

**Title 17  
ZONING CODE**

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## Chapter 17.02 GENERAL PROVISIONS

### Sections:

<b>17.02.005</b>	<b>Authority</b>
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### **17.02.005 Authority**

This title is adopted pursuant to RCW chapters 35.63 and 36.70A that empower a Town to enact a zoning ordinance and provide for its administration, enforcement and amendment.

### **17.02.010 Title**

This ordinance shall be known and may be cited as “The Waterville Zoning Code”. It shall consist of the text hereof, and a zoning map marked “Exhibit A” and by this reference made a part hereof. Said ordinance and each and all of its terms are to be read and interpreted in light of the commitments of said zoning map. In the event a conflict should arise between the text and zoning map, the text of the ordinance shall prevail.

### **17.02.020 Purpose**

The purposes of this title include, but are not limited to, the following:

- A. To assist in the implementation of the proposed comprehensive plan for the physical development of the town by regulating and providing for existing uses and uses planned for the future.
- B. To protect the character and the social and economic stability of residential, commercial, and other uses, to preserve property values and to ensure the orderly and beneficial development of these uses by:
  - 1. Reserving and retaining appropriate areas for each type of use;
  - 2. Preventing encroachment into these areas by incompatible uses; and
  - 3. Regulating the use of individual parcels of land to prevent unreasonable detrimental effects on nearby uses.
- C. To preserve the historic, aesthetic and natural features of the town by:

1. Establishing high standards of environmental protection; and
  2. Providing for design and environmental review of proposed actions and project
- D. To promoting the health, safety and general welfare of the town. It is further intended to provide regulations and standards which will:
1. Encourage high standards of development;
  2. Prevent the overcrowding of land;
  3. Provide adequate light and air;
  4. Avoid excessive concentration of population;
  5. Lessen congestion on the streets;
  6. Facilitate adequate provisions for transportation, utilities, schools, parks and other necessary public needs; and
  7. Preserve the small town character of Waterville and direction for orderly growth and development, together with flexibility to respond to changing economic circumstances.

### **17.02.030 Compliance**

The provisions of this title shall be interpreted as the minimum requirements necessary to protect the health, safety and general welfare of the public. The regulations established by this ordinance within each district shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. All uses and structures shall conform to the special requirements of the zone district within which they are located and the other general requirements of this title.
- B. No structure or part thereof shall hereafter be erected, reconstructed, moved, or structurally altered except in conformity with all regulations herein specified for the district in which it is located.
- C. No building or other structure shall hereafter be erected or altered to exceed the height or bulk as required by this ordinance; to accommodate or house a greater number of families as required by this ordinance; to occupy a greater percentage of lot area as required by this ordinance; to have narrower or smaller rear, front, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
- D. No part of a yard, or other open space, or off-street parking, or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be considered as providing a yard, open space, off-street parking, or loading space similarly required for any other building.
- E. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

#### **17.02.040 Relationship to Other Regulations**

Other official controls, ordinances, regulations and plans have a direct impact on the development of land in the Town. The number and type of such ordinances may vary from time to time. Where provisions of other official controls and regulations overlap or conflict with provisions of this title, the more restrictive provisions shall govern.

#### **17.02.050 Administration and Enforcement**

- A. Administration of this title shall be the responsibility of the Mayor, or his/her designee, and shall be conducted as described herein and in WMC Title 14 Development Permit Procedures and Administration.
- B. Enforcement of the provisions herein, and any violations thereof, shall be as described in this Title and in WMC Title 14 Development Permit Procedures and Administration.

#### **17.02.060 Denial or Revoked Approvals and Permits.**

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

#### **17.02.070 Procedural Irregularities.**

No procedural irregularity or informality in the notice, process, review or hearing of any matter under this title shall affect the final decision unless substantial rights of a person with a demonstrable interest in the decision are affected.

#### **17.02.060 Severability**

Shall any chapter, section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this title.

## Chapter 17.06 USE DISTRICTS

### Sections:

- 17.06.010 Official Zoning Map**
- 17.06.015 Use Districts Designated**
- 17.06.020 Interpretation of Zoning Regulations**
- 17.06.030 Boundaries.**
- 17.06.040 Map on file.**

### **17.06.010 Official Zoning Map**

- A. The zoning districts of the Town of Waterville are hereby designated by a legend on the official zoning map, together with all explanatory matter thereon. The official zoning map is hereby adopted by reference as “Exhibit A” and declared to be a part of this ordinance.
- B. The official zoning map shall be identified by the signature of the Mayor, attested by the Town Clerk under the title “Waterville Official Zoning Map”, along with the ordinance number and the date said ordinance was adopted.
- C. If, in accordance with the provisions of this ordinance and Chapter 35A.63, Revised Code of Washington, changes are made in zoning boundaries or any other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the Town Council with an entry citing the appropriate ordinance number and signed by the Mayor and attested by the Town Clerk.
- D. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in Waterville Town Hall shall be the final authority as to the current state of zoning in the Town.

### **17.06.015 Use Districts Designated**

To further the identified purposes of this Title, the following zoning district categories and zoning map symbols are established:

- A. R-1 residential, single family;
- B. R-2 residential, multi family;
- C. CB central business;
- D. CT tourist commercial
- E. CH highway commercial
- F. L-1 light industrial; and
- G. PUZ public use.

### **17.06.020 Interpretation of Zoning Boundaries**

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

- A. Where such boundaries are indicated as substantially following the centerline of the roads, streets, highways, alleys, railroads, or rivers, the centerline shall be construed to be such boundaries.
- B. Where such boundaries are indicated as substantially following lot lines, the lot lines shall be construed to be such boundaries.
- C. In subdivided land where a zoning boundary divides an ownership, the location of the boundary shall be determined by the scale measurement.
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C above shall be so construed.

### **17.06.030 Boundaries.**

- A. The boundaries of land zones shall be determined and defined or redefined from time to time by the adoption of zone maps covering the town, showing the geographical area and location of the zones. The zone map or maps shall be, upon its final adoption, a part of this title, and the map, and all notations, references and other information shown thereon, thereafter set forth on the map were fully described in this chapter.
- B. The boundaries of such zones as are shown upon any sectional area map adopted by this chapter, or amendment thereto, are adopted and approved and the regulations of this chapter governing the uses of land, building and structures, the height of buildings, structure, the size of yards about buildings and structures, and other matters as set forth in this chapter, are established and declared to be in effect upon all lands included within the boundaries of each and every zone shown upon the zone map.

### **17.06.040 Map on file.**

This title shall consist of the text and also as fully as though contained in this chapter, that certain map or maps identified by the approved signatures of the mayor and town clerk/treasurer on the original map marked and designated as "the Map of the Zoning Ordinance of the Town of Waterville" which map or book is now on file in the office of the town clerk/treasurer. The original map has been examined in detail by the town council, after having been approved by the planning commission and adopted as a part of this title. This title and each and all of its terms is to be read and interpreted in the light of the contents of the map. If any conflict between the map and the text of this title is deemed to rise, the text of this title shall prevail.

## Chapter 17.10 DEFINITIONS

### Sections:

- 17.10.030 Rules for interpretation.
- 17.10.040 Accessory dwelling.
- 17.10.050 Accessory use or building.
- 17.10.054 Administrator or zoning administrator.
- 17.10.056 Adult family home.
- 17.10.058 Agriculture.
- 17.10.060 Alley.
- 17.10.070 Alteration.
- 17.10.080 Amendment.
- 17.10.082 Animal shelter.
- 17.10.084 Applicant.
- 17.10.086 Application.
- 17.10.088 Automobile-oriented use.
- 17.10.090 Bed and breakfast room/inn.
- 17.10.100 Boarding house.
- 17.10.108 Building.
- 17.10.110 Building area, building site.
- 17.10.112 Building height.
- 17.10.114 Building line.
- 17.10.120 Bus stop.
- 17.10.130 Commercial.
- 17.10.135 Comprehensive plan.
- 17.10.140 Conditional use.
- 17.10.150 Condominium.
- 17.10.170 Dangerous waste.
- 17.10.180 Day care center.
- 17.10.182 Day care home.
- 17.10.190 Density.
- 17.10.200 Detached building.
- 17.10.204 Developer.
- 17.10.206 Development.
- 17.10.210 Drive-up food service.
- 17.10.215 Dwelling, duplex.
- 17.10.220 Dwelling, multi-family.
- 17.10.225 Dwelling, single-family.
- 17.10.230 Dwelling unit.
- 17.10.240 Easement, access.
- 17.10.245 Engineer.
- 17.10.250 Essential public facilities.
- 17.10.260 Fence.
- 17.10.265 Floor area
- 17.10.270 Foster home.

- 17.10.280** Garage, parking or commercial.
- 17.10.290** Garage, private.
- 17.10.300** Generator.
- 17.10.310** Grade.
- 17.10.312** Grade, average.
- 17.10.314** Grade, natural.
- 17.10.320** Handling and processing of hazardous waste.
- 17.10.330** Hazardous waste.
- 17.10.340** Hazardous waste treatment and storage facility, off-site.
- 17.10.350** Hazardous waste treatment and storage facility, on-site.
- 17.10.360** Hazardous waste storage.
- 17.10.370** Hazardous waste treatment.
- 17.10.380** Hazardous substances.
- 17.10.400** Home occupation.
- 17.10.402** Home occupation, Group A
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- 17.10.410** Hospital.
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- 17.10.425** Impervious surface.
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- 17.10.440** Livestock.
- 17.10.442** Lot.
- 17.10.444** Lot area.
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- 17.10.447** Lot coverage
- 17.10.448** Lot, depth.
- 17.10.450** Lot, interior.
- 17.10.452** Lot line, front.
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- 17.10.456** Lot line, side.
- 17.10.458** Lot, through.
- 17.10.460** Lot width.
- 17.10.470** Manufactured home.
- 17.10.471** Manufactured home, designated.
- 17.10.472** Manufactured/mobile home park.
- 17.10.480** Medical-dental clinic.
- 17.10.485** Micro-brewery/winery.
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- 17.10.490** Mixed use.
- 17.10.500** Mobile home.
- 17.10.510** Modular home (factory-built home).
- 17.10.520** Modulation.
- 17.10.530** Motel.
- 17.10.540** Multiple use building.
- 17.10.542** Municipal buildings.
- 17.10.544** Nonconforming building or structure.



- 17.10.546 Nonconforming lot.**
- 17.10.548 Nonconforming use.**
- 17.10.550 Nursing or convalescent home.**
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- 17.10.595 Person with functional disabilities.**
- 17.10.600 Primary or principal use.**
- 17.10.606 Professional office.**
- 17.10.608 Property line.**
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- 17.10.618 Recreational facilities.**
- 17.10.620 Recreational vehicle.**
- 17.10.630 Recreational vehicle or trailer parks.**
- 17.10.635 Recycling center.**
- 17.10.640 Rezone.**
- 17.10.645 Right-of-way.**
- 17.10.650 Screen, screening.**
- 17.10.660 Service station.**
- 17.10.670 Setback.**
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- 17.10.690 Setback line.**
- 17.10.695 Sign.**
- 17.10.700 Site plan.**
- 17.10.720 Street.**
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- 17.10.745 Structural alteration.**
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- 17.10.785 Variance.**
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- 17.10.796 Warehouse.**
- 17.10.798 Wrecking yard.**
- 17.10.800 Yard.**
- 17.10.802 Yard, front.**
- 17.10.804 Yard, rear.**
- 17.10.806 Yard, side.**
- 17.10.808 Yard, street side.**
- 17.10.810 Zone, zone district.**
- 17.10.812 Zoning envelope.**
- 17.10.814 Zoning map.**

### **17.10.030 Rules for interpretation.**

- A. For the purposes of the zoning code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
- B. Words used in the present tense include the future.
- C. The plural includes the singular and vice versa.
- D. The words "will" and "shall" are mandatory.
- E. The word "may" indicates that discretion is allowed.
- F. The word "used" includes designed, intended or arranged to be used.
- G. The masculine gender includes the feminine and vice versa.
- H. Distances shall be measured horizontally unless otherwise specified.
- I. The word "building" includes a portion of a building or a portion of the lot on which it stands.

### **17.10.040 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.

### **17.10.050 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.

### **17.10.054 Administrator or zoning administrator.**

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

### **17.10.056 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).

### **17.10.058 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.

**17.10.060 Alley.**

"Alley" means a public thoroughfare or way which affords only a secondary means of access to abutting property but not intended for general traffic circulation.

**17.10.070 Alteration.**

"Alteration" means a change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one third of a single floor area shall be considered an alteration.

**17.10.080 Amendment.**

"Amendment" means a change in the wording, context or substance of this chapter or a change in the zone boundaries upon the zoning maps adopted hereunder.

**17.10.082 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.

**17.10.084 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.

**17.10.086 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.

**17.10.088 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.

**17.10.090 Bed and breakfast room/inn.**

"Bed and breakfast room/inn" means an owner occupied single family dwelling in which not more than three bedrooms for not more than six guests total are rented for money or other consideration to the traveling public with the provisions for food service for guests only.

**17.10.100 Boarding house.**

"Boarding house" means a dwelling unit in which not more than four roomers, lodgers or boarders are housed or fed for compensation. Boarding housing shall not include rest home or convalescent home.

**17.10.108 Building.**

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

**17.10.110 Building area, building site.**

"Building area, building site" means the portion of a lot, within which a structure may be built, bounded by the setbacks, lot coverage standard and other applicable provisions of the Waterville Municipal Code.

**17.10.112 Building Height.**

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

**17.10.114 Building Line.**

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

**17.10.116 Bus Stop.**

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

**17.10.130 Commercial.**

"Commercial" means a business use or activity at a scale greater than home occupation involving retail or wholesale marketing of goods and services.

**17.10.135 Comprehensive Plan.**

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

**17.10.140 Conditional use.**

"Conditional use" means a use allowed in one or more zones 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.

**17.10.150 Condominium.**

"Condominium" means a single or a multi-unit dwelling, each of whose resident (unit) owner enjoys exclusive ownership of his individual apartment or unit, holding title thereto, while retaining an undivided interest, as tenants in common, in the common facilities and areas of the building and grounds which are used by all the residents of the condominium.

**17.10.170 Dangerous waste.**

"Dangerous waste" means those wastes designated in WAC 173-303-070 through 173-303-103 and subsequent amendments, as dangerous or extremely hazardous.

**17.10.180 Day care center.**

"Day care center" means a state licensed facility that regularly provides care for thirteen or more children during part of the twenty four hour day as defined in RCW 35.63.170 as it now exists or as may be hereafter amended, and conducted in a place of business other than a residence. For the purposes of this code a day care center may include pre-school activity.

**17.10.182 Day care home:**

"Day care home" means the residence of a state licensed day care provider who regularly provides day care for not more than twelve children in the family living quarters. For the purposes of this code a day care home may include pre-school activity.

**17.10.190 Density.**

"Density" means the maximum number of permitted dwelling units allowed on each gross acre of land or fraction thereof.

**17.10.200 Detached building.**

"Detached building" means a building surrounded on all sides by open space.

**17.10.204 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.

**17.10.206 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.

**17.10.210 Drive-up food service**

"Drive-up food service" means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive food service while remaining in a motorized vehicle.

**17.10.215 Dwelling, duplex.**

"Dwelling, 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.

**17.10.220 Dwelling, multi-family.**

"Multi-family dwelling" means a building containing three or more individual dwelling units.

**17.10.225 Dwelling, single-family.**

"Single family dwelling " means a detached building containing one dwelling unit.

**17.10.230 Dwelling unit.**

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family.

**17.10.240 Easement, access.**

"Access easement" means a private right-of-way not less than 20 feet wide which provides vehicular access to a street.

**17.10.245 Engineer.**

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

**17.10.250 Essential public facilities.**

"Essential public facilities" means those facilities typically difficult to site such as, airports, state education facilities, state or regional transportation facilities, correctional facilities, solid waste handling facilities, substance abuse facilities, etc.

**17.10.260 Fence.**

"Fence" means a masonry wall, or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separate parcels of land, but not including retaining walls; fence or boundary formed by a dense row of shrubs, plants, or low trees.

**17.10.265 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.

**17.10.270 Foster home.**

"Foster home" means a home licensed and regulated by the state and classified by the state as a foster home.

**17.10.280 Garage, parking or commercial.**

"Parking or commercial garage" means a building used for storage, repair or servicing of motor vehicles as a commercial use.

**17.10.290 Garage, private.**

"Private garage" means an accessory building or space within the principal building intended for use of storage of vehicles.

**17.10.300 Generator.**

"Generator" means any person, business, corporation, government or its operation, whose act or process produces dangerous or hazardous waste or whose act first causes a dangerous waste to become subject to regulation under the dangerous waste regulations, Chapter 173-303 WAC or its successor.

**17.10.310 Grade.**

"Grade" is defined as follows: the average of the finished ground level at the center of all exterior walls of a building. In case walls are parallel to and are within five feet of a sidewalk, the sidewalk shall be considered the finished ground level.

**17.10.312 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.

**17.10.314 Grade, natural.**

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

**17.10.320 Handling and processing of hazardous waste.**

"Handling and processing of hazardous waste" means the use, manufacture, production, storage or other activity involving hazardous substances. Hazardous substance handling is normally found in commercial, industrial and manufacturing activities. It does not include individually packaged household consumer products where quantities of hazardous substances of less than five gallons per container.

**17.10.330 Hazardous waste.**

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010(17), or its successor.

**17.10.340 Hazardous waste treatment and storage facility, off-site.**

"Off-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous waste generated on a property other than those on which the facilities are located.

**17.10.350 Hazardous waste treatment and storage facility, on-site.**

"On-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous waste generated on the same property.

**17.10.360 Hazardous waste storage.**

"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the state dangerous waste regulations, Chapter 173-303 WAC or its successor.

**17.10.370 Hazardous waste treatment.**

"Hazardous waste treatment" means the physical, chemical, or biological processing of

hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations, Chapter 173-303 WAC or its successor.

**17.10.380 Hazardous substances.**

"Hazardous substances" means any gas, liquid, solid, sludge, including any material, substance, product or commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous wastes.

**17.10.400 Home occupation.**

"Home occupation" means an economic enterprise to make and/or sell a product or perform a service that is conducted or operated within a residential dwelling unit, or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in a directory or as a business mailing address.

**17.10.402 Home occupation, Group A**

"Home occupation, Group A" means a home occupation, as defined here, that does not involve customers coming and going from the residence, and within which only family members are employed.

**17.10.403 Home occupation, Group B**

"Home occupation, Group B" means a home occupation, as defined here, that may involve customers coming and going from the residence, and which one other person than family members may be employed.

**17.10.410 Hospital.**

"Hospital" means a building designed and used for medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses.

**17.10.420 Hotel.**

"Hotel" means any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation, where no provisions are made for cooking in any individual room or suite.

**17.10.425 Impervious Surface.**

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

**17.10.430 Kennels, commercial or non-commercial.**

"Commercial or noncommercial kennel" means a place where three or more dogs four months of age or older are kept, whether by the owner, or by other persons, providing facilities for care, boarding and/or training in exchange for compensation, but not including small animal hospitals, clinics, pet shops or grooming shops. Permit to be obtained from town council.



**17.10.440 Livestock.**

"Livestock" means animals kept for use, propagation, or sale. Dogs, fish, house cats, and house pets, other than those with cloven hooves, are not considered livestock for the purpose of this ordinance.

**17.10.442 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.

**17.10.444 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.

**17.10.446 Lot, corner.**

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

**17.10.447 Lot coverage.**

"Lot 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.

**17.10.448 Lot depth.**

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

**17.10.450 Lot, interior.**

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

**17.10.452 Lot line, front.**

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

**17.10.454 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.

**17.10.456 Lot line, side.**

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

**17.10.458 Lot, Through.**

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

**17.10.460 Lot width.**

"Lot width" means the distance between the side lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Any area used as an access easement shall be excluded from the computation of the lot width.

**17.10.470 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.

**17.10.471 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.

**17.10.472 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.

**17.10.480 Medical-dental clinic.**

"Medical-dental clinic" means an establishment for treatment of outpatients, and providing no overnight care for patients.

**17.10.485 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.

**17.10.487 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).

**17.10.490 Mixed use.**

"Mixed use" means a development involving a combination of uses including residential and commercial.

**17.10.500 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.

**17.10.510 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.

**17.10.520 Modulation.**

"Modulation" means a stepping back or projecting forward of sections of the facade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls.

**17.10.530 Motel.**

"Motel" means a building containing units that are used as individual sleeping units having their own private toilet facilities and sometimes their own kitchen facilities, designed primarily for the accommodation of transient automobile travelers.

**17.10.540 Multiple use building.**

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

**17.10.542 Municipal buildings.**

"Municipal building" means a structure used to house the general operations of a municipal government, including Town halls, county courthouses, etc.

**17.10.544 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.

**17.10.546 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.

**17.10.548 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.

**17.10.550 Nursing or convalescent home.**

"Nursing or convalescent home" means an establishment licensed by the state of Washington which provides full time care for three or more chronically ill, aged or infirm persons. Such care shall not include surgical, obstetrical or acute illness services which are customarily provided in hospitals.

**17.10.560 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; other than minimal appurtenances such as walkways and recreational facilities designed and intended to make such open space usable and accessible, and for the persons for whom the space is intended.

**17.10.570 Parking lot.**

"Parking lot" means a land area or building used for the storage of multiple vehicles excluding parking areas for single-family residences.

**17.10.575 Parking, off-street.**

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

**17.10.580 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.

**17.10.590 Person.**

"Person" means any person, firm, business, corporation, partnership or other associations or organization, marital community, municipal corporation, or governmental agency.

**17.10.595 Person 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:

- Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
- Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
- Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
- 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 addition to a controlled substance.

**17.10.600 Primary or principal use.**

"Primary or principal use" means the predominant use of the land or building to which all other uses are secondary.

**17.10.606 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.

**17.10.608 Property line.**

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

**17.10.610 Public facility.**

"Public facility" means land or structures owned by or operated for the public use and necessity.

**17.10.618 Recreational facilities.**

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

**17.10.620 Recreational vehicle.**

"Recreational vehicle" means a vehicular type unit primarily designed as a temporary living quarters for recreational, camping or travel use with or without motor power, of such size and weight as not to require special highway movement permit and certified by the Washington Department of Labor and Industries as evidenced by the attachment of a "green" seal.

**17.10.630 Recreational vehicle or trailer parks.**

"Recreational vehicle or trailer parks" means an area established for the overnight parking on a temporary basis of recreational vehicles. Any or all of the following amenities could be provided: electricity, water, and waste disposal connections, public restrooms and baths, snack bar, commercial facilities for convenience items, picnic area.

**17.10.635 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).

**17.10.640 Rezone.**

"Rezone" means a change in classification from one zoning district to another.

**17.10.645 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.

**17.10.650 Screen, screening.**

"Screen, screening" means a continuous fence, hedge or combination of both which obscures vision through 80 percent or more of the screen area, not including drives or walkways.

**17.10.660 Service station.**

"Service station" means a place used for the repair, servicing and/or supplying of gasoline and oil for motor vehicles.

**17.10.670 Setback.**

"Setback" means the minimum distance required by this title for buildings to be set back from the street, side or rear lines, rights-of-way or access easements.

**17.10.680 Setback area.**

"Setback area" means the lot area between the lot lines and the setback lines.

**17.10.690 Setback line.**

"Setback line" means a line which is parallel to a lot line or access easement located at the distance required by the setback.

**17.10.695 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.

**17.10.700 Site plan.**

"Site plan " means a scale drawing which identifies and shows areas and locations of all streets, roads, improvements, utilities, open spaces, and other information specified herein;

**17.10.720 Street.**

"Street" means the public or private right-of-way or easement which provides vehicle access to abutting property.

**17.10.730 Street lot line.**

"Street lot line" means the boundary between a street right-of-way and abutting property.

**17.10.740 Street setback.**

"Street setback" means the minimum distance required for buildings to be set back from the street lot line.

**17.10.745 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.

**17.10.750 Structure.**

"Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, not including utility poles and related pad or ground mounted distribution equipment, residential fences less than six feet high, retaining walls, rockeries and other similar improvements of a minor character less than four feet high.

**17.10.760 Temporary building or structure.**

"Temporary building or structure" means a building or structure not having or requiring permanent attachment to the ground or to other structures that have no required permanent attachment to the ground.

**17.10.770 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.

**17.10.780 Use.**

"Use" means the purpose which land or structures now serve or for which it is occupied, maintained, arranged, designed or intended.

**17.10.785 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.

**17.10.790 Vehicle.**

"Vehicle" means a transportable device designed to carry passengers or goods or particular property.

**17.10.796 Warehouse.**

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

**17.10.798 Wrecking/junk yard.**

"Wrecking/junk 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.

**17.10.800 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.

**17.10.802 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.

**17.10.804 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.

**17.10.806 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.

**17.10.808 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.

**17.10.810 Zone, zone district.**

"Zone, zone district" means a defined area of the town within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title.

**17.10.812 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.

**17.10.814 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 17.14**  
**RESIDENTIAL SINGLE FAMILY (R-1)**

**Sections:**

- 17.14.005 Purpose**
- 17.14.010 Permitted Uses**
- 17.14.020 Accessory Uses and Structures**
- 17.14.030 Conditional Uses**
- 17.14.040 Prohibited Uses**
- 17.14.050 Development Standards**
- 17.14.060 Connection to Water and Sewer**

**17.14.005 Purpose**

The purpose of the R-1 residential district is to enhance the residential quality of the area by providing a high standard of compatible development that will be harmonious with surrounding residential uses and preserve the general character and integrity of the neighborhood.

**17.14.010 Permitted Uses**

Uses allowed in this district shall be as shown in the district use chart, Chapter 18.40 provided all applicable provisions of the WMC are met. In general, the allowed uses shall include the following:

- A. One single family dwelling per lot;
- B. Planned unit developments.

**17.14.020 Accessory Uses and Structures**

Accessory uses allowed in this district shall be as shown in the district use chart, Chapter 17.40, provided all applicable provisions of the WMC are met. In general, accessory uses shall include the following:

- A. Accessory structures;
- B. Livestock and poultry for personal use and
- C. "Group A" home occupations.

**17.14.030 Conditional Uses**

Conditional Uses that may be allowed in this district, provided the requirements of Chapter 17.48 Conditional Uses are met, shall be as shown in the District Use Chart, Chapter 17.40. In general, the conditional uses shall include the following:

- A. Mobile home for the aged;

- B. Churches;
- C. Educational Services;
- D. “Group B” Home occupations;
- E. Bed and Breakfast;
- F. Playfields and other publicly-owned park facilities.

**17.14.040 Prohibited Uses**

All uses not listed as permitted uses, accessory uses, or conditional uses set forth in Chapter 17.40 District Use Chart.

**17.14.050 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title and all other rules, regulations and provisions of the WMC, and shall comply with the following:

- A. Minimum lot area: 7,000 square feet for a single-family dwelling unit.
- B. Minimum lot width at the building line: seventy-five (75) feet.
- C. Minimum lot depth: ninety (90) feet.
- D. Maximum building height: two stories or thirty (30) feet as measured to the ridgeline of the roof.
- E. Maximum lot coverage: Forty (40) percent for all buildings.
- F. Minimum setback distances:
  - 1. Front yard: ten (10) feet from the property line where the platted right-of-way is at least forty (40) feet from the monumented centerline; or fifteen (15) feet from the property line where the platted right-of-way is less than forty (40) feet from the monumented centerline. Buildings on corner lots shall observe a front yard setback from both front property lines; and
  - 2. Side yard: five (5) feet from side property line including eaves; and
  - 3. Rear yard: five (5) feet from rear property line where there is a platted alley; or ten (10) feet from the rear property line when there is no platted alley.
- G. Maximum density shall not exceed five (5) units per acre.
- H. All applicable provisions of Chapter 17.44 General Regulations shall apply to development in this district.

**17.14.060 Connection to Water and Sewer**

All development in this zone is required to be served by the town's public water system and sewage system.

**Chapter 17.18**  
**RESIDENTIAL MULTI FAMILY (R-2)**

**Sections:**

- 17.18.005 Purpose**
- 17.18.010 Permitted Uses**
- 17.18.020 Accessory Uses and Structures**
- 17.18.030 Conditional Uses**
- 17.18.040 Prohibited Uses**
- 17.18.050 Development Standards**
- 17.18.060 Performance Standards**
- 17.18.070 Connection to Water and Sewer**

**17.18.005 Purpose**

The purpose of the R-2 district is to promote single-family and multifamily development of low height and small bulk with private, landscaped open space directly accessible to each unit. The primary objective is the development of housing that fits in with the scale, siting and landscaping of single-family and multifamily areas.

**17.18.010 Permitted Uses**

Uses allowed in this district shall be as shown in the district use chart, Chapter 18.40 provided all applicable provisions of the WMC are met. In general, the allowed uses shall include the following:

- A. One single family dwelling per lot;
- B. One duplex dwelling per lot;
- C. Multi family dwellings
- D. Residential planned developments complying with Chapter 17.38, including manufactured home parks

**17.18.020 Accessory Uses and Structures**

Accessory uses allowed in this district shall be as shown in the district use chart, Chapter 17.40, provided all applicable provisions of the WMC are met. In general, accessory uses shall include the following:

- A. Accessory structures;
- B. “Group A” home occupations;
- C. Livestock and poultry for personal use; and
- D. Family day care providers.

### **17.18.030 Conditional Uses**

Conditional Uses that may be allowed in this district, provided the requirements of Chapter 17.48 Conditional Uses are met, shall be as shown in the District Use Chart, Chapter 17.40. In general, the conditional uses shall include the following:

- A. Mobile home for the aged;
- B. Churches;
- C. Educational Services;
- D. "Group B" Home occupations;
- E. Bed and Breakfast
- F. Boarding, lodging house;
- G. Playfields and other publicly-owned park facilities.

### **17.18.040 Prohibited Uses**

All uses not listed as permitted uses, accessory uses, or conditional uses set forth in Chapter 17.40 District Use Chart.

### **17.18.050 Development Standards**

- A. Minimum lot area:
  - 1. 7,000 square feet for a single-family dwelling unit;
  - 2. 9,000 square feet for a duplex dwelling unit;
  - 3. 9,000 square feet for the first two units plus 500 additional square feet for each additional unit
- B. Minimum lot width at the building line: seventy-five (75) feet.
- C. Maximum building height: two stories or thirty (30) feet as measured to the ridgeline of the roof.
- D. Maximum lot coverage: Forty (40) percent for all buildings.
- E. Minimum setback distances:
  - 1. Front yard: ten (10) feet from the property line where the platted right-of-way is at least forty (40) feet from the monumented centerline; or fifteen (15) feet from the property line where the platted right-of-way is less than forty (40) feet from the monumented centerline. Buildings on corner lots shall observe a front yard setback from both front property lines; and
  - 2. Side yard: five (5) feet from side property line including eaves; and
  - 3. Rear yard: five (5) feet from rear property line where there is a platted alley; or ten (10) feet from the rear property line when there is no platted alley.
- F. Maximum density shall not exceed ten (10) units per acre.

- G. All applicable provisions of Chapter 17.44 General Regulations shall apply to development in this district.

#### **17.18.060 Performance Standards**

All development of multi family dwellings shall comply with the following performance standards:

- A. **Open Space/Recreation:** Multifamily development shall provide common open space/recreation areas on-site for use and enjoyment of owners and residents within the development, according to the following minimum provisions:
1. The area required for open space/recreation shall be 15% of the overall site area, with a minimum total area of 5,000 square feet, consisting of usable open space, critical areas and buffers and perimeter landscaping. Of the overall total open space areas, 75% must be usable open space.
  2. Usable open space includes open play areas and outdoor recreational features, trails and paths, community gardens, and other similar types of areas. It shall be located and designed to be conveniently accessible to all residents from the interior of the development, and it shall be at a grade and with dimensions suitable for recreation use.
  3. The open space/recreation areas shall be consistently maintained and shall be preserved through appropriate legal measures ensuring the continuation of the open space/recreation area, and prohibiting current and future owners from partitioning the open space/recreation areas and from converting the areas to other uses.
  4. Open space/recreation areas do not include the following: parking lots, driveways, private/public street right-of-ways, required storage areas, etc.
- B. **Refuse Storage:** All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view and at a minimum, be enclosed with a five and one-half (5½) foot high wood, concrete or masonry wall or sight obscuring fence and landscaping on all sides.
- C. **General Storage:** Storage of personal property and materials, of residents as well as managers and owners of the development, shall be located outside of required front yard areas, and it shall be entirely within an enclosed building or screened from view of the surrounding properties with a sight obscuring fence and landscaping.
- D. **Vehicle Storage:** Storage of recreational vehicles, boats, and similar off-road vehicles not used for daily transportation, of residents as well as managers and owners of the development, shall be prohibited unless a fully enclosed building is provided on-site specifically for that purpose.

#### **17.18.070 Connection to Water and Sewer**

All development in this zone is required to be served by the town's public water system and sewage system.



## Chapter 17.22 CENTRAL BUSINESS (C-B)

### Sections:

- 17.22.005 Purpose**
- 17.22.010 Permitted Uses**
- 17.22.020 Accessory Uses and Structures**
- 17.22.030 Conditional Uses**
- 17.22.040 Prohibited Uses**
- 17.22.050 Development Standards**
- 17.22.060 Connection to Water and Sewer**

### **17.22.005 Purpose**

The central business district is the financial and business hub of the community. It is to be developed as an aesthetically attractive area of intense use. Development must enhance people-orientation and provide for the needs, activities and interest of the people in Waterville. Uses should be designed and in character with the historical significance of the business district. This district should provide for a broad range of commercial activities, office complexes, and general retail activities.

### **17.22.010 Permitted Uses**

Uses allowed in this district shall be as shown in the district use chart, Chapter 18.40 provided all applicable provisions of the WMC are met. In general, the allowed uses shall include the following:

- A. Retail food and merchandise stores
- B. Restaurants and drive-ins
- C. Personal and professional services
- D. Liquor stores, taverns, cocktail lounges, night clubs, and dance halls
- E. Hotels, motels and inns;
- F. Bowling alleys and movie theaters;
- G. Medical and dental clinics;
- H. Places of assembly, studios for group instruction; and
- I. Parking lots.

### **17.22.020 Accessory Uses And Structures**

Accessory uses allowed in this district shall be as shown in the district use chart, Chapter 17.40, provided all applicable provisions of the WMC are met. In general, accessory uses shall include the following:

- A. On-site signs;

- B. Caretaker's residence; and
- C. Accessory buildings.

### **17.22.030 Conditional Uses**

Conditional Uses that may be allowed in this district, provided the requirements of Chapter 17.48 Conditional Uses are met, shall be as shown in the District Use Chart, Chapter 17.40. In general, the conditional uses shall include the following:

- A. Educational services
- B. Government uses and structures;
- C. Libraries;
- D. Municipal buildings;
- E. Gas service stations;
- F. Truck stops.

### **17.22.040 Prohibited Uses**

All uses not listed as permitted uses, accessory uses, or conditional uses set forth in Chapter 17.40 District Use Chart.

### **17.22.050 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title and all other rules, regulations and provisions of the WMC, and shall comply with the following:

- A. Minimum lot size and width: The minimum lot size and width in this district shall be sufficient to accommodate the use(s) in accordance with this title and other applicable provisions of the WMC including without limitation the requirements for off-street parking, landscaping, signs, etc.
- B. Maximum building height: forty (40) feet
- C. Maximum lot coverage: The maximum lot coverage in this district shall be sufficient to accommodate the use(s) in accordance with this title and other applicable provisions of the WMC including without limitation the requirements for off-street parking, landscaping, signs, etc.
- D. Minimum setback distances:
  - 1. Front yard: None; and
  - 2. Side yard: zero (0) feet from the side property line; and
  - 3. Rear yard: zero (0) feet from the rear property line.
  - 4. When the lot is adjacent on the side property line to land in a residential zone, the side yard setback shall be ten (10) feet from the side property line, and provided further that when the lot is adjacent on the rear property line to land in a residential zone, the rear yard setback shall be fifteen (15) feet from the rear property line.



- E. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.
- F. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view.
- G. All applicable provisions of Chapter 17.44 General Regulations shall apply to development in this district.

**17.22.060 Connection to Water and Sewer**

All development in this zone is required to be served by the town's public water system and sewage system.

**Chapter 17.26**  
**TOURIST COMMERCIAL DISTRICT (C-T)**

**Sections:**

- 17.26.005 Purpose**
- 17.26.010 Permitted Uses**
- 17.26.020 Accessory Uses and Structures**
- 17.26.030 Conditional Uses**
- 17.26.040 Prohibited Uses**
- 17.26.050 Development Standards**
- 17.26.060 Connection to Water and Sewer**

**17.26.005 Purpose**

The purpose of the Tourist Commercial district is to provide an area within the community that allows all types of residential uses, as well as commercial recreational activities that cater to both the residents of the community and to tourists and travelers.

**17.26.010 Permitted Uses**

Uses allowed in this district shall be as shown in the district use chart, Chapter 18.40 provided all applicable provisions of the WMC are met. In general, the allowed uses shall include the following:

- A. One single family dwelling per lot;
- B. One duplex dwelling per lot;
- C. Multi family dwellings
- D. Residential planned developments complying with Chapter 17.38.

**17.26.020 Accessory Uses and Structures**

Accessory uses allowed in this district shall be as shown in the district use chart, Chapter 17.40, provided all applicable provisions of the WMC are met. In general, accessory uses shall include the following:

- A. On-site signs;
- B. Caretaker's residence; and
- C. Accessory buildings.

**17.26.030 Conditional Uses**

Conditional Uses that may be allowed in this district, provided the requirements of Chapter 17.48 Conditional Uses are met, shall be as shown in the District Use Chart, Chapter 17.40. In general, the conditional uses shall include the following:

- A. Bed and breakfast;
- B. Bus transfer station and/or park-and-ride facilities
- C. Community centers;
- D. Art and crafts, antique sales;
- E. Cultural and/or historical facilities;
- F. Restaurants;
- G. Hotels, motels, and bed;
- H. Home fruit stands;
- I. Arboretums and gardens; and
- J. Dry cleaners, laundromats

**17.26.040 Prohibited Uses**

All uses not listed as permitted uses, accessory uses, or conditional uses as set forth in Chapter 17.40 District Use Chart.

**17.26.050 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title and all other rules, regulations and provisions of the WMC, and shall comply with the following:

- A. For all types of residential uses, the development standards of the Residential Medium Density district shall apply, except that the maximum density of development shall be 5 units per acre.
- B. Minimum lot size and width: For all non-residential uses, the minimum lot size and width in the CB district shall be sufficient to accommodate the use(s) in accordance with this title and other applicable provisions of the WMC including without limitation the requirements for off-street parking, landscaping, signs, etc.
- C. Maximum building height: For all non-residential uses, the maximum building height shall be forty (40) feet
- D. Maximum lot coverage: For all non-residential uses, the maximum lot coverage shall be seventy (70) percent.
- E. Minimum setback distances: For all non-residential uses, the minimum setback distances shall be as follows:
  - 1. Front yard: None; and
  - 2. Side yard: zero (0) feet from the side property line; and
  - 3. Rear yard: zero (0) feet from the rear property line.
  - 4. When the lot is adjacent on the side property line to land in a residential use and/or zone, the side yard setback shall be ten (10) feet from the side property line, and provided further that when the lot is adjacent on the rear property line to land in a residential use and/or zone, the rear yard setback shall be fifteen (15) feet from the rear property line

- F. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.
- G. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view.
- H. All applicable provisions of Chapter 17.44 General Regulations shall apply to development in this district.

**17.26.060 Connection to Water and Sewer**

All development in this zone is required to be served by the town's public water system and sewage system.

**Chapter 17.30**  
**HIGHWAY COMMERCIAL DISTRICT (C-H)**

**Sections:**

- 17.30.005 Purpose**
- 17.30.010 Permitted Uses**
- 17.30.020 Accessory Uses and Structures**
- 17.30.030 Conditional Uses**
- 17.30.040 Prohibited Uses**
- 17.30.050 Development Standards**
- 17.30.060 Connection to Water and Sewer**

**17.30.005 Purpose**

The purpose of the Highway Commercial district is to provide an area for those commercial uses that are automobile-oriented and that cater to the traveling public such as gas/service stations, mini-marts, restaurants, etc.

**17.30.010 Permitted Uses**

Uses allowed in this district shall be as shown in the district use chart, Chapter 18.40 provided all applicable provisions of the WMC are met. In general, the allowed uses shall include the following:

- A. Community club, grange, lodge;
- B. Convention, information and/or community centers;
- C. Farm equipment sales and service;
- D. Nursery, commercial/retail/wholesale;
- E. Retail businesses;
- F. Professional and personal services; and
- G. Restaurants, taverns, etc.

**17.30.020 Accessory Uses and Structures**

Accessory uses allowed in this district shall be as shown in the district use chart, Chapter 17.40, provided all applicable provisions of the WMC are met. In general, accessory uses shall include the following:

- A. On-site signs;
- B. Caretaker's residence; and
- C. Accessory buildings.

**17.30.030 Conditional Uses**

Conditional Uses that may be allowed in this district, provided the requirements of Chapter 17.48 Conditional Uses are met, shall be as shown in the District Use Chart, Chapter 17.40. In general, the conditional uses shall include the following:

- A. Fire/police station;
- B. Municipal shop/maintenance buildings;
- C. Utility uses and structures;
- D. Medical/dental clinics;
- E. Convenience store including fuel sales; and
- F. Mini storage.

**17.30.040 Prohibited Uses**

All uses not listed as permitted uses, accessory uses, or conditional uses as set forth in Chapter 17.40 District Use Chart.

**17.30.050 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title and all other rules, regulations and provisions of the WMC, and shall comply with the following:

- A. Minimum lot size and width: The minimum lot size and width in this district shall be sufficient to accommodate the use(s) in accordance with this title and other applicable provisions of the WMC including without limitation the requirements for off-street parking, landscaping, signs, etc.
- B. Maximum building height: For all non-residential uses, the maximum building height shall be forty (40) feet
- C. Maximum lot coverage: For all non-residential uses, the maximum lot coverage shall be seventy (70) percent.
- D. Minimum setback distances: For all non-residential uses, the minimum setback distances shall be as follows:
  - 1. Front yard: None; and
  - 2. Side yard: zero (0) feet from the side property line; and
  - 3. Rear yard: zero (0) feet from the rear property line.
  - 4. When the lot is adjacent on the side property line to land in a residential zone, the side yard setback shall be ten (10) feet from the side property line, and provided further that when the lot is adjacent on the rear property line to land in a residential zone, the rear yard setback shall be fifteen (15) feet from the rear property line
- E. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.

- F. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view.
- G. All applicable provisions of Chapter 17.44 General Regulations shall apply to development in this district.

**17.30.060 Connection to Water and Sewer**

All development in this zone is required to be served by the town's public water system and sewage system.

**Chapter 17.34**  
**LIGHT INDUSTRIAL DISTRICT (L-I)**

**Sections:**

- 17.34.005 Purpose**
- 17.34.010 Permitted Uses**
- 17.34.020 Accessory Uses and Structures**
- 17.34.030 Conditional Uses**
- 17.34.040 Prohibited Uses**
- 17.34.050 Development Standards**
- 17.34.060 Connection to Water and Sewer**

**17.34.005 Purpose**

The purpose of this district is to provide areas suitable for the light industrial activities involving manufacture, assembly, repair, servicing of goods or products that can be performed with minimal adverse impact on, and pose no special hazard to, agricultural uses present in the area, the environment and the community. The light industrial district is intended to serve light industries that do not disseminate dust, smoke, fumes or obnoxious odors and would not be detrimental to residents or agricultural uses that might be present in the area.

**17.34.010 Permitted Uses**

Uses allowed in this district shall be as shown in the district use chart, Chapter 17.40. In general, the allowed uses shall include the following:

- A. Recycling center;
- B. Ag-related industry, commercial agricultural building;
- C. Feed store;
- D. Convenience store, excluding fuel sales;
- E. Manufacturing, assembling, warehousing, repairing, fabricating, processing, or other handling of products or equipment provided;
- F. Wholesale commercial activities; and
- G. Transportation uses and their necessary accessory facilities

**17.34.020 Accessory Uses And Structures**

Accessory uses allowed in this district shall be as shown in the district use chart, Chapter 17.40. In general, accessory uses shall include the following:

- A. On-site signs; and
- B. Accessory buildings.



### **17.34.030 Conditional Uses**

Conditional Uses that may be allowed in this district, provided the requirements of Chapter 17.48 Conditional Uses are met, shall be as shown in the District Use Chart, Chapter 17.40. In general, the conditional uses shall include the following:

- A. Essential public facilities
- B. Fire/police station;
- C. Municipal shop/maintenance buildings;
- D. Trade/vocational schools;
- E. Animal clinic/hospital;
- F. Convenience store including fuel sales;
- G. Mini storage; and
- H. Bulk fuel distributor.

### **17.34.040 Prohibited Uses**

All uses not listed as permitted uses, accessory uses, or conditional uses set forth in Chapter 17.40 District Use Chart.

### **17.34.050 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title and all other rules, regulations and provisions of the WMC, and shall comply with the following:

- A. Minimum lot size and width: The minimum lot size and width in this district shall be sufficient to accommodate the use(s) in accordance with this title and other applicable provisions of the WMC including without limitation the requirements for off-street parking, landscaping, signs, etc.
- B. Maximum building height: The maximum building height shall be forty (40) feet, provided that all structures in this district shall be reviewed for compliance with Federal Aviation Administration standards.
- C. Maximum lot coverage: The maximum lot coverage shall be eighty (80) percent.
- D. Minimum setback distances: The minimum setback distances shall be as follows:
  - 1. Front yard: None; and
  - 2. Side yard: zero (0) feet from the side property line; and
  - 3. Rear yard: zero (0) feet from the rear property line.
  - 4. When the lot is adjacent on the side property line to land in a residential zone, the side yard setback shall be ten (10) feet from the side property line, and provided further that when the lot is adjacent on the rear property line to land in a residential zone, the rear yard setback shall be fifteen (15) feet from the rear property line

- E. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.
- F. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view.
- G. All applicable provisions of Chapter 17.44 General Regulations shall apply to development in this district.

**17.34.060 Connection to water and sewer**

All development in this zone is required to be served by the town's public water system and sewage system.

## Chapter 17.36 PUBLIC USE ZONE (PUZ)

### Sections:

- 17.36.005 Purpose**
- 17.36.010 Permitted Uses**
- 17.36.020 Accessory Uses and Structures**
- 17.36.030 Conditional Uses**
- 17.36.040 Prohibited Uses**
- 17.36.050 Development Standards**
- 17.36.060 Connection to Water and Sewer**

### **17.36.005 Purpose**

The purpose of the public district is to provide areas within the community that are available for the establishment and expansion of public & semi-public uses and to provide standards for development that will be harmonious with surrounding residential and other adjacent land uses. The uses within this district may often require large areas for offsite parking and transit/bus oriented facilities.

### **17.36.010 Permitted Uses**

Uses allowed in this district shall be as shown in the district use chart, Chapter 17.40. In general, the allowed uses shall include the following:

- A. Cemeteries;
- B. Community club, grange, lodge;
- C. Convention, information and/or community centers;
- D. Libraries;
- E. Museums, art galleries;
- F. Recycling centers;
- G. Airports; and
- H. Parks and recreation facilities

### **17.36.020 Accessory Uses And Structures**

Accessory uses allowed in this district shall be as shown in the district use chart, Chapter 17.40. In general, accessory uses shall include the following:

- A. Day care center and/or preschool;
- B. On-site signs; and
- C. Accessory buildings.

**17.36.030 Conditional Uses**

Conditional Uses that may be allowed in this district, provided the requirements of Chapter 17.48 Conditional Uses are met, shall be as shown in the District Use Chart, Chapter 17.40. In general, the conditional uses shall include the following:

- A. Educational services;
- B. Fire/police station;
- C. Municipal buildings;
- D. Municipal shop/maintenance buildings; and
- E. Trade/vocational schools

**17.36.040 Prohibited Uses**

All uses not listed as permitted uses, accessory uses, or conditional uses set forth in Chapter 17.40 District Use Chart.

**17.36.050 Development Standards**

Development in this district shall meet all of the applicable provisions of this Title and all other rules, regulations and provisions of the WMC, and shall comply with the following:

- A. Minimum lot size and width: The minimum lot size and width in this district shall be sufficient to accommodate the use(s) in accordance with this title and other applicable provisions of the WMC including without limitation the requirements for off-street parking, landscaping, signs, etc
- B. Maximum building height: Fifty (50) feet as measured at the highest point, except that cupola domes, belfries, chimneys, fire and hose towers, flagpoles, associated antennas, and other similar projections are exempt from this provision except as restricted elsewhere in the code.
- C. Maximum lot coverage: Forty (40) percent
- D. Minimum setback distances:
  - 1. Front yard: Twenty-five (25) feet;
  - 2. Side yard: Ten (10) feet from the side property line; and
  - 3. Rear yard: Fifteen (15) feet from the rear property line.
  - 4. When the lot is adjacent on the side and/or rear property line(s) to land in a residential zone, the side and/or rear yard setback shall be twenty-five (25) feet from the side property line.
- E. Refuse Storage: All outdoor trash, garbage and refuse storage areas shall be located outside of required front yard areas, and shall be screened on all sides from public view.
- F. General Storage: Storage of materials and merchandise, other than for display purposes, shall be located outside of required front yard areas and it shall be screened from public view.

G. All applicable provisions of Chapter 17.44 General Regulations shall apply to development in this district.

**17.34.060 Connect to Water and Sewer**

All development in this zone is required to be served by the Town's public water system and sewage system.

**Chapter 17.38  
PLANNED UNIT DEVELOPMENT**

**Sections:**

- 17.38.010 Definitions.**
- 17.38.020 Purposes.**
- 17.38.030 Minimum Size.**
- 17.38.040 Permitted Modifications.**
- 17.38.050 Permitted Density.**
- 17.38.060 Required Open Space and Recreation Facilities.**
- 17.38.070 Multiple Zones.**
- 17.38.090 Project Description.**
- 17.38.100 Phased Developments.**
- 17.38.110 Required Certificates and Approvals.**
- 17.38.120 Recording Required.**
- 17.38.130 Expiration.**
- 17.38.135 Lot Clustering.**
- 17.38.140 Association Documents.**

**17.38.010 Definitions.**

A "planned unit development" is an alternate form of subdivision and development regulation to provide a more flexible method of developing land.

**17.38.020 Purposes.**

The purpose of this chapter includes but is not limited to the following:

- A. To allow for creative development equal to or superior to traditional lot by lot development;
- B. To preserve open space, natural vegetation, water courses, wetlands, historic buildings and places, and other community values;
- C. To provide more efficient street and utility systems by clustering buildings;
- D. To provide for a variety of housing types in one development with architectural design compatibility;
- E. To provide integrated landscape development;
- F. To provide for the integration of new development into the existing community while protecting and preserving the values of the surrounding neighborhood; and
- G. To provide for the site planning and regulation of nonresidential sites not requiring a subdivision for development.

**17.38.030 Minimum Size.**

Planned unit developments may be located on lots of one acre or greater, however, the applicant must demonstrate the preservation of a significant natural feature (examples:

wetlands, creeks, and steep slopes) or amenity by the use of the planned unit development process.

**17.38.040 Permitted Modifications.**

All zoning and subdivision requirements may be modified in a planned unit development in the interest of the expressed purposes above except:

- A. Permitted uses;
- B. Street setbacks on exterior streets in residential zones;
- C. Surveying standards; and
- D. Engineering design and construction standards of public improvements but not including street right-of-way.

**17.38.050 Permitted Density.**

The number of dwelling units permitted in a planned unit development may be 120 percent of the permitted density of the zone district in which it is located. The permitted density shall be computed as follows:

- A. Determine the gross development area. Subtract from the gross area all unbuildable land, publicly owned land, and commercial or industrial land area;
- B. Determine the net development area. Subtract from the gross development area the actual percentage of gross development area devoted to the street system up to a maximum of 20 percent of the gross development area;
- C. Divide the net development area by the minimum lot size of the zone district or multiply by the number of multifamily dwelling units per acre permitted in multifamily zone districts; and
- D. Multiply the resulting number of units by 1.20, rounding to the lowest integer.

**17.38.060 Required Open Space and Recreation Facilities.**

In planned unit developments, 20% of the net development area shall be established as open space and planned unit development community recreation facilities. Upon approval of the Hearing Examiner up to 5% of the unbuildable land (i.e. stormwater ponding areas, steep slopes, etc.) may be considered for inclusion in the required open space land upon a showing that such lands can and will be used for a specified recreational purpose.

**17.38.070 Multiple Zones.**

If a planned unit development is proposed within two or more zones, the maximum number of dwelling units will be the total allowed in each zone combined. The permitted land uses of the more restrictive zone shall apply to the entire planned unit development.

**17.38.090 Project Description.**

A written explanation of the design concept, planned features of the development, measures

taken to meet the purposes of planned developments, the proposed sequence and timing of development, the provisions of ownership and management when developed, and covenants or other controls which might influence the development, operation or maintenance of the planned unit development shall be submitted with the site plan.

### **17.38.100 Phased Developments.**

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

### **17.38.110 Required Certificates and Approvals.**

The binding site plan shall include all the required certificates of final plat.

### **17.38.120 Recording Required.**

A binding site plan of a planned unit development and accompanying documents, together with covenants running with the land, binding the site to development in accordance with all the terms and conditions of approval shall be recorded by the Douglas County Auditor.

### **17.38.130 Expiration.**

Approval of a site plan expires unless recorded by the county auditor within two years from the date of approval. An applicant who files a written request with the town clerk within 30 days of the expiration date shall be granted a one-year extension upon a showing of a good faith effort to file the site plan.

### **17.38.135 Lot Clustering.**

On parcels over two acres, a density bonus of 25 percent is allowed in conjunction with lot clustering, subject to the following: 40 percent or more of the net area after deduction of streets and any other right-of-ways of the site is reserved for permanent open space.

### **17.38.140 Association Documents.**

An outline of the documents of the owners association, by-laws, deeds, covenants and agreement governing ownership, maintenance and operation of the planned unit development shall be submitted with the binding site plan. Planned unit development covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a proportioned lien on all property of each owner in common. The town may require that it be a third party beneficiary of certain covenants with the right but not obligation to enforce the same.





## Chapter 17.40 DISTRICT USE CHART

### Sections:

- 17.40.010 Purpose**
- 17.40.020 District Use Chart**

### 17.40.010 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 WMC.

### 17.40.020 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
- Home Occ. = Home Occupation

RESIDENTIAL USES	R-1	R-2	C-B	L-1	PUZ	T/C	H/
Accessory Dwelling			ACC				
Accessory Structure	ACC	ACC				ACC	
Bed & Breakfast	CUP	CUP				CUP	
Boarding/Lodging House		CUP					
Caretaker's Residence			ACC			ACC	AC
Condominiums - Residential							
Congregate Care/Assisted Living Facility		CUP					
Convalescent Home/Nursing Homes		CUP					
Day Care Center		CUP			ACC		
Day care home	PRM	PRM	PRM**				
Duplex Dwelling		PRM				PRM	
Existing Residential Structure			PRM				
Foster Home	PRM	PRM					
Home Day Care Provider	CUP	ACC					

Home Occupation	ACC	ACC					
Manufactured Home	PRM	PRM				PRM	
Manufactured Home, Designated	PRM	PRM				<i>prm</i>	
Manufactured/Mobile Home Park		PD					
Mobile Home for the Aged	CUP	CUP					
Modular Home	PRM	PRM				PRM	
Multi Family Dwelling		PRM				PRM	
Planned Unit Development	PD	PD					
Single Family Dwelling	PRM	PRM				PRM	
<b>PUBLIC/SEMI PUBLIC USES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-B</b>	<b>L-1</b>	<b>PUZ</b>	<b>T/C</b>	<b>H/</b>
Animal Shelter							
Bus add-Transfer Station/Park and Ride						CUP	CU
Cemeteries, mausoleums					PRM		
Churches (Parsonages)	CUP	CUP					
Clinic, Medical, Dental, Etc.			PRM	ACC	CUP		CU
Community Club, Grange, Lodge			PRM		PRM		PR
Convention, Info and/or Community Centers			PRM		PRM	PRM	PR
Courts of Law			CUP		PRM		
Detention Facility/Jail				CUP			
Educational Services	CUP	CUP	CUP		CUP		
Essential Public Facilities				CUP	CUP		
Fire/Police Station			CUP	CUP	CUP		CU
Government Uses and Structures			CUP		CUP		
Hospital					CUP		
Instructional Child Care (Preschool)		CUP			ACC		
Libraries, Public			CUP		PRM		
Municipal Buildings			CUP		CUP		
Municipal Shop/Maintenance Buildings				CUP	CUP		CU
Post Office			CUP	ACC	CUP		
Public/Private Corporate, Regional Headquarters, Admin. Offices for Commercial, Industrial, Non-commercial Uses			PRM	PRM			PR
Recycling Center				PRM	CUP		
Trade/Vocational School				CUP	CUP		
Transitional Facilities				CUP	CUP		
Utility Uses and Structures				CUP	CUP		CU
Wastewater Treatment Facilities				CUP			
<b>AGRICULTURAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-B</b>	<b>L-1</b>	<b>PUZ</b>	<b>T/C</b>	<b>H/</b>
Ag-Related Industry				PRM			
Agriculture Building, Commercial				PRM			
Animal Clinic, Hospital				CUP			

Commercial Composting							
Farm Equipment Sales/Service			CUP	PRM			PR
Feed Lot							
Feed Store			PRM	PRM			
Home Fruit Stand				PRM		PRM	PR
Horse Boarding/Training, Riding Stable							
Kennels, Commercial							
Kennels, Hobby							
Livestock, Commercial							
Livestock/Poultry for personal use only	PRM*	PRM*				PRM*	
Nursery, Commercial/Retail/Wholesale			PRM	PRM		PRM	PR
Poultry, Commercial							
Slaughterhouse							
<b>COMMERCIAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-B</b>	<b>L-I</b>	<b>PUZ</b>	<b>T/C</b>	<b>H/</b>
Accessory Buildings, Structures			ACC	ACC			
Arts and Crafts, Antique Sales			PRM	PRM		PRM	PR
Auto Towing - Secured							
Auto/Truck Sales & Service							
Bakery, Retail			PRM				
Billboards							
Boat Sales & Service							
Car Rental							
Car Wash							
Commercial Copiers/Printers							
Condominiums - Time-share & Similar Resort Operations							
Convenience Store, Excluding Fuel Sales			PRM	PRM		PRM	PR
Convenience Store, Including Fuel Sales				CUP			CU
Cultural and/or Historical Facilities			PRM	PRM		PRM	PR
Drive-up Food Service			PRM	ACC		PRM	PR
Dry Cleaners, Laundromats			PRM		ACC	PRM	
Farmer's Market			PRM*		PRM*	PRM*	
Financial/Lending Institution (Bank, Etc.)			PRM				
Food/Beverage Service			PRM	PRM		PRM	PR
Funeral Home/Crematorium							
Gas/Service Station			CUP				
Guest Ranches, Lodging Facilities						PRM	
Hardware/Garden Store - Lumber Yard			PRM	PRM			PR
Heating and Plumbing Sales & Services							
Home Occupations, Group A	PRM	PRM					
Home Occupations, Group B	CUP	CUP					

Hotels/Motels			PRM			PRM	PR
Manufactured Home, Sales				PRM			
Merchandise, Furniture, Home Furnishings, Department Retail Sales and Service			PRM	PRM			
Micro-brewery/Winery							
Mini-storage		CUP		CUP			CU
Mobile Food Service			PRM*	PRM			
Museums, Art Galleries			PRM	PRM	PRM		
Newspaper Publishing							
Parking Lots - Commercial or Public			PRM				
Personal Services (Barber, Salon, Etc.)			PRM				
Pet Grooming	CUP	CUP					
Pet Services			PRM	PRM			
Pharmacies			PRM				
Professional Services (Lawyer, Psychiatrist, Etc.)			PRM				
Repair Services, Electronics/Appliances			PRM				PR
Restaurant			PRM	PRM		PRM	PR
Retail - Textiles, Sporting Goods			PRM	PRM			PR
Retail Stores (Grocery, Food, Etc.)			PRM	PRM			PR
RV Sales & Service							
Taverns, Bars, Cocktail Lounges			PRM	PRM			
Tractor, Trailer Sales			CUP	PRM			PR
Truck Stops			CUP				
Vehicle Repair and Service Shops				PRM			PR
<b>INDUSTRIAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-B</b>	<b>L-1</b>	<b>PUZ</b>	<b>T/C</b>	<b>H/</b>
Above/Below Ground Storage of Critical Material				CUP			
Accessory Buildings, Structures				ACC	ACC		AC
Asphalt Paving Plant							
Apparel Manufacture				PRM			
Bakery, Wholesale			PRM	PRM			
Bulk Fuel Distributor				CUP			
Chemical, Pharmaceuticals, Cosmetics Manufacture/Processing/Packaging				CUP			
Communications, TV/Radio Stations, Telephone Exchanges, Cell Towers				CUP			
Construction Contractor's Offices/Yards				PRM			
Electronic Product Manufacture/Assembly				PRM			
Excavation/Mining for Development Site Preparation Only							
Fabricated Metal Products, Sheet Metal, Welding				PRM			
Furniture Products Manufacture/Assembly				PRM			

Glass Products Manufacture/Assembly				PRM			
Mineral Extraction, Crushing, Screening, Etc.							
Hardware Product Manufacture/Assembly				PRM			
Hazardous Waste Storage, On-site				CUP	ACC		
Hazardous Waste Treatment, On-site				CUP	ACC		
Leather Products Manufacture/Assembly				CUP			
Machinery/Heavy Equipment Manufacture/Assembly				PRM			
Manufactured Homes, Travel Trailers, Campers, Manufacture/ Assembly/ Fabrication				CUP			
Medical/Scientific Research, Product Manufacture/Assembly				CUP			
Paper Products Manufacture/Assembly				CUP			
Paperboard Containers Manufacture				CUP			
Parcel Delivery Service, Packaging, Crating				PRM			PR
Plastic Products Manufacture/Assembly				PRM			
Prefabricated Wood Products				PRM			
Printing, Publishing, Binding				PRM			
Storage, Sales, Distribution of Hazardous Materials				CUP			
Vehicle, Boat Building & Repair				PRM			
Warehousing, Storage				PRM			
Wholesale Trade/Storage of durable and Non-Durable Goods (Auto Parts, Tires, Furniture, Lumber)				PRM			CU
Building/Construction Materials, Manufacture/Assembly/Fabrication, Lumber Yard				PRM			
Heliports				PRM	PRM		
Airports & supporting aviation activities				PRM	PRM		
Beverage Industry				CUP			
Canning/Packing Foods							
Cement/Concrete Plant				CUP			
Food Processing							
Rendering Plants							
Rubber Products							
Wrecking/Junk Yard							
<b>RECREATIONAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>C-B</b>	<b>L-1</b>	<b>PUZ</b>	<b>T/C</b>	<b>H/</b>
Arboretums and Gardens	CUP	CUP	PRM		PRM	PRM	
Boat Launches, Water-Related Activities							
Bowling Alleys			PRM			PRM	
Drive-in Theater							
Exercise Facility			PRM		PRM	PRM	
Fish/Wildlife Habitat Areas					PRM		

Golf Course, Driving Range - Private						
Gun/Sportsmen's Club						
Miniature Golf						
Mini-Casinos, game, card rooms			ACC			
Playfields	CUP	CUP			PRM	PRM
Publically-owned/operated Parks and Recreation Facilities	CUP	CUP	PRM	ACC	PRM	PRM
Racetrack/Speedway (Horse, Mini-Sprint, Etc.)						
Recreational Vehicle Park or Tent Campground (stay up to 14 days)					PRM	CUP
Roller-skating Rink						
Theaters			PRM			
Trail Systems			PRM		PRM	
Uses Such as Driving Ranges, Pro Shops, Club Houses, Restaurants, Lodging, Storage Associated with Permitted Uses						
Video Rental			PRM			PR

## Chapter 17.44 GENERAL REGULATIONS

### Sections:

- 17.44.010**    **Scope.**
- 17.44.020**    **Non-Residential Buildings.**
- 17.44.030**    **Yards.**
- 17.44.040**    **Fences and Hedges.**
- 17.44.050**    **Accessory Buildings.**
- 17.44.060**    **“Group A” Home Occupations.**
- 17.44.070**    **Home Day Care.**
- 17.44.080**    **Livestock and Kennels.**
- 17.44.090**    **Residential Performance Standards**
- 17.44.100**    **Outside Storage.**
- 17.44.110**    **Vehicle Parking.**
- 17.44.120**    **Barrier Free Access.**
- 17.44.130**    **Off-Street Parking.**
- 17.44.140**    **Landscaping**
- 17.44.150**    **Noise.**
- 17.44.160**    **Lighting.**
- 17.44.170**    **Odors and Gases.**
- 17.44.180**    **Particulate Matter.**
- 17.44.190**    **Electrical Interference.**
- 17.44.200**    **Hazardous Materials Storage.**
- 17.44.210**    **Open Storage.**
- 17.44.220**    **Maintenance and Alterations.**
- 17.44.230**    **Investigation, Compliance and Enforcement.**
- 17.44.240**    **Building within Airport Hazard Area.**

### **17.44.010**    **Scope.**

The general provisions and standards contained in this chapter apply to all uses and structures in all zone districts, unless otherwise specifically stated.

### **17.44.020**    **Non-Residential Buildings.**

All non-residential buildings and structures must have been originally and specifically constructed for use as a permanent building or structure. Cargo containers, truck vans, converted mobile homes and similar prefabricated containers and structures originally built for other, alternative purposes do not meet these criteria and are prohibited for use as accessory buildings.

### **17.44.030**    **Yards.**

A.     No yard shall be reduced in size or area below the minimum dimensions required by



this title except as allowed by variance.

- B. No portion of any principal building or structure over 42 inches above the finished grade shall extend into a required yard except as provided elsewhere in this title.
- C. The required front yard may be reduced by the Administrator for a primary residential dwelling and accessory 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 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 then front 50 feet of the lot equals or exceeds an average of 2 feet of fall/rise in 5 feet of distance 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 exception 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.

#### **17.44.040 Fences and Hedges.**

- A. Natural evergreen screening is encouraged. Temporary fencing may be approved if erected simultaneously with permanent plantings.
- B. Fences, Front Yard. Forty-two inches maximum height. On corner lots both sides and adjacent to the streets shall be considered front yards. On corner lots no things, fences, or other physical obstruction shall be allowed within a minimum distance of 15 feet in each direction from the corner where the street side property lines intersect, then the 42 inches maximum height from ground level will be permissible.
- C. Side Yard. Maximum height 42 inches from the front back to the setback limitation, then it can be the maximum of 72 inches.
- D. Rear Yard. Maximum height of 72 inches.
- E. Vision Clearance at Intersections.
  - 1. All corner lots at street, alley and/or driveway intersections shall maintain, for safety vision purposes, a vision clearance triangle. Nothing within the vision clearance triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision of the street;
  - 2. For street intersections the vision clearance triangle shall consist of the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines 80 feet from the point of intersection, and a straight line connecting said latter points; provided that, when either of the intersecting streets has or will have 80 feet of right-of-way, the vision clearance triangle shall be the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines 100 feet from the point of intersection, and a straight line connecting said latter points;
  - 3. Within the central business district, the vision clearance triangle at street intersections shall consist of the area bounded by the centerlines of the adjacent intersecting streets extending along the centerlines 50 feet from the point of intersection and a straight line connecting said latter points.
  - 4. For all alley and driveway intersections, the vision clearance triangle shall consist of the area bounded by the centerline of either the platted alley or the established and/or anticipated driveway location and the front property line, extending along each of these lines a distance of fifteen (15) feet from the point of intersection, and a straight line connecting said points;

**17.44.050 Accessory Buildings.**

- A. No accessory building shall be located in any required front yard area.
- B. No accessory building housing livestock or for storage of malodorous substances shall be located within 40 feet of a lot line or principal residential building.
- C. An accessory building must have been originally and specifically constructed for use as a permanent accessory building unless it is to be located in the industrial district. Cargo containers, truck vans, converted mobile homes and similar prefabricated containers and structures originally built for alternative purposes do not meet these criteria and are prohibited for use as accessory buildings.

**17.44.060 "Group A" Home Occupations.**

When all of the following criteria are met, home occupations are considered “Group A” home occupations and are allowed as accessory uses in the residential districts following a “limited administrative review” process as identified in the WMC Title 14:

- A. The use of the property for a home occupation shall be clearly incidental and subordinate to its use for residential purposes; and
- B. Only resident family members are involved in the business; and
- C. Customers do not come to the home to receive goods and/or services; and
- D. No exterior signs or indications that a business is present in the home; and
- E. No window display and no sample commodities are displayed outside the building; and
- F. Home occupations shall occupy not more than twenty-five (25) percent of the total floor area of the primary residence.

#### **17.44.070 Day Care Home.**

When all of the following criteria are met, day care homes are allowed as accessory uses in the residential districts following a “limited administrative review” process as identified in the WMC Title 14 to determine that the following minimum criteria are met:

- A. Comply with all building, fire, safety, health code, and business licensing requirements; and
- B. Strict compliance with all regulations and restrictions of the licensing requirements for day care home administered by the State of Washington. The day care home provider shall provide the Town a copy of current license issued by the state. Copies of re-issued licenses shall be provided to the Town within thirty days of receipt; and
- C. Conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; and
- D. Provide a safe passenger parking and loading area; and
- E. No exterior signs or indications that a business is present in the home; and
- F. No outward manifestation or change of primary use other than that of a dwelling if located within a residential area.

#### **17.44.080 Livestock and Kennels.**

In addition to the provisions of the WMC Title 6 Animals, the following provisions shall regulate the keeping of livestock and poultry and the establishment of kennels within the zoning districts that allow for said use:

- A. Each household shall be limited to two cats and two dogs.
- B. The keeping of livestock and poultry is subject to the following provisions:
  - 1. 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 to be in compliance with the Chelan-Douglas health district regulations.
  - 2. Adequate measures shall be taken to properly dispose of animal wastes.

- Accumulation of animal waste shall be prohibited from being stored closer than 100 feet from any off-premises dwelling and domestic or irrigation well.
3. Pasture shall be defined as that area which 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.
  4. The Keeping of livestock, poultry and the establishment of kennels shall only be permitted in association with residential uses in the T/C zoning district.
- C. It is unlawful for any person, firm or corporation to keep, harbor or maintain within the corporate limits of the town, any livestock without first having procured a permit to do so from the town council in the manner provided in this chapter:
1. **Minimum Acreage Allowance.** One-quarter acre in maintained pasture per hoofed animal is minimum allowance.
  2. Application for the permit required by this chapter shall be made in writing to the town council by the person desiring such a permit five days prior to the regular town council meeting. Permit fee of \$10.00 to accompany application. Permits shall be reviewed annually by the town council. Renewals not subject to hearing. The town council shall review the permit application the next regularly scheduled council meeting after the application is received. The permit shall be granted if the applicant meets the requirements of this chapter.
  3. **Revocation.** The town council shall have the right to revoke any permit that may be granted in accordance with this chapter, by giving the holder of such permit at least one week notice to appear before the town council to show cause, if they have any, why such permit should not be revoked.

#### **17.44.090 Residential Performance Standards**

All residential dwellings shall meet the following criteria:

- A. **Minimum Floor Area:** The minimum floor area shall be 900 square feet
- B. **Minimum Width:** The minimum width shall be 24 feet at the narrowest point;
- C. **Roof Pitch:** The minimum roof pitch shall be not less than a three-foot rise for each 12 feet of horizontal run.
- D. **Siding Materials:** Siding materials shall be wood, masonite, masonry, stucco or other comparable materials. Residential structures shall be completely enclosed between the bottom of the exterior walls and adjacent ground level;
- E. **Floor Level/Pit Set:** The first finished floor level of a single story residence shall be 15 inches or less above the exterior finished grade adjacent to the residential structure.

#### **17.44.100 Outside Storage.**

- A. All outside storage must be confined to rear yards. All outside storage should be enclosed by a site-obscuring screen at least 72 inches high measured from the nearest street grade elevation and comply with WMC 17.44.040.

- B. All outside storage in central business and light industrial zones can be a maximum of eight feet.

**17.44.110 Vehicle Parking.**

- A. All property owner and occupant passenger vehicles including pickup trucks shall be parked in a designated driveway, parking space, carport or garage.
- B. No commercial vehicle or combination of vehicle and trailer over 40,000 pounds total gross weight shall be parked on any lot in a residential zone

**17.44.120 Barrier Free Access.**

All development shall comply with the Washington State rules and regulations for barrier-free design.

**17.44.130 Off-Street Parking.**

- A. Applicability. Off-street parking as required by this title shall be provided when:
  - 1. A new principal building is constructed;
  - 2. A principal building is relocated; and
  - 3. The use or building is changed or expanded to the extent that the number of required parking spaces is increased by 15 percent
- B. Maintenance of Space. All required parking spaces shall remain open and accessible for parking during the hours the use is open to the public or residents.
- C. Required Spaces. Off-street parking spaces shall be provided based on the following requirements:
  - 1. Single-family dwellings: two spaces for each dwelling unit;
  - 2. Multiple-family dwellings: two spaces for each dwelling unit;
  - 3. Auditoriums, theaters: one space per four seats;
  - 4. Churches, mortuaries: one space per four seats;
  - 5. Restaurants, taverns: one space per 100 square feet of gross floor area;
  - 6. Hotels, motels: one space per unit;
  - 7. Hospitals: one space per three beds;
  - 8. General retail stores: one space per 200 square feet of usable floor area;
  - 9. Office buildings, banks: one space per 300 square feet of usable floor area;
  - 10. Bulk retail stores: one space per 500 square feet of usable area; and
  - 11. Rest homes, elderly housing and similar uses: shall have one space per three beds or one space per three dwelling units, whichever is less.
  - 12. Similar uses applied appropriately.
- D. Barrier Free Spaces. All retail commercial, offices, personal service, health care, community facilities, multifamily buildings with dwelling units for rent and other places of public accommodation which are subject to these parking regulations shall provide

barrier free spaces as required by the Federal Americans with Disabilities Act and the State of Washington Barrier Free parking standards.

- E. Calculations - Fractions. When the total number of all required spaces results in a fractional number of parking spaces, one space shall be provided for a fraction of one-half or more, and no space shall be required for less than one-half.
- F. Location. Parking spaces required for residential uses shall be provided on the same lot as the principal building or an abutting lot if this lot is owned by the same owner, provided that provision is made for meeting the parking requirements on the lot with the principal residential structure. Front driveways shall extend a minimum of 10 feet from the edge of improvements in the right-of-way. Off-site parking for nonresidential uses shall be within 300 feet of the principal building or use being served.
- G. Dimensions. All parking spaces shall comply with the dimensional standards of 17 feet by 9 feet.
- H. Improvement of Parking Spaces. Any off-street parking in the commercial, industrial and public use zone districts for 10 or more vehicles shall be developed in accordance with the following requirements:
  - 1. Off-street parking facilities shall be surfaced with a concrete, asphaltic concrete, or similar surface approved by the town and shall include a drainage system to dispose of surface water, and shall be maintained in a condition free of weeds, dust, trash, and debris, and shall be landscaped;
  - 2. If the parking area is located adjacent to residentially zoned property, illumination of all street parking facilities shall be so arranged as to deflect light away from adjoining residential premises.

#### **17.44.140 Landscaping**

- A. Purpose. The purpose of this Section is to use landscaping and buffering concepts to promote compatibility between land uses by reducing the visual, noise, and lighting impacts of development on users of the site and abutting uses; and to unify development and enhance to overall appearance of the Town of Waterville.
- B. Application of Requirements. This Section will be used in the review and approval of all commercial, industrial and public building permits, multi-family building permits, planned residential developments, conditional use permits, and binding site plans.
  - 1. Developments involving additions or alterations to existing structures in which the cost of the additions or alterations exceeds forty percent of the value of the existing structure(s) or improvement (value shall be determined from the most recent ICBO construction tables).
  - 2. This section shall not be applicable to the following:
    - a. Single family residencies
    - b. Central business district for buildings constructed prior to (2000) and having a zero setback from the street right-of –way.

- C. Landscape Plan. When applicable a landscape plan shall be submitted with the development application and approved prior to the issuance of a building permit, conditional use permit, planned unit development, binding site plan or other development permits. The landscape plan shall meet the following:
1. All landscape plans shall be drawn to scale with the location, type and quantity of all plants shown;
  2. An irrigation plan or specified watering method on the landscape plan;
  3. Show all natural or man made features;
  4. Show existing or proposed structures, fences and retaining walls;
  5. When applicable show designated recreation or other open space areas, plazas, or green areas; and
  6. Name and address of person, firm or organization preparing landscape plans.
- D. Types of Landscaping Required. The following are types of landscaping required.
1. Sight Obscuring Landscaping shall be required when a use or activity enumerated in subsection "A" above abuts a residential district or other uses that are not compatible as determined by the review authority. Sight obscuring landscaping is intended to provide a very dense sight barrier to significantly separate incompatible uses. Plantings shall generally consist of a mix of predominantly evergreen planting, including tree, shrubs and ground covers. Evergreen trees shall be a minimum height of four (4) feet at the time of planting. Plantings shall be chosen and spaced in a manner that is sufficient to obscure sight through the barrier within seven years. Planting strips shall be a minimum of eight feet wide.
  2. Perimeter Landscaping is intended to create a visual separation between uses from roads and adjoining properties, and to create visually aesthetic features between neighborhoods and within commercial, industrial and recreation areas. Plantings shall consist of a mix of evergreen/deciduous trees, shrubs and groundcovers. Trees shall be a minimum of four feet high at the time of planting and shall have a minimum spacing of fifty feet.
    - a. Front yard or when adjacent to a public right-of-way – eight (8) feet wide
    - b. Rear and/or side yard – five (5) feet wide. A minimum of 60% of the total rear/side yard perimeter shall be landscaped.
  3. In lieu of perimeter landscaping: In lieu of providing a portion of the required perimeter landscaping on the side or rear yard areas of the site or in the case of buildings adjoined by a party wall, up to a maximum of 100% of the required perimeter landscape area may be transferred to another location on the site to create a pedestrian park, green area or plaza, provided the following criteria are met:
    - a. The area is separated from parking lot driveways and/or roads by curbs or other approved devices;
    - b. The site is located in an area that is accessible and contributes to the pedestrian environment of the site;

- c. The site features prominent seating area(s) and other pedestrian amenities;
  - d. At least fifty percent of the required landscaping site shall be landscaped with a combination of trees, shrubs, and living ground cover. The landscape plan shall be approved by the director and meet the applicable sections of this chapter.
  - e. Walkway surfaces shall be designed to be visually distinguishable from driving surfaces through the use of surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort;
  - f. The type and design of the required front yard landscaping pursuant to this chapter may be modified in part or in whole if incorporated and designed as a component of the pedestrian park, green area or plaza. This provision shall not affect the front yard landscape area required by the code;
  - g. This provision shall not apply to rear or side yards abutting a residential or agricultural district; and
  - h. Requests for modification shall be submitted for approval by the reviewing official.
4. Parking lot Landscaping is intended to provide visual relief and shade in parking areas. Up to one hundred percent of the landscaping shall be deciduous. Parking areas having twenty or more spaces shall provide at least fifteen square feet of landscape area per parking space. One shade tree shall be planted within the interior of the off-street parking area for every fifteen parking spaces.
5. Landscape Planting Requirements and Maintenance. All landscaping shall be maintained for the life of the completed project:
- a. The applicant and/or landowner shall follow accepted nursery standards and practices in the planting and maintenance of the vegetation required by this chapter.
  - b. All landscaped areas must have a minimum depth of topsoil of four feet.
  - c. Each area of landscaping must contain at least fifty square feet and an average dimension of not less than four feet wide.
  - d. A permanently installed irrigation system shall be provided with adequate water pressure and coverage to serve all landscaped areas, except for areas with existing native species that are incorporated into the approved design.
  - e. The property owner shall keep the landscaped areas free of weeds, trash and replace any diseased, damaged, unhealthy or dead plants in conformance with the approved landscape plan.
6. Prior to the issuance of an occupancy permit or start of the business activity the landscaping shall be in-place. In the event that landscaping improvements cannot be installed prior to formal application for occupancy, a cash deposit or other assurance acceptable to the town equal to 120 percent of the estimated construction costs shall be required. Such deposit shall be accompanied by a



letter from the applicant which shall stipulate completion of all landscape development shall occur no later than six months after issuance of the certificate of occupancy and that if this stipulation is not met, the town may use the deposit to install the landscaping and refund any balance of the deposit to the applicant or its designee.

**17.44.150 Noise.**

Noise emanating from any use shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and where use is within or adjoins a residential district. The sound measured at the lot line shall not exceed 50 decibels between the hours of 10:00 p.m. and 6:00 a.m. and 70 decibels at other hours.

**17. 44.160 Lighting.**

Lighting shall not be used in such a manner that produces a glare on public streets and neighboring property.

**17. 44.170 Odors and Gases.**

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

**17. 44.180 Particulate Matter.**

The emission of smoke or particulate matter of a density greater than the standard permitted by the NWAPCA (Northwest Area Pollution Control Agency) is prohibited at all times, unless a permit is issued by the town of Waterville.

**17. 44.190 Electrical Interference.**

All mechanical, electrical, and electronic equipment shall be shielded to the extent necessary to prevent electrical, magnetic or radiological interference with the use of any equipment or process on abutting sites.

**17. 44.200 Hazardous Materials Storage.**

All hazardous materials shall be stored in strict compliance with all federal, state and local regulations. Refer to WMC Title 17.

**17. 44.210 Open Storage.**

All storage of materials and equipment and materials in process shall be stacked, sorted, or

arranged in an orderly manner.

#### **17. 44.220 Maintenance and Alterations.**

All buildings and other structures shall be maintained in satisfactory condition with respect to exterior appearance. All additions to existing buildings, new structures, alterations and major maintenance which affect exterior appearances shall be subject to the same review and approval process as originally followed in approval of the principal structure as per the adopted Uniform Building Code and Uniform Fire Code. All landscaped and open space areas shall be kept reasonably free of litter and debris. All plant material shall be kept free of disease, dead material and weeds in landscaped areas.

#### **17. 44.230 Investigation, Compliance and Enforcement.**

- A. If the administrator has reasonable doubt that a business or use is, or can be, conducted within the limits of the above performance standards, he/she may require that the user or proposed user retain, at his/her expense, an independent, qualified, testing laboratory or expert, acceptable to the town, to make an analysis of the use to determine its compliance with the standards and make the results of analysis available to the town. If the site operator does not provide the required analysis within 30 days of the request, the mayor shall initiate such investigation and bill all expenses thereof to the site operator.
- B. In the event the analysis indicates existing or impending noncompliance with these standards, the town building official or other authorized official shall require the user or proposed user to either institute remedial measures to bring the use into compliance or to cease operation. Further enforcement shall be as provided for in Title 14 WMC.

#### **17.44.240 Building within Airport Hazard Area.**

All building or alterations within the Airport Hazard area, as defined by the airport plan, must comply with safe building heights and set backs. Consultation with airport officials, Douglas County, the Port of Douglas County, and the Washington State Department of Transportation – Aviation Division may be required to ensure land uses are compatible with the long range needs of the airport.

## Chapter 17.52

### CONDITIONAL USES

#### Sections:

- 17.52.010 Purpose.**
- 17.52.020 Permit Required.**
- 17.52.030 Conditions Imposed.**
- 17.52.040 Required Findings.**
- 17.52.050 General Requirements.**
- 17.52.060 Mobile Home for the Aged.**
- 17.52.070 Recreational Vehicle Parks.**
- 17.52.080 Day Care Center.**
- 17.52.090 Bed and Breakfast.**
- 17.52.100 Group B Home Occupation.**
- 17.52.110 Mini Storage**
- 17.52.120 Pet Grooming**

#### **17.52.010 Purpose.**

Conditional uses, because of public convenience and necessity and their effect upon the neighborhood, shall be permitted only upon the approval of the hearing examiner, after due notice and public hearing, and a finding that they will not be detrimental to the general comprehensive plan or to adjacent and surrounding property. The purpose of this chapter is to establish the minimum criteria for evaluating conditional use permit applications, and to establish general as well as specific standards that must be met by conditional use permit proposals.

#### **17.52.020 Permit Required.**

A conditional use may be approved when authorized by this title when findings required by this title are made. All approved conditional uses shall be authorized by a permit which states the required findings and reasons therefore, the conditions imposed on the use/structure, the location of the conditional use and the time limit, if any.

#### **17.52.030 Conditions Imposed.**

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

- A. Requirements for environmental protection;
- B. Landscaping, clearing, planting, fencing and screening requirements;
- C. Requirements of site restoration, reforestation or re-grading after use of the land;
- D. Setbacks, height and bulk requirements; refer to section describing; and

- E. Safety requirements, such as time of operations, traffic routing, limitations on processes, etc.

**17.52.040 Required Findings.**

The following findings, at a minimum, shall be made in order to authorize a conditional use:

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

**17.52.050 General Requirements.**

- A. The town shall determine whether the conditional use permit will run with the land or be personal. If the conditional use is personal, the permit is nontransferable to other persons. The town may require the permit to be recorded with the county auditor as a covenant on the property.
- B. The conditional use permit must be acted upon within one year from the date of approval or the permit shall expire. The holder of the permit may request an extension of time before the expiration date and the administrator may grant one extension of time of up to one year past the original expiration date.
- C. The conditional use permit, even if issued to the person, applies only to the property on which it was issued and may not be transferred to any other property.
- D. A conditional use permit may be denied if the town finds the proposed use cannot be conditioned so that the required findings can be made.

**17.52.060 Mobile Homes for the Aged.**

Temporary placement of a mobile home as a home for the aged may be allowed in all residential districts by conditional use permit with the following minimum provisions:

- A. Mobile homes only, as defined in Chapter 17.10 WMC; provided, the mobile home shall bear a date of manufacture no older than 10 years from the date of application for the conditional use permit;
- B. Minimum lot size of 5,000 square feet with a minimum frontage width of 50 feet shall be allowed;
- C. The use of which is necessary for the aged. The minimum age allowed is 55 years;
- D. Mobile home size and width requirements for the particular zone in which it is placed will not apply. All other zoning and building codes will apply;
- E. Utilities shall be connected and shall meet the specifications of the appropriate regulatory agency;
- F. Occupancy is limited to two persons and the necessary number of care givers living in the home, as identified during the conditional use permit application process;
- G. Landscaping, parking and other conditions may be attached as required by the town

- hearing examiner;
- H. Annual renewal shall be required and administered by the town clerk without requiring a new hearing; and
- I. When the original need for the mobile home ceases, the mobile home shall be removed and all utilities shall be discontinued by the town within 30 days.

**17.52.070 Recreational Vehicle Parks.**

Recreational vehicle parks may be allowed as provided for in WMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

**A. Park and Lot Requirements.**

- 1. Each RV pad/space shall be rented by owner-occupied recreational units only for a period not to exceed 14 consecutive days;
- 2. A minimum 25-foot-wide buffer yard area, shall be established along that portion of the recreational vehicle park which adjoins a public street right-of-way and a five-foot-wide rear and side yard buffer area shall be established along all other rear and side property lines. All buffer yard areas shall be landscaped in accordance with the provisions in WMC Chapter 18.44 General Regulations;
- 3. In addition to the required landscaped buffer yard area, a 6-foot sight-obscuring fence shall be installed along all property lines that adjoin a residential use and/or zone;
- 4. Each RV pad/space shall be a minimum width of 25 feet;
- 5. Each RV pad/space shall be a minimum size of 1,000 square feet;
- 6. All recreational units and additional structures shall maintain a minimum setback of five feet from all lot lines or be designed so as to have 10 feet separation between all recreational units and additional structures. Where RV pads/spaces and/or other structures are located on the lot adjacent to a residential use and/or zone, the setback shall be increased to 25 feet;
- 7. Each RV pad/space shall contain at least one suitable stabilized vehicular parking pad of paving or other suitable material; and
- 8. All RV pads/spaces shall be limited to one recreational vehicle, except for those stored on a temporary basis

**B. Utilities and Sanitation.**

- 1. Each recreational unit space shall be provided with one easily accessible water supply outlet;
- 2. All utilities such as water, fire protection, power, etc. shall be installed and maintained in accordance to all applicable state and/or local guidelines;
- 3. The collection, storage and disposal of solid waste in a recreational park shall be consummated so as to prevent any type of fire or health hazards, rodent harborage, insect breeding, accidents, and odor; and
- 4. All solid waste storage and sewage collection and disposal systems shall be approved by the appropriate state or local health agency.

C. Recreational Park Road System and Parking.

1. All access junctions with public roads shall be approved by the appropriate state and county agencies;
2. All recreational park roads and access roads shall be on an adequate base graded and surfaced with an asphalt surface. All internal recreational park roads shall be privately constructed, owned and maintained;
3. Off-street parking shall be at least one space per recreational unit lot. There shall also be at least four off-street parking spaces provided for the recreational park office, so as to prevent park access obstruction;
4. All interior roads shall provide for continuous forward movement so as to prevent dead ends, cul-de-sacs, barriers, etc. Road widths and changes in road alignment shall be reviewed and approved on a site-specific basis by the appropriate fire protection agency; and
5. All recreational park security systems shall be reviewed by local emergency response officials.

**17.44.080 Day Care Center.**

Day care centers may be allowed as provided for in WMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. Strict compliance with all regulations and restrictions of the licensing requirements for day-care centers administered by the state of Washington;
- B. Sixty-foot frontage on a public street;
- C. Nine hundred sixty square feet of outdoor play space plus an additional 80 square feet of outdoor play space per child over 12 children, exclusive of garage;
- D. All play areas shall be fenced and screened in a manner approved by the hearing examiner so as to minimize noise and visual interference with the adjoining neighborhood;
- E. Thirty-five square feet per student of room space for use by students;
- F. Prior to final approval of the conditional use permit the applicant must submit a certificate of compliance with all applicable code requirements from the building inspector of the city and the fire chief of the city;
- G. An on-site vehicle turnaround or separate entrance and exit points and passenger loading area must be provided. The city shall specifically consider the location and appearance of the proposed turnaround or access in determining the compatibility with the surrounding uses. The hearing examiner shall consider the traffic safety of the location for pickup and delivery of children.

**17.44.090 Bed and Breakfast.**

Bed and Breakfast facilities may be allowed as provided for in WMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. The bed and breakfast facility shall be the principal residence of the owner;
- B. A bed and breakfast facility shall be compatible with the residential character of the neighborhood and the owners shall provide screening with shrubs, fencing and other suitable materials to minimize the impact upon the residential character of the neighborhood;
- C. The applicant for a conditional use permit for a bed and breakfast guest house shall at the time of filing the application provide evidence to the hearing examiner of compliance with all health, building and fire regulations;
- D. Off-street parking as required in WMC Chapter 17.44 shall be behind the front yard setback line and shall be screened so as to minimize the visual and audio impact upon the residential character of the neighborhood;
- E. One non-illuminated sign bearing the name of the bed and breakfast facility is permitted, provided that the sign is not more than four (4) square feet in area and is attached flush against the wall of the dwelling;
- F. Guests shall limit their length of stay to not more than 14 consecutive days;
- G. All applications for bed and breakfast guest house conditional use permits shall be accompanied with a floor plan and lot plan setting forth bathrooms and bedrooms to be used for bed and breakfast guest house facilities, their size, location and the lot plan showing the location of off-street parking, its size and any additions to premises and screening;
- H. Meals shall only be served to paying guests, not the general public;

**17.44.100 Group B Home Occupations.**

Group B home occupations may be allowed as provided for in WMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. The use of the property for a home occupation shall be clearly incidental and subordinate to its use for residential purposes; and
- B. Any member of the household and only one non-resident person may be employed in the business; and
- C. One non-illuminated sign bearing the name and home occupation of the resident is permitted, provided that the sign is not more than four (4) square feet in area and is attached flush against the wall of the dwelling.
- D. Parking facilities for customers and/or the non-resident employee shall be addressed as appropriate during the permit review process; and
- E. No window display and no sample commodities are displayed outside the building; and
- F. Home occupations shall occupy not more than twenty-five (25) percent of the total floor area of the primary residence, or not more than 500 square feet of an accessory storage building; and
- G. Stock in trade stored or for sale shall not exceed 25 percent of the total home occupation area; and
- H. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the residence or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.

### **17.52.110 Mini Storage**

Mini storage facilities may be allowed as provided for in WMC Chapter 17.40 District Use Chart by conditional use permit with the following minimum provisions:

- A. The minimum site size for a mini storage facility shall be 30,000 square feet;
- B. A minimum 10-foot-wide buffer yard area, shall be established along that portion of the mini storage facility which adjoins a public street right-of-way and a five-foot-wide rear and side yard buffer area shall be established along all other rear and side property lines. All buffer yard areas shall be landscaped in accordance with the provisions in WMC Chapter 18.44 General Regulations;
- C. In addition to the required landscaped buffer yard area, a 6-foot sight-obscuring fence shall be installed along all property lines that adjoin a residential use and/or zone;

### **17.52.120 Pet Grooming**

Pet grooming occupations may be allowed as provided for in Chapter 17.40 WMC, District Use Chart, by conditional use permit with the following minimum provisions:

- A. Domesticated animals are animals that are kept by humans as pets,
- B. Only domesticated dogs and cats will be groomed in the facility.
- C. All grooming shall take place within the residential structure or accessory structure.
- D. No more than four animals shall be on-site at any one time.
- E. All business related materials shall be stored within the primary or accessory structure at the place of business.
- F. All pets must be secured in kennels, cages, leashes or in a manner that will protect and maintain a safe residential atmosphere.



## Chapter 17.56 VARIANCES

### Sections:

- 17.56.010**    **Definition.**
- 17.56.020**    **Required Findings.**
- 17.56.030**    **Time Limits.**
- 17.56.040**    **Applicability.**

#### **17.56.010**    **Definition.**

A variance is an official permit, obtained from the hearing examiner, to do something normally forbidden by regulations. As used in this title, a variance is authorized only for height, setbacks, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district. A variance may be allowed if the building site meets 7,000 square feet and setback requirements although it may not meet minimum width requirement of 75 feet.

#### **17.56.020**    **Required Findings.**

A variance to any requirement of this title, except use and procedural requirements, may only be granted when all of the following required findings are made:

- A.    **Special Circumstances.** Because of special circumstances related to the property, the strict enforcement of the zoning code would deprive the owner of use rights and privileges permitted to the other properties in the vicinity with the same zoning.
  - 1.    Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity of public structures and uses, and protection of environmental features such as vegetation, streams, ponds and wildlife habitat.
  - 2.    Special circumstances may not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning code, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property
- B.    **Special Privilege.** The approval of the variance will not grant special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.
- C.    **Zoning Code.** Approval of the variance will be consistent with the purposes of the zoning code and the zone district in which the property is located.
- D.    **Not Detrimental.** The variance as approved or conditionally approved will not be significantly detrimental to the public health, safety or welfare or injurious to the

- property or improvements in the vicinity.
- E. Minimum Variance. The approved variance is the minimum necessary to allow the owner the rights enjoyed by other property owners in the vicinity with the same zoning.

**17.56.030 Time Limits.**

The variance must be acted upon within one year from the date of approval or the variance shall expire. The holder of the variance may request an extension of time before the expiration of the variance and the administrator may grant one extension of time up to six months past the original date of expiration.

**17.56.040 Applicability.**

The variance applies only to the property or an individual for a specific property to which it was granted and may not be transferred to any individual or other property.

**Chapter 17.60**  
**NONCONFORMING USES, STRUCTURES AND LOTS**

**Sections:**

- 17.60.005 Purpose and Intent.**
- 17.60.010 Nonconforming Uses.**
- 17.60.020 Nonconforming Structures.**
- 17.60.030 Nonconforming Lots.**
- 17.60.040 Establishment.**

**17.60.005 Purpose and Intent.**

Within the districts established by this title or amendments that may later be adopted, there may exist lots, uses and structures which were lawful before the ordinance codified in this title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. 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.

It is the intent of this chapter to permit these legal nonconformities to continue until they are removed. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. 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.

**17.60.010 Nonconforming Uses.**

Nonconforming uses may be continued if:

- A. The use was lawful at the time it was established;
- B. The use has not been discontinued for a period of 12 consecutive months since the nonconformity was established; and
- C. The use has not been enlarged in scope or size in any way, except as required to meet state or federal standards.

**17.60.020 Nonconforming Structures.**

- A. Alterations. A nonconforming structure may be altered or enlarged, if:
  - 1. Alterations to the structure do not increase the nonconformity in any way;
  - 2. Alterations are necessary to meet town, state, or federal requirements; or
  - 3. Alterations meet the existing requirements of the zone in which the structure is located

- B. Restoration of Damage. A nonconforming structure may be restored, if damaged less than 75 percent of its value by fire or other hazard, in the same location and dimensions as existed before the damage occurred if restoration begins within six months of the date the damage occurred. Upon a showing of hardship or conditions causing delay which are beyond the control of the applicant, the mayor may grant an extension of time for up to six additional months

**17.60.030 Nonconforming Lots.**

- A. A nonconforming lot may be continued if it had been lawfully established at the time the nonconformity was established.
- B. In any district in which single-family dwellings are permitted, a single-family dwelling and allowed accessory buildings may be erected on nonconforming lots of record, provided the criteria established below for a legal building site is complied with and applicable as of the effective date of this ordinance. At the effective date of adoption of the ordinance codified in this title, no nonconforming lot or combination of lots shall be used or sold in a manner which diminishes compliance with said, criteria, and notwithstanding limitations imposed by other provisions of this title. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that, in addition to the criteria established below, all other current regulations of the zoning district shall still apply, including without limitation, required yards/setbacks, lot coverage, density, parking, storm drainage, landscaping, access, and road improvement.
- C. Legal building sites on platted nonconforming lots which have been created in conformance with the development regulations existing at the time of creation, shall meet the following criteria:
  - 1. Any platted, single, nonconforming lot which is in separate ownership, and not of continuous or contiguous frontage with other lots in the same ownership as of the effective date of this ordinance, shall be considered a single, legal building site under this chapter; or
  - 2. Where there are platted nonconforming lots which have continuous or contiguous frontage in a single ownership, as of the effective date of this ordinance, which together total a lot size of less than 6,000 square feet, such lots shall be considered a single, legal building site under this chapter; or
  - 3. Where there are platted nonconforming lots with continuous or contiguous frontage in a single ownership, as of the effective date of this ordinance, which together total a lot size of 7,000 square feet or more, all building sites shall comply with the minimum provisions of the zoning district within which it is located.
- D. Within residential districts, where there are existing residences on nonconforming lots as of the effective date of this ordinance, said residences may be replaced on the nonconforming lot if they are damaged or destroyed by natural causes to any extent, provided all other provisions of this Title are complied with to the greatest extent

possible. If the existing residence exceeded the lot coverage requirement of the applicable zoning district at the time it is destroyed or damaged by natural causes, the replacement structure may be allowed at the same lot coverage. If the existing residence encroached on yard area requirements of the applicable zoning district at the time it is destroyed or damaged by natural causes, the replacement structure must be placed on the nonconforming lot in such a way as to minimize any encroachments into required yard areas.

- E. Where the above criteria require that platted nonconforming lots be consolidated and/or combined to create a legal building site, such consolidation and/or combination shall be accomplished as governed by the WMC Title 16 Land Divisions.

### **17.60.050 Establishment**

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the Town. Determination of the nonconforming status of a lot, use, building or structure is an administrative function of the administrator. Property owners asserting existing nonconforming status shall submit such information as the administrator deems necessary to substantiate or document the claim to the existing 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 existing nonconforming status.

## Chapter 17.64 ENFORCEMENT

### Sections:

- 17.64.010    Enforcing Official.**
- 17.64.020    Right of Entry.**
- 17.64.030    Licenses and Permits.**

#### **17.64.010    Enforcing official.**

The mayor, or his/her designee, shall be responsible for the enforcement of this title. In addition to the provisions for enforcement identified in this title, WMC Title 14 provisions for enforcement shall also apply.

#### **17.64.020    Right of Entry.**

The enforcement official or his/her designee may enter, at reasonable times, with the permission of the owner, any building, structure or premises in the town to perform any duty imposed upon him by this title.

#### **17.64.030    Licenses and Permits.**

- A.    No license or other permit shall be issued until the plans, specifications, occupancy and use of the structure conforms to the requirements of this title.
- B.    No building permit or other permit shall be issued until the conditions of approval, if any, plans, specifications, occupancy and use of the structure conform to the requirements of this title.
- C.    No license, permit or approval shall be granted until all fees and expenses required and incurred under this title have been paid.

## Chapter 17.68 AMENDMENTS

### Sections:

- 17.68.010 Scope.**
- 17.68.020 Initiation of Text Amendments.**
- 17.68.030 Rezones.**
- 17.68.040 Contract Rezone.**
- 17.68.050 Amendment Procedures.**

### **17.68.010 Scope.**

After review and recommendation by the planning commission, the town council may supplement, or change by ordinance, any of the provisions, zone district boundaries, or zone district classifications hereon.

### **17.68.020 Initiation of Text Amendments.**

Amendments to the text of this title may be initiated by the town council or the planning commission.

### **17.68.030 Rezones.**

- A. Initiation. Amendments to the zone district boundaries or zone classifications may be initiated by the town council, planning commission or petition of owners of 51 percent of the area of the properties to be rezoned.
- B. Required Findings. Amendments to the zone district boundaries or classification may be made if all the following findings are made:
  - 1. The amendment is consistent with the comprehensive plan;
  - 2. The amendment is consistent with the purposes of this title;
  - 3. The amendment is consistent and compatible with the uses and zoning of the surrounding property;
  - 4. There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification;
  - 5. The property is practically and physically suited for the uses allowed in the proposed zoning classification; and
  - 6. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action
- C. Burden of Proof. The applicant must demonstrate that the proposed rezone meets the conditions of the required findings above.

**17.68.040 Contract Rezone.**

The town may impose conditions on the use and development of the property to be rezoned which may mitigate otherwise unacceptable adverse effects of the proposed action. These conditions may be incorporated into a contract between the town and the property owner as a necessary requirement of the rezone. Failure to fulfill the contract conditions can provide the basis for the property to revert to the original zoning classification.

**17.68.050 Amendment Procedures.**

The application requirements, review procedures, public notification requirements and procedures for recommendations and actions are described in WMC Title 14.



## Chapter 17.70 SURETIES

### Sections:

**17.70.010 Site Improvement Sureties.**

**17.70.020 Maintenance Sureties.**

**17.70.030 Release of Sureties.**

### **17.70.010 Site Improvement Sureties.**

Before the issuance of any permit or approval to build, use or occupy any building or site for which site improvements are required as a condition of the permit or approval, the town may require that the owner shall provide a suitable bond surety, to ensure the site improvements are completed before use or occupancy of the site.

### **17.70.020 Maintenance Sureties.**

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

### **17.70.030 Release of Sureties.**

The mayor shall not release sureties for completed or partially completed required improvements except under the following conditions:

- A. The project proponent has submitted a schedule of improvements, the sequence for completion and the value of each part of the improvement for which a release of cash or bond surety may be sought;
- B. Each segment of a required improvement shall be usable by itself without completion of the remainder of the improvement;
- C. Each segment shall receive final inspection and approval by the town before release of the cash or bond surety for that part of the improvement;
- D. All partial releases on each improvement shall constitute no more than 100 percent of the estimated value of the entire completed improvement; and
- E. All releases of cash or bond sureties shall be approved in writing by the mayor.