum conditions shall apply:

- A. The property shall have a minimum lot size of one (1) acre and be located within one thousand (1,000) feet of a designated collector or arterial street.
- B. Ingress and egress to the facility shall be subject to Chapter 12 and approved by the Town Engineer.
- C. Minimum lot frontage shall be one hundred (100) feet;
- D. Adequate buffering devices such as berms, landscaping, or topographic characteristics shall be used in order to mitigate and protect adjacent properties from adverse affects of the proposed use, including adverse visual or auditory effects.
- E. One monument sign not larger than fifty (50) square feet in area and ten (10) feet in height and one flush mounted wall sign with an area not greater than twelve (12) square feet are permitted. In lieu of a monument sign, a flush mounted wall sign with an area not greater than sixty-two (62) square feet may be substituted.
- F. Off-street parking and loading shall be in accordance with Chapter 13.

10. Utilities, Communication and Transmission Facilities. The following minimum conditions shall apply:

- A. Facilities shall be designed and constructed in accordance with all applicable provisions of Town ordinances and codes;
- B. Outside storage of material is prohibited in residential and planned area districts. The facility and site shall be designed to be compatible with the surrounding neighborhood. The Hearing Examiner

may authorize outdoor storage in other districts. Outdoor storage must be obscured from view with fencing and perimeter landscaping;

- C. Facilities shall be landscaped with a combination of trees, shrubs and living ground cover. A minimum of eighteen (18) percent of the site shall be landscaped;
- D. If the use is of an outdoor nature, such as a neighborhood electric substation, it shall be screened and landscaped with a combination of fencing, trees, shrubs and ground cover;
- E. The site shall be maintained in a clean and orderly manner free of weeds; and
- F. The Planning Commission on finding that the waiver will not result in adverse impact from noise, light, glare, drainage or other detrimental effects to adjacent property may waive the minimum lot size of the district. This waiver shall not be construed as an exemption from the requirements of Chapter 58.17 RCW.

II. Recreational Vehicle Park or Campgrounds. The following minimum conditions shall apply to all recreational vehicle (RV) parks and campgrounds:

A. Location:

- 1. Any parcel of property being considered for an RV park or a campground shall have at least 125 feet of direct frontage on a public road.
- 2. RV parks and campgrounds shall not be permitted in any area found unsuitable for such development due to poor drainage, physical topography, soil characteristics, rock formations, or other features that may be harmful to the public health, safety, or general welfare.

B. Site Requirements:

1. Size of RV spaces:

- a. The minimum area of an RV/camp space shall be one thousand two hundred fifty square feet.
- b. The maximum number of RV/camp spaces shall be fifteen (15) per acre of project site area.
- c. The minimum width of an RV/camp space shall be twenty-five feet.

2. Yard requirements and spacing:

- a. All RV units/camp sites and park/campground buildings shall observe the applicable zoning district requirements pertaining to setbacks from public roads.
- b. There shall be a minimum distance of five feet between an individual RV unit/camp space and an adjoining interior park street.
- c. There shall be a minimum distance of five feet between an RV unit/camp space and the interior line of a perimeter buffer.
- d. There shall be a minimum distance of ten feet between RV units and between an RV unit/camp space and unattached structures.
- e. An RV unit may be located on a side space line provided that a minimum separation of ten feet is maintained between units.

C. Street system: All RV park/campground streets and access roads shall be designed and constructed to the specifications of the Town Engineer. The street system within an RV park/campground shall be privately owned, constructed, and maintained. General standards are as follows:

1. Access junctions with public streets shall be as approved by the appropriate public agency. Ingress and egress shall be designed to prohibit traffic discharging into a residential district on any public street not classified as an arterial.
2. Interior streets shall have the following minimum paved widths:

<u>No On-street Parking</u>	<u>On-street Parking One Side Only</u>
One-way Streets: 12 feet	One-way Streets: 20 feet
Two-way Streets: 22 feet	Two-way Streets: 30 feet

3. Street termini shall be provided with a loop to permit relative ease of turning.
4. Additional ingress/egress routes for emergency access to a public street shall be required for parks designed for one hundred or more RV/camp spaces.

D. Off-street Automobile Parking Facilities:

1. Off-street parking shall be provided at the rate of one space for each RV/camp site. The Hearing Examiner may require additional off-street parking space as deemed appropriate to accommodate the parking needs of an RV park or campground.
2. There shall be at least four off-street parking spaces provided for the RV park or campground office, together with one additional parking space for each twenty-five RV/camp spaces.

E. Utilities:

1. Sanitary sewer and grey water systems shall be connected to the Town's sanitary sewer system.
2. All utilities such as domestic water, irrigation water, fire protection, storm drainage systems, etc. shall be installed in accordance with established guidelines. All power and communication lines shall be placed underground.

F. Sewage Disposal Requirements:

1. Provisions for the disposal of grey water shall be made at fifty-foot radii from those sites not connected to the park/campground sewer system.
2. Utility buildings providing flush toilets and showers for each sex shall be provided at convenient intervals throughout the park. Utility buildings shall be located within three hundred feet of those spaces that are not provided with individual sewer connections. The Hearing Examiner upon recommendation by the health district shall determine the number of toilets and showers.
3. Sanitary Dump Stations. A conveniently located dump station for the disposal of self-contained sewage shall be provided in RV parks with twenty-five or more spaces. Additional dump stations may be required in parks having one hundred or more RV spaces. All dump stations shall be designed and developed to the standards of the Chelan-Douglas Health District and the Department of Health

G. Fire Protection Standards:

1. All RV park or campground proposals shall be reviewed by the fire chief to insure adequate ingress and egress and internal circulation for emergency vehicles.
2. The fire chief shall review all RV park or campground proposals to determine what fire protection measures are necessary for the park/campground. The provisions of the Uniform Fire Code shall apply for purposes of satisfying the required fire flows.

H. Solid Waste:

1. The storage, collection and disposal of solid waste in an RV park or campground shall be accomplished so as to prevent fire and health hazards, rodent, insect breeding, accidents, and odor. Upon the recommendation of the health district, the operator of an RV park/campground may be required to enter into a contract for regular collection with an approved solid waste disposal firm.
2. Approved solid waste containers shall be located not more than one hundred fifty feet from any RV/camp site.
3. Collection areas shall be screened with a view obscuring fence and properly identified.

I. Perimeter Buffer Yards, Landscaping and Fencing:

1. The external boundaries of an RV park/campground shall be developed with at least a twenty (20) foot width buffer consisting of a mix of evergreen and deciduous trees, shrubs and groundcover, all supported by a permanently installed irrigation system. The buffer shall include a berm at least five (5) in height above the grade of adjoining lands and constructed with slopes no greater than two horizontal units to one unit vertical.
2. The Hearing Examiner may require perimeter fencing to further mitigate visual and land use impacts including the potential for trespass, and the protection of adjoining properties.

J. Open Space and Recreation Areas. A minimum of twenty percent (20%) of the project site shall be devoted to open space and recreation. Required buffer yards, parking areas, and RV/camp spaces shall not constitute open space or recreational areas. Usable recreation area shall be provided at a rate of not less than five hundred square feet for each RV/camp site in the park or ten percent (10%) of the total area of the park, whichever is greater. Each one square foot of intensively developed recreational area (swimming pool, recreation/game rooms, and game courts such as tennis, badminton, etc.) shall be calculated as 1.25 square feet toward each square foot of usable recreation area required.

K. Lighting:

1. All lighting shall be designed so as to eliminate light and glare spillover onto adjoining properties.
2. Community structures shall be adequately lit at night.
3. Adequate lighting shall be provided at the park entrance.

L. Signs. One monument sign not exceeding fifty (50) square feet in area and ten (10) feet in height shall be permitted along the public road frontage to the park/campground. Signs shall be externally illuminated.

M. Required Plan. All applications for an RV park/campground shall be made on forms provided by the Town and shall, at a minimum, include scaled drawings and descriptions disclosing the following information: location of existing and proposed buildings, RV/camp spaces, domestic and irrigation water distribution, sewage collection system, electrical and communication lines, solid waste collection areas, fire hydrants, public and private roads, ingress-egress routes, storm water drainage system, location of lighting and signs, perimeter buffer and site boundaries and recreation areas and open space. Contour information shall be provided at two-foot intervals for slopes of zero percent to ten percent and five-foot intervals for slopes greater than ten percent.

12. Essential Public Facilities. Essential Public Facilities (EPF) shall comply with the following review criteria and requirements:

- A. EPF siting shall conform with the comprehensive plan;
- B. Facility siting and design shall be based on supporting the needs of the 20 year projected population as demonstrated by the applicant;
- C. Facility siting and design shall be in accord with local, state and federal siting standards;
- D. A fiscal analysis of the long-term and short-term public costs shall be submitted by an EPF applicant and shall include a strategy to mitigate identified disproportionate financial burdens on the Town or the County that may result from facility siting;
- E. The facility shall be designed with surrounding land use, existing zoning classification, and the present and projected population density of surrounding areas;
- F. An analysis of the likelihood of associated development being induced or precluded by the siting of an essential public facility shall be submitted by an EPF applicant and shall include an analysis of the urban nature of the facility, the existing urban growth near the facility site, the compatibility of the facility to continued urban growth and the location of the facility in relation to any near-by urban growth areas;
- G. Essential public facilities shall not be located on designated resource lands or critical areas, open spaces and historic, archaeological and/or cultural sites unless it can be demonstrated that facility design and operation will not be incompatible to these designated areas;
- H. Facility, design and operation for specific facilities shall include mitigation measures necessary to alleviate identified adverse environmental impacts;
- I. EPF shall not adversely impact existing public facilities and services;
- J. Public hearings for permits required by Town, federal or state laws may be combined with any public hearings required by the Town; and
- K. Effective and timely notice and an opportunity to comment on a proposed EPF shall be provided to citizens, affected agencies, and Douglas County.

13. Bed and Breakfast Facilities. The following minimum conditions shall apply:

- A. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes;
- B. The bed and breakfast facility shall be the principal residence of the operator;
- C. One sign non-illuminated or lighted with external direct lighting not to exceed sixteen (16) square feet in area shall be permitted;
- D. Driveways accessing a bed and breakfast shall be approved by the fire chief and shall have a minimum easement width of thirty (30) feet with an improved all-weather surface of twenty (20) feet and be constructed at an acceptable grade;
- E. One off-street parking space shall be provided for each room available for patrons in addition to the off-street parking spaces required for the underlying district. Patron parking shall not be located within any required front or side yard or setback area;
- F. Outdoor activity shall be limited to the hours of 9:00 AM to 10 PM, unless otherwise approved by the Hearing Examiner.

14. Home Occupations. The following minimum conditions shall apply:

- A. The use of the property for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

- B. Home Occupations shall occupy not more than twenty-five (25) percent of the total floor area of the primary residence, or one accessory building to a maximum of five hundred (500) square feet of floor area.
- C. Any occupation, which may produce waste products of a quality or quantity not normally associated with residential use, shall not qualify as a home occupation. Vehicle and equipment repair and maintenance are prohibited.
- D. No exterior structural alterations shall be made to the building that changes its character from a residential dwelling or other structures normally associated within the zoning district.
- E. Not more than one (1) person outside of the resident family may be employed.
- F. No merchandise, stock, equipment, or materials shall be sold, displayed, stored, altered or repaired in any exterior portion of the premises which is associated with the home occupation and/or building.
- G. The home occupation shall not generate materially greater traffic volumes than would normally be expected in the residential neighborhood.
- H. The home occupation shall be conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, and lighting; or the emission of noise, vibration, dust, glare, heat, smoke, or odors.
- I. Off-street parking spaces shall be required by the Hearing Examiner for the occupation in addition to the spaces required for the primary use.
- J. Any sign indicating such proposed use shall not be more than four (4) square feet in area (576 square inches). The sign shall be attached flush against the wall of the dwelling.

15. Manufactured Home Park. The following minimum conditions shall apply:

- A. Density and Stall Standards.
 - 1. Site Size: Not be less than two (2) acres in size.
 - 2. Density: Eight (8) units per acre maximum.
 - 3. Stall Size: The minimum stall size shall be not less than four thousand (4,000) square feet in area, and shall be of a size and shape that will provide reasonable area of private use, convenient placement of an occupied manufactured home and the following standards.
 - 4. Each stall shall be identified with an individual site number in logical numerical sequence, and shown on the official approved site plan for the manufactured home park.
 - 5. Stall Dimension:
 - a. Minimum stall width: Forty (40) feet.
 - b. Minimum lot depth/length: Eighty (80) feet.
 - 6. Stall Coverage: Not more than fifty (50) percent of the area of any stall shall be covered by buildings or structures including the home, and carports, awnings, decks, ramadas and other accessory structures.
 - 7. Manufactured home size and width: Manufactured home size and width shall be the same as required in the underlying zoning district. Occupied recreational vehicles (RV) shall be prohibited.
- B. Yard and Setbacks. The minimum required yards and setbacks for manufactured homes and accessory structures, including awnings and ramadas shall be:
 - 1. Exterior Site Perimeter Boundary: A minimum of twenty (20) feet from the exterior site perimeter boundary.

2. Front Yard: A minimum of twenty-five (25) feet from any public or private road right-of-way located on the exterior boundaries of the site. The minimum required front yard setback from an interior access road shall not be less than twenty (20) feet.
3. Side Yard: A minimum of five (5) feet from a side stall, except as set forth in subsection B.1) above.
4. Rear Yard: A minimum of fifteen (15) feet from a rear stall line, except as established in subsection B.1) above
5. Manufactured home spacing: No manufactured home including decks, awnings or ramadas shall be located within ten (10) feet of another manufactured home.

C. Road and Driveway Standards. A manufactured home park shall have direct access from a public road and shall meet the following standards:

1. Interior Roadway Design. The interior access road serving the manufactured home park shall have a minimum right-of-way width of not less than forty (40) feet of which thirty-two (32) feet shall be improved with an asphalt surface, curbs and gutters. One side of the street shall be designated for guest parking, unless off-access street guest parking is provided. If all on-street parking is prohibited, the improved street width may be reduced to twenty-eight (28) feet. The road system within the manufactured home park shall be privately owned, constructed and maintained.
2. Individual Access Driveways. All driveways shall be improved with an asphalt or concrete surface and measure a minimum of twenty (20) feet wide.

D. Off-Street Parking.

1. Resident parking. A minimum of two off-street parking spaces shall be provided within each stall. RV storage areas shall be provided and designated on the approved site plan unless the storage of such vehicles is prohibited by the park owner/operator.
2. Guest and service parking. Guest and service area parking shall be provided within the boundaries of the park in the amount of one space for each four (4) manufactured home stalls. Such parking areas shall be located along the side of the access road or located within satellite parking areas.
3. Satellite Parking Areas. Satellite parking areas may be provided within a manufactured home park for required parking spaces enumerated within this section provided they are approved by the Hearing Examiner in accordance with Chapter 13 and the following requirements:
 - a. Satellite parking areas shall be improved with an asphalt or concrete surface and each space shall be striped, signed and reserved for the intended use;
 - b. The number of parking spaces provided shall not exceed eight (8) parking stalls per satellite parking area;
 - c. Required off-street parking shall meet the minimum dimensional requirements set forth in Chapter 13;
 - d. Satellite parking areas shall be distributed throughout the manufactured home park and shall be located a minimum of five hundred (500) feet apart when located along the same interior road;
 - e. Satellite parking areas shall be landscaped; and
 - f. Satellite parking areas shall not interfere with, or impede traffic on designated road rights-of-way and the Town Engineer shall approve access and design and construction of such facilities.

- E. Pedestrian/Bicycle Access. A pedestrian circulation system shall be provided in accordance with Chapter 12.
- F. Required Open space/amenities. A minimum of eight thousand (8,000) square feet or ten (10) percent of the manufactured home park, whichever is greater, shall be developed and reserved for common open space. Required buffer yards, parking areas, service buildings, park maintenance and laundry facilities, and manufactured home stalls shall not constitute open space or recreation area. Each one square foot of intensively developed recreational area (swimming pool, recreation/game rooms, and game courts shall be calculated as 1.25 square feet toward each square foot of usable recreation area required. Required open space shall meet the provisions of this Chapter and shall be preserved in perpetuity.
- G. Open Space/Amenities Design Requirement. Open space shall be designed subject to the following criteria:
 - 1. The location, shape, size and character of the open space shall be configured appropriate to the scale and character of the planned density, expected population, and topography of the area;
 - 2. Common open space shall be concentrated and centrally located in large usable areas within the development and designed for active and passive recreation, unless otherwise allowed herein;
 - 3. A minimum of sixty (60) percent of the total required open space may be located in a central/concentrated area provided the total required open space is greater than one half (1/2) acre in size. The remaining forty (40) percent may be located throughout the site as streetscape, clubhouses, recreational facilities, and/or used for a natural trail system or other uses approved by the Hearing Examiner;
 - 4. Required open space shall be improved into a park like setting with a vegetative cover/lawn grass, unless otherwise approved by the Hearing Examiner;
 - 5. Common open space may contain such complimentary recreational structures and/or improvements as are necessary and appropriate for the benefit and enjoyment of residents of the manufactured home park, provided that the building coverage of such buildings or structures shall not exceed thirty-five (35) percent of the minimum required open space if under one half (1/2) acre in size and fifty (50) percent of the minimum required open space if greater than one half (1/2) acre in size; and
 - 6. Required open space shall not exceed a five (5) percent grade. The common open space shall be located on a public/private road or street and have a minimum frontage of forty (40) feet in width if less than two acres in size. Sites two (2) acres and larger shall have a minimum frontage width of sixty (60) feet.
- H. Landscaping/Fencing. All required landscaping shall be a minimum of ten (10) feet wide for side and rear boundaries and twenty (20) feet for the front boundary or perimeter road rights-of-way.
 - 1. Perimeter Side and Rear Boundary: An ornamental wall or fence measuring a minimum of five (5) feet in height shall be placed along the side and rear property lines. Type I Landscaping shall be required. Fences shall comply with the minimum provisions in Chapter 12;
 - 2. Perimeter Front Boundary or perimeter road right-of-way. An ornamental wall or fence measuring a minimum of four (4) feet in height and a combination of trees, shrubs and groundcover shall be planted between the wall and the public/private road right-of-way. Fences shall comply with the minimum provisions in Chapter 12; and
 - 3. Accessory service buildings or structures constructed for the use and enjoyment of the manufactured home park residents shall be landscaped.
 - 4. The Hearing Examiner may specify modifications to the above minimum standards to mitigate impacts to neighboring properties.

- I. Utilities. All manufactured home parks shall have adequate utilities and meet the following:
 1. Underground installation: Utilities shall be installed underground.
 2. Water supply: A supply of safe and potable water meeting the approval of the Chelan-Douglas Health District shall be provided to each stall, and to community buildings as appropriate.
 3. Sewage disposal: All sewage and wastewater shall be connected to an approved public or community sewage system.
 4. Stormwater Drainage System: A detailed on-site drainage system disposal plan for the entire project shall be designed and implemented accordance with Chapter 12.
 5. Fire Protection: Fire protection measures shall be provided as required by the Uniform Fire Code, Town codes and the fire marshal.
- J. Sale and/or transfer of stalls or lots. It shall be unlawful to offer for sale, sell or transfer ownership of any portion of a manufactured home park or individual manufactured home lots, stalls or other properties located within the boundaries of an approved manufactured home park.
- K. Permits and Enforcement.
 1. It is unlawful for any person to construct a new manufactured home park or enlarge an existing manufactured home park in the incorporated areas of the Town without an approved conditional use permit meeting the requirements of this Chapter and other applicable provisions of Town codes. Redevelopment of an existing manufactured home park involving fifty (50) percent or more of the stalls and/or park area shall comply with these provisions.
 2. It shall be the responsibility of the park owner/operator to assure that valid placement and building permits are obtained for the placement of manufactured homes and other associated buildings and accessory structures within the park.

CHAPTER 15 NONCONFORMING USES AND STRUCTURES

- Sections:
1. Purpose.
 2. Establishment.
 3. Nonconforming applicability.
 4. Nonconforming lot.
 5. Nonconforming use.
 6. Nonconforming buildings/structures.
 7. Nonconforming mineral extraction.
 8. Procedures for reconstruction of a nonconforming use and building/structure damaged beyond seventy-five percent of its value-Change from a nonconforming use to another nonconforming use-Expansion of a nonconforming use or building/structure.
 9. Discontinuance.
 10. Completion of a building/structure/activity.
 11. Abatement of public nuisance.

1. Purpose. The purpose of this Chapter is to address the legal status of nonconforming uses, buildings/structures or lots by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated. Ultimately it is the intent of this Chapter to encourage the discontinuance or termination of nonconformity and the changing of nonconformity to a conforming or more conforming use, building, or lot.

2. Establishment. The burden of establishing that any non-conformity is a legal non-conformity as defined herein shall, in all cases, be upon the owner of such alleged non-conformity and not upon the Town. Determination of the nonconforming status of a lot, use, building or structure shall be made by the Administrator. Property owners asserting nonconforming status shall submit such information as the Administrator deems necessary to substantiate or document the claim to the nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items as utility statements, property tax bills, real estate contracts, leases, building permits, dated photographs, newspaper clippings and other relevant documentation, when applicable. Unsubstantiated anecdotal evidence cannot be accepted for the determination of non-conforming status.

3. Nonconforming Applicability.

- A. Provisions contained within this Chapter do not supersede or relieve a property owner from compliance with:
1. The requirements of the uniform building and fire codes; and
 2. The provisions of the development regulations that are beyond the specific nonconformance addressed by this Chapter.
- B. Single residential dwellings lawfully permitted and established within a commercial district prior to adoption of this Chapter may be maintained, repaired, or reconstructed in accordance with the provisions of this Chapter, provided the dwelling meets the applicable standards of Chapter 5 and

Chapter 12. Permit applications under this subsection are not subject to the procedures of section 8 of this Chapter and are classified as a limited administrative review pursuant to the Development Permit Procedures and Administration Ordinance.

- C. The sale or transfer of a nonconforming use or building/structure does not alone affect the right to continue the nonconforming use or use of a nonconforming building/structure.
- D. Buildings/structures, lots, required improvements, uses and/or developments which were not legally established or existing as of the effective date of this ordinance retain their illegal status and must be abated or fully conform and comply with the procedural and substantive provisions of all Town codes.
- E. The term nonconforming use refers only to a single existing use and does not include all uses to which the property could have been used for under a prior zoning ordinance or zoning classification.

4. Nonconforming Lot. Any building/structure shall conform to all current regulations of the zoning district in which such lot is located, including without limitation, minimum lot size, required yards/setbacks, lot coverage, density, parking, storm drainage, landscaping, access and road improvement.

5. Nonconforming Use.

A. Generally. A nonconforming use lawfully established under this ordinance and which became or becomes nonconforming by amendment to this ordinance may continue as long as it remains otherwise lawful. Any change or expansion of the nonconforming use shall be made in accordance with the provisions of section 2 and section 8 of this Chapter.

B. Continuation When Damaged or Destroyed. The following provisions shall apply when a nonconforming use is damaged, demolished or destroyed by any means:

- 1. When a non-conforming use and associated building/structure are damaged by any means, and reconstruction costs do not exceed 75% of the value of the building/structure determined by using the most recent ICBO construction tables, the non-conforming use may be replaced as it was prior to the damage. If the building/structure was also non-conforming, the building/structure may be rebuilt as it was immediately prior to the damage or in a manner that is more conforming in accordance with section 6(C).
- 2. When the reconstruction costs of a non-conforming use and associated building/structure exceed 75% of the value of the building/structure determined by using the most recent ICBO construction tables, the Administrator shall determine whether or not the nonconforming use shall be allowed to continue in accordance with the provisions of section 8 of this Chapter.

6. Nonconforming Buildings/Structures.

A. Generally. Any legal nonconforming building/structure may continue so long as it remains otherwise lawful. A nonconforming building/structure other than a required site improvement may be included in and/or changed as a part of any development, or modification to development, subject to review and approval under the procedures and provisions of this ordinance. Provided, that nothing in this section shall authorize the expansion or change of a nonconforming structure except as otherwise provided for in this Chapter. Required site improvements including parking and signs, are subject to the more specific policies on non-conforming parking and signs in this ordinance which shall govern and control.

- B. Maintenance of a nonconforming building/structure. Nothing in this Chapter shall be construed to restrict normal structural repair and maintenance of a nonconforming building/structure, including the replacement of walls, fixtures and plumbing, provided that the value of work and materials in any twelve (12) month period does not exceed 25% of the value of the building/structure prior to such work determined by using the most recent ICBO construction tables. This Chapter is not intended to apply to the rehabilitation of dwelling units when such rehabilitation does not expand the number of dwelling units or physically expand the building/structure.
- C. Reconstruction of a nonconforming building/structure when damage does not exceed 75% of its value. When a nonconforming building/structure is damaged, demolished or destroyed by any means and reconstruction costs do not exceed 75% of the value of the building/structure determined by using the most recent ICBO tables, the Town may issue a development permit(s) allowing the building/structure to be rebuilt as it was immediately prior to the damage or in a manner that is more conforming. Provided, no reconstruction of a nonconforming building/structure shall be performed without issuance of a development permit(s) as appropriate. The property owner shall provide the information necessary to reasonably assure the Administrator that the reconstruction complies with this section. The Administrator may approve reconstruction in conformance with the submitted and verifiable plans or in a manner that is more conforming to the applicable provisions of Town codes and the district in which the building/structure is located. If the Administrator determines that the proposed reconstruction amounts to an expansion of the non-conforming building/structure, the owner must file an application for review by the Hearing Examiner under the provisions of section 8 of this Chapter.
- D. Reconstruction of a nonconforming building/structure when damage exceeds 75% of its value. The following provisions shall apply when the reconstruction costs for a damaged, removed, demolished or destroyed nonconforming building/structure exceeds 75% of its value determined by using the most recent ICBO construction tables:
 - 1. When a damaged, removed, demolished or destroyed nonconforming building/structure was used for an approved or existing use, any reconstruction of the building/structure shall occur in accordance with the provisions of this ordinance and other applicable development regulations of the Town.
 - 2. When a damaged, removed, demolished or destroyed nonconforming building/structure was used for a nonconforming use it may be replaced as it was before or in a manner that is more conforming upon approval by the Hearing Examiner in accordance with section 8 of this Chapter.
- E. Expansions to structures that are non-conforming with respect to a required yard may not encroach any further into the required yard, and are limited to extensions adding no more than twenty-five (25) percent of the length of the existing wall, subject to other applicable requirements of the Town.

7. Nonconforming Mineral Extraction.

- A. Non-conforming mineral extraction and/or mining may continue operations, provided the following provisions have been submitted for review by the Administrator:
 - 1. Documentation verifying the nonconformity asserted;
 - 2. Site, grading and operation plans disclosing the boundaries of the mineral extraction operation, phasing plan, and restoration plan.

- B. The expansion of mineral extraction areas including the enlargement of the perimeter boundary, change in access or addition of processing shall be permitted only upon the review and approval of the Hearing Examiner in accordance with this Chapter. Requests for expansion are classified as quasi-judicial pursuant to the Development Permit Procedures and Administration Ordinance and subject to the standards of this ordinance and other Town codes.

8. Procedures for reconstruction of a Nonconforming Use and Change from a Nonconforming Use to Another Nonconforming Use-Expansion of a Nonconforming Use or Building/Structure.

The following procedures shall be followed to change a nonconforming use to a different nonconforming use, expand a nonconforming use throughout a building/structure, expand a nonconforming structure or use throughout a lot or onto an adjoining lot, or replace a nonconforming use and/or building/structure damaged by any means beyond 75% of its pre-damaged value as determined by using the most recent ICBO construction tables:

- A. Applications submitted under this section are classified for quasi-judicial review described in the Development Permit Procedures and Administration Ordinance.
- B. The Hearing Examiner may grant the relief requested if they find all of the following:
 - 1. That the expansion, change, reconstruction or replacement requested would not be contrary to the public health, safety or welfare; and
 - 2. That the proposed expansion, change, reconstruction or replacement is compatible with the character of the neighborhood; and, in the case of an expansion or change, does not significantly jeopardize future development of the area in compliance with the provisions and the intent of the zoning district; and
 - 3. That the significance of the hardship asserted by the applicant is more compelling than, and reasonably overbalances, the public interest resulting from the denial of the relief requested; and
 - 4. That the use or building/structure was lawful at the time of its inception; and
 - 5. That nearby properties will not be significantly adversely impacted by approving the requested expansion, change, reconstruction or replacement.
- C. The Hearing Examiner shall deny the proposed expansion, change, reconstruction or replacement if they find that one or more of the provisions in section 8(B) are not met.
- D. When approving a change in, or the expansion, reconstruction or replacement of a non-conforming use or building/structure, the Hearing Examiner may attach conditions to the proposed change, expansion, reconstruction or replacement or any other portion of the development in order to assure that the development is improved, arranged, designed and operated to be compatible with the objectives of the comprehensive plan, applicable development regulations and neighboring land uses and transportation systems.

9. Discontinuance.

- A. A nonconforming use or building/structure shall be discontinued when it is:
 - 1. Succeeded by another use or building/structure that is more conforming; or
 - 2. Discontinued and not re-established within six (6) months; or
 - 3. Damaged and a complete application for reconstruction or replacement is not made within six (6) months of such damage; or
 - 4. Damaged, demolished, removed or destroyed, by any means, to the extent that reconstruction

or replacement costs exceed 75% of its value determined by using the most recent ICBO construction tables and the reconstruction or replacement of the nonconforming use and/or building/structure is denied by the Hearing Examiner in accordance with the provisions in section 8 of this Chapter.

- B. When a nonconforming use becomes discontinued, it shall be deemed that such use has ceased to exist and thus loses its status as a legal nonconforming use. Any subsequent use shall conform to the provisions of the district in which it is located.

10. Completion of a Building/Structure/Activity. Nothing contained in this Chapter shall require any change in plans, construction, alterations, or designated uses of a building/structure specified in a complete application for a development permit submitted prior to the adoption of this Chapter. Improvements and uses authorized by a signed document of the Town council, or any permit issued by the Town prior to the effective date of this ordinance may be developed as set forth in the permit. If the permit becomes invalid prior to development of improvements or uses, the provisions of this Chapter shall then be in full force and effect on the subject property.

11. Abatement of Public Nuisance. Regardless of any provision in this ordinance, any nonconforming use or structure found to be a public nuisance may be terminated as provided by law.

CHAPTER 16 ENFORCEMENT

- Sections:
1. Purpose.
 2. Compliance required.
 3. Notice of violation and order.
 4. Violation-civil enforcement and penalties.
 5. Violation-criminal penalties.
 6. Approval revocation, suspension and modification.

1. Purpose. The purpose of this Chapter is to ensure compliance, abate non-compliance and punish violations of this code. The provisions of this Chapter shall be applied and interpreted to accomplish this purpose.

2. Compliance Required. No person, corporation, partnership, association, or other legal entity shall fail or refuse to comply with, or interfere with or resist the enforcement of the provisions of this code and/or any condition of approval imposed by the Town council, Planning Commission, Hearing Examiner or Administrator, or a lawful land use order or directive of a Town official. Any such act or failure to act shall constitute a violation under this Chapter.

3. Notice of Violation and Order. Upon the determination that one or more violations have been committed, the administrator shall issue a Notice of Violation and Order.

A. The Notice of Violation and Order shall, at a minimum, contain the following:

1. The name and address of each record owner, taxpayer and occupier of the property which is the subject of the violation(s) and, when applicable, the contractor(s);
2. The street address or a legal description sufficient for identification of the property;
3. The tax parcel number(s) of the property;
4. A description of each violation, including applicable sections of this code and/or conditions of approval;
5. An order that the use, acts or omissions which constitute violation(s) must cease;
6. A statement of the corrective action required for each violation, with a date by which such action must be completed;
7. A warning: "The failure or refusal to complete corrective action by the date required may result in enforcement action, civil penalties and/or criminal penalties as provided in Town codes;" and
8. A statement of the right to appeal to the Hearing Examiner.

B. The Notice of Violation and Order shall be served upon each record owner, taxpayer and occupier and, when applicable, the contractor(s). Service of the Notice of Violation and Order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person's last known address. Service by mail shall be deemed completed three (3) days after mailing.

C. The appeal of a Notice of Violation and Order shall be filed with the Administrator within ten (10) days after service on the appellant.

4. Violation-Civil Enforcement and Penalties. The failure or refusal to complete corrective action by the date set forth in a Notice of Violation and Order shall subject the person(s) to whom the Notice of Violation and Order was directed to the following enforcement actions and penalties:

- A. The administrator may revoke, modify or suspend any permit, variance, subdivision, or other land use or development approval issued for the subject property.
- B. A civil penalty of fifty dollars (\$50) per day per violation until corrective action is completed.
- C. The Town may enter upon the subject property and complete all corrective action. The actual costs of labor, materials and equipment, together with all direct and indirect administrative costs, incurred by the Town to complete the corrective action shall be paid by the record owner(s) and shall constitute a lien against the subject property until paid. A Notice of Claim of Lien shall be recorded with the county auditor. Interest shall accrue on the amount due at the rate of twelve percent (12%) per annum. In any action to foreclose the lien against the subject property, all filing fees, title search fees, service fees, other court costs and reasonable attorney's fees incurred by the Town shall be awarded as a judgment against the record owner(s) and shall be foreclosed upon the subject property together with the principal and accrued interest.
- D. The Town may obtain temporary, preliminary and permanent injunctive relief from the Superior Court.
- E. Subsections (1) through (4) are cumulative remedies and the taking of action under one subsection does not constitute an election of remedies by the Town.

5. Violation-Criminal Penalties. Any person or any managing director, officer or partner of a corporation, partnership, association or other legal entity, who willfully fails or refuses to complete corrective action to correct a violation by the date set forth in a Notice of Violation and Order shall be guilty of a misdemeanor and shall be punished by not more than ninety (90) days in jail or a one thousand dollar (\$1,000) fine, or both. Failure or refusal to complete corrective action shall be a separate offense as to each violation in the Notice of Violation and Order.

6. Approval Revocation, Suspension and Modification.

- A. A permit, variance, subdivision or other land use or development approval may be revoked, suspended or modified on one or more of the following grounds:
 - 1. Failure to complete corrective action as required pursuant to a Notice of Violation and Order.
 - 2. The approval was obtained through fraud.
 - 3. The approval was obtained through inadequate or inaccurate information.
 - 4. The approval was issued contrary to law.
 - 5. The approval was issued under a procedural error that prevented consideration of the interests of persons directly affected by the approval.
 - 6. The approval is being exercised or implemented contrary to the terms or conditions of the approval or contrary to law.
 - 7. The use for which the approval was issued is being exercised in a manner that is detrimental to public health, safety or welfare.
 - 8. Interference with the performance of federal, state, county or Town official duties.
- B. A permit, variance, subdivision, or other land use or development approval shall be revoked, suspended or modified by the administrator, with the consent of the authority which issued the

approval (i.e., Planning Commission, Town council, Hearing Examiner, building official, fire marshal). Action shall be taken through the issuance of a Notice and Order. The Notice and Order shall, at a minimum, contain the following:

1. The name and address of each record owner, taxpayer and occupier of the property which is the subject of the action;
 2. The street address or a legal description sufficient for identification of the property;
 3. The tax parcel number(s) of the property;
 4. The action ordered, and the grounds for the action, including applicable sections of Town codes and/or conditions of approval;
 5. A statement of the corrective action required, if any, with a date by which such action must be completed;
 6. A warning: "The failure or refusal to comply with the foregoing revocation, suspension or modification of a permit, variance, subdivision, or other land use or development approval may result in enforcement action, civil penalties and/or criminal penalties as provided in Town codes;" and
 7. A statement of the right to appeal to the Hearing Examiner.
- C. The Notice and Order shall be served upon each record owner, taxpayer and occupier. Service of the Notice and Order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person's last known address. Service by mail shall be deemed completed three (3) days after mailing.
- D. An appeal of a Notice and Order shall be filed with the Administrator within ten (10) days after service on the appellant.
- E. After the time period for appeal has expired the Notice and Order shall be recorded with the county auditor.

CHAPTER 17 VARIANCES

- Sections:
1. Authorization.
 2. Evaluation criteria.
 3. Action on variances.

1. Authorization. The Hearing Examiner is authorized to grant variances from the requirements of the zoning code where it can be shown that, owing to special and unusual circumstances related to specific property, the literal interpretation or specific application of this ordinance would cause undue or unnecessary hardship. No variance shall be granted to allow the use of property for purposes not authorized in the district in which the proposed use would be located, increase densities above that established for the district, or reduce/eliminate standards of other Town codes.

2. Evaluation Criteria. Variances may be granted if it can be demonstrated that all of the following criteria are met:

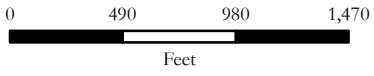
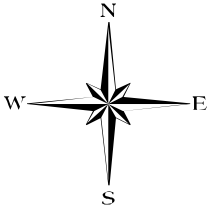
- A. The strict application of the bulk, dimensional or performance standards set forth in the applicable district or in this ordinance precludes a reasonable permitted use of the property; and
- B. The hardship asserted by the applicant is specifically related to the property and is the result of unique conditions such as irregular lot shape or size, topography or natural features over which the applicant has no control; and
- C. The hardship asserted by the applicant results from the application of this ordinance to the property and not the result of deed restrictions or the actions of the applicant or owner; and
- D. The requested variance will not constitute a grant of special privilege not enjoyed by other properties in the same neighborhood or district, and is the minimum relief necessary for the preservation of a property right substantially the same as possessed by owners of property in the same neighborhood or district; and
- E. The granting of the variance will not be detrimental to the purposes of this ordinance, be injurious to property in the same neighborhood or district in which the property is located, cause substantial adverse impact on the public interest or be otherwise detrimental to the objectives of the comprehensive plan.

3. Action on Variances. The Hearing Examiner may approve, conditionally approve or deny a request for a variance. The Hearing Examiner may, in granting a variance, establish conditions determined necessary to:

- A. Protect the interests of surrounding properties and the general public health, safety, welfare and interest;
- B. Accomplish the objectives and intent of this ordinance, other applicable regulations and the comprehensive plan; and
- C. Mitigate potential adverse impacts of the proposal.

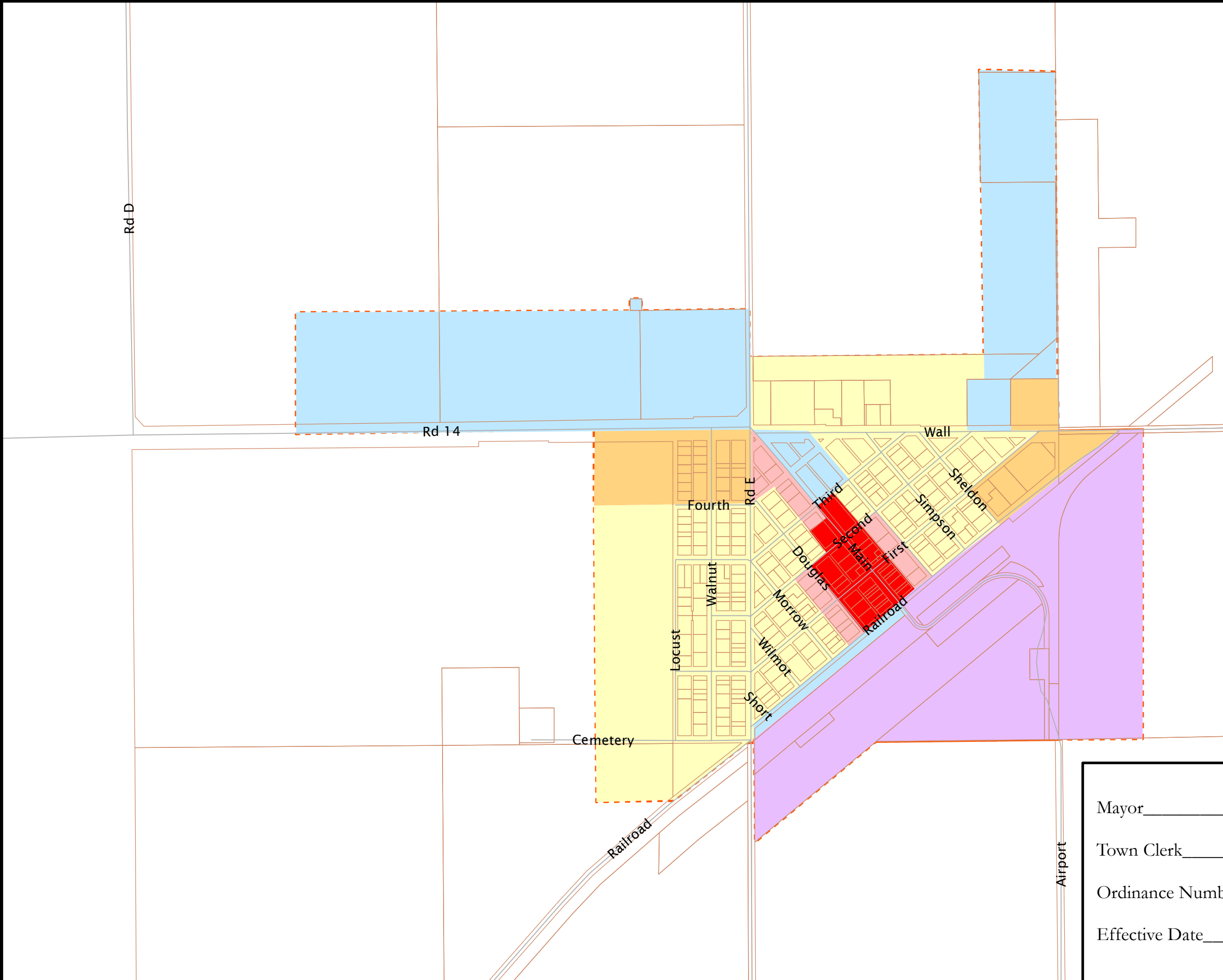
Mansfield Washington
Official Zoning Map

- Single Family
- Multi- Family
- Mixed Commercial/High Density Residential
- Central Business District
- Industrial
- Public
- City Limits
- Urban Growth Area
- Roads
- Parcels



Disclaimer:
Data is from the best available source; however, it is subject to change and should not be used as an accurate measurement. All data should be verified with the governing jurisdiction.

October 2006



Mayor _____

Town Clerk _____

Ordinance Number _____

Effective Date _____