

Title 17
ZONING

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Chapter 17.05

INTERPRETATION, PURPOSE, APPLICABILITY

Sections:

- 17.05.010 Title.
- 17.05.020 Text, map book.
- 17.05.030 Conflict with other laws.
- 17.05.040 Zone change extension.
- 17.05.050 Conditional uses.
- ~~17.05.060 Unmentioned uses.~~
- 17.05.070 Variance permit.
- ~~17.05.080 Duty of commission.~~

17.05.010 Title.

This title shall be known as the “zoning ordinance of the city of Othello.” (Ord. 948 § 2 (part), 1995).

17.05.020 Text, map book.

This title shall consist of the text hereof and of that certain zoning map which map is now on file in the office of the city clerk. A copy of that zoning map is attached to the ordinance codified in this title and a large display copy of that map shall be displayed at City Hall. The zoning map has been heretofore examined in detail by the city council and is adopted as a part of this title and shall be the zoning map of the city until amended by appropriate action of the city council. This title and each and all of its terms is to be read and interpreted in the light of the contents of the zoning map. If any conflict between the zoning map and the text of this title arises, the text of this title shall prevail. (Ord. 1271 § 1, 2008; Ord. 948 § 2 (part), 1995).

17.05.030 Conflict with other laws.

The provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare; therefore, where this title imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, ordinances, rules or regulations the provisions of this title shall control. (Ord. 948 § 2 (part), 1995).

17.05.040 Zone change extension.

Any person desiring to have an existing zone classification changed shall file a petition requesting such change together with the required fees with the city clerk. Said petition shall first be considered by the ~~planning commission hearing examiner at a public hearing.~~ If denied, the reasons for the denial shall be clearly set forth in the ~~minutes of the meeting notice of decision.~~ Upon approval of such petition, it shall be referred to the city council for further consideration. ~~The council shall set a date for a public hearing on the petition and give appropriate notice of all persons who appear to be affected by the proposed change.~~ Approval of the petition and the actual change in the zone classification shall be accomplished only by the adoption of an ordinance which also amends the zoning map. (Ord. 948 § 2 (part), 1995).

17.05.050 Conditional uses.

Conditional uses shall only be permitted after a public hearing before the hearing examiner finding that:

- (a) The use furthers the intent of the zone in which it will be located and conforms to the general plan.
- (b) The use will not create undesirable traffic congestion or parking problems.
- (c) The use will not be detrimental to surrounding properties or their uses because of appearances, noise, use, or other undesirable features.
- (d) The use will meet all standards and regulations for the zone in which it is to be located.
- (e) The use will not create undesirable environmental problems:

- (1) The hearing examiner can make special requirements in connection with his/her decision following a public hearing if they are necessary to more closely fulfill the intent of the zone in which a development is permitted.
- (2) Conditions, if any, which may be imposed on any proposed project requiring a conditional use permit, shall be endorsed on the conditional use permit and failure to comply therewith shall be grounds for revocation of the conditional use permit. Revocation of the conditional use permit shall be final after thirty days' written notice of the violation is given by certified mail to the owner and/or occupant of the land or improvements for which the conditional use permit was issued if, in the meantime, the violation is not corrected.
- (3) If no development has taken place on the proposal or if no building permits or subdivision applications have been issued or received within a twenty-four-month time limit from the date of issuance, the conditional use permit shall become null and void.
- (4) The decision of the hearing examiner in approving or conditionally approving a conditional use permit shall stipulate whether the conditional use permit is issued to a person or whether the permit shall run with the land. "Person" shall be defined as an individual, corporation, company, firm, association, partnership, or joint stock company, a state, and all political subdivisions of a state or any agency or any instrumentality thereof having an ownership interest in the land as an owner, renter, or lessee. A use permitted as a conditional use is subject to the limits in the permit and conveys no greater rights than expressly permitted. A request for a revision to a conditional use permit shall be processed as an application for a new conditional use permit. (Ord. 948 § 2 (part), 1995).

17.05.060 — Unmentioned uses.

~~Unmentioned uses which are not deemed similar to permitted uses by the zoning administrator shall be permitted only by a public hearing before the planning commission and their finding that:~~

- ~~(a) — The use is similar in nature to the uses permitted in the zone and is dissimilar to those prohibited;~~
- ~~(b) — The use furthers the intent of the zone in which it will be located and conforms to the general plan;~~
- ~~(c) — The use will not create undesirable traffic or parking conditions;~~
- ~~(d) — The use will not be detrimental to surrounding properties or their uses;~~
- ~~(e) — The use will meet all standards and regulations for the zone in which it is to be located;~~
- ~~(f) — The use will not create undesirable environmental problems.~~

~~The commission may make special requirements following its hearing and review if they are necessary to more closely fulfill the intent of the district in which a use is permitted. (Ord. 948 § 2 (part), 1995).~~

17.05.070 Variance permit.

The hearing examiner may grant variances for the requirements of any zone only as permitted by law and Chapter 2.16. (Ord. 1305 § 2, 2009; Ord. 948 § 2 (part), 1995).

17.05.080 — Duty of commission.

~~It shall be the duty of the commission to:~~

- ~~(a) — Interpret the provisions of this title in such a way as to carry out the intent and purpose of the plan thereof, as shown by the map fixing the several districts accompanying and made a part of this title, where the street layout actually is found varies from the street layout as shown on the map aforesaid;~~
- ~~(b) — Zone changes — Section 17.05.040;~~
- ~~(c) — Unmentioned uses — Section 17.05.060;~~

- ~~(d) — Subdivision of land — Title 16;~~
- ~~(e) — Home occupations — Section 17.59.015;~~
- ~~(f) — Off street parking — Chapter 17.61. (Ord. 948 § 2 (part), 1995)~~

Chapter 17.09
DEFINITIONS

[No changes to this chapter proposed at this time.]

Chapter 17.13
DISTRICTS, BOUNDARIES

Sections:

- 17.13.010 Enumerated.
- 17.13.020 Building construction restrictions.
- 17.13.030 Designation on map.
- 17.13.040 Designation by actual street layout.
- 17.13.050 Urban growth area (UGA) annexations.
- 17.13.060 Property divided by boundary line.

17.13.010 Enumerated.

For the purposes of this title, the city is divided into districts as follows:

- R-1 residential district
- R-2 residential district
- R-3 residential district
- R-4 residential district
- Residential-medical district
- ~~RMH residential district~~
- S-1 suburban
- C-1 commercial district
- C-2 commercial district
- C-3 commercial district
- I-1 industrial district
- I-2 industrial district
- Open space recreational
- Open space urban reserve

(Ord. 1142 § 1 (part), 2003; Ord. 948 § 2 (part), 1995).

[No other changes to this chapter proposed at this time]

Chapter 17.17

R-1 RESIDENTIAL DISTRICT

Sections:

- ~~17.17.010 — Permitted uses.~~
- ~~17.17.013 — Conditional uses.~~
- ~~17.17.015 — Uses specifically prohibited.~~
- ~~17.17.020 — Front yard.~~
- ~~17.17.030 — Side yard.~~
- ~~17.17.035 — Rear yard.~~
- ~~17.17.040 — Building site area.~~
- ~~17.17.050 — Height.~~
- ~~17.17.060 — Off street parking area.~~
- ~~17.17.070 — Maximum land coverage by buildings.~~

17.17.010 — Permitted uses.

In an R-1 district, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:

(a) ~~One family dwellings — single family, mobile home, modular or site built home dwelling of one thousand square feet minimum basic structure.~~

- (1) ~~One dwelling unit per lot;~~
- (2) ~~Zero lot line construction (two lots, two homes);~~
- (3) ~~All dwellings shall meet these minimum design requirements:~~
 - (A) ~~All dwellings shall be placed on a permanent foundation, for manufactured homes the space from the bottom of the home to the ground be enclosed by concrete;~~
 - (B) ~~Be permanently connected to city utilities;~~
 - (C) ~~Be in compliance with the Washington State Energy Code;~~
 - (D) ~~Be in compliance with any regulations currently in force concerning radon abatement or detection;~~
 - (E) ~~Be constructed with and presently have a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch;~~
 - (F) ~~Have exterior siding similar in appearance to siding materials commonly used on site built single family residences;~~
 - (G) ~~Be not less than twenty four feet in width, width meaning the narrowest side of the rectangle formed by the structure as a whole;~~
 - (H) ~~No home structure shall be placed upon any property unless the ownership of the real estate and the structures placed thereon are in the same person and the owner requests, in writing, the Adams County assessor to place the improvements on the tax rolls and assessed as a portion of the real estate; and~~
 - (I) ~~Shall provide at least two covered parking spaces inside a garage;~~
- (4) ~~Manufactured homes are permitted to be placed on individual lots in this district which meet the following requirements:~~
 - (A) ~~Be built to the 42 U.S.C. Section 5401 — 5403 standards (as amended in 2000);~~

- ~~(B) — Be a new manufactured home as defined in RCW 35.63.160 as now enacted or hereafter amended;~~
- ~~(C) — Any manufactured home removed from its existing site shall be removed from within the city within thirty days, or relocated to a new site and ready for occupancy within thirty days, in compliance with any and all other applicable regulations in effect at that time;~~
- ~~(D) — Must be placed on a foundation per the manufacturer's recommendation or per the building code and in addition a continuous perimeter concrete foundation per the building code must be installed, regardless if it is necessary for the structural integrity of the dwelling. All wheels, towing or moving apparatus shall be removed from the site. The mobile or manufactured dwelling, as constructed, shall be inspected and certified by the Washington State Department of Labor and Industries that it meets all applicable electrical, plumbing and building codes for manufactured homes;~~
- ~~(b) — Parks and playgrounds including park buildings; after a special hearing and a conditional use permit in the manner provided in Sections 17.05.040 through 17.05.070;~~
- ~~(c) — Family day care homes as an accessory use to a private family residence providing care during part of the twenty four hour day to twelve or fewer children. Family day care homes shall be licensed by the state of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements for family day care homes. The operator must provide written proof that prior to state licensing written notification was provided to the immediately adjacent property owners of the intent to locate and maintain such a facility. A city business license shall be required;~~
- ~~(d) — Home occupations as permitted pursuant to Chapter 17.59 of this code;~~
- ~~(e) — Any of the following may be allowed by the planning commission after a public hearing and concurrence by the city council:~~
- ~~(1) — Public or private schools;~~
 - ~~(2) — Churches;~~
 - ~~(3) — Municipal buildings or structures;~~
- ~~(f) — Accessory buildings, such as are ordinarily appurtenant to single family dwellings, shall be permitted, when located not less than sixty feet from the front lot line nor less than twenty feet from any side street line. Garages on lots where no residence is constructed are not permitted;~~
- ~~(g) — Not more than two signs not exceeding four square feet in area for each sign shall be erected advertising for sale or for rent the premises upon which they are located. All other signs, signboards and billboards are prohibited, except signs designating street names, traffic controls and parking regulation erected by the city;~~
- ~~(h) — Condominiums in compliance with Chapter 17.54;~~
- ~~(i) — Adult family home licensed by the state of Washington, Department of Social and Health Services, and a city business license shall be required;~~
- ~~(j) — Nothing herein contained shall be deemed to prohibit the use of vacant property for gardening or fruit raising so long as the property is maintained in a neat, orderly and clean condition such that it does not constitute any sort of nuisance. (Ord. 1246 § 1 (part), 2007; Ord. 989 § 1 (part), 1996; Ord. 961 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.17.013 — Conditional uses.

The following uses may be permitted by the hearing examiner as a conditional use in compliance with the provisions of this title:

- ~~(a) — Day care facility for the care of more than twelve children in the family abode of the person holding the license issued by the state of Washington, Department of Social and Health Services.~~

~~(1) — Requirements: day care facilities shall be in compliance with the following requirements:~~

~~(A) — Outdoor play areas shall not be located in front yards.~~

~~(B) — One on-site parking space is required for each employee in addition to required resident parking.~~

~~(C) — An on-site, off-street loading and unloading area shall be required.~~

~~(D) — A city business license shall be required.~~

~~(E) — Signage shall not be permitted.~~

~~(F) — No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be permitted.~~

~~(G) — The use and structures shall be in compliance with zoning regulations and building code requirements.~~

~~(H) — Day care facilities shall be licensed by the state of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirement as determined by the state of Washington, Department of Social and Health Services except that day care centers shall operate in compliance with the capacity requirements as stipulated in this section.~~

~~(I) — The hearing examiner may impose conditions to mitigate any potential adverse impacts on the surrounding area.~~

~~(J) — Notification of adjacent property owners for an application for a day care facility prior to obtaining a license from the state of Washington, Department of Social and Health Services.~~

~~(b) — Golf courses. (Ord. 1246 § 1 (part), 2007; Ord. 948 § 2 (part), 1995).~~

17.17.015 — Uses specifically prohibited.

In the R-1 residential district the following are prohibited:

(a) — Mobile homes;

(b) — Commercial activities not otherwise specifically permitted. (Ord. 948 § 2 (part), 1995).

17.17.020 — Front yard.

~~There shall be a front yard having a minimum depth of twenty feet; provided, however, where lots comprising twenty-five percent or more of the frontage on one side of a principal street between two intersecting streets shall at any particular time have been developed with buildings, no building thereafter erected or structurally altered on lots comprising any part of such frontage shall project beyond the average setback line of such building. (Ord. 961 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.17.030 — Side yard.

~~There shall be a side yard of not less than five feet in width on either side of a building, nor less than one-fifth of the height of the building; provided, however:~~

~~(a) — That the total of the two side yards of a building shall be not less than ten feet;~~

~~(b) — On corner lots there shall be a side yard on the side of the intersecting street of not less than twenty feet, when the house faces the front street;~~

~~(c) — When a house located on corner lot faces the side street, there shall be a minimum setback of twenty feet from the side street and twenty feet from the front street;~~

~~(d) — Exception: zero lot line construction, no side yard at structures. (Ord. 961 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.17.035 — Rear yard.

~~There shall be a minimum of five feet of setback from the back property line except where the back property line abuts an alley there is no setback required, unless the garage opens onto the alley. (Ord. 961 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.17.040 — Building site area.

~~In the R-1 district, no single family dwelling shall be hereafter erected upon any lot or plot having an area of less than seven thousand two hundred feet. Every single family dwelling shall front upon a street dedicated for public use and accepted by the city council as a public street, without any other building intervening between such dwelling and the street upon which it fronts; provided, that these regulations shall not prohibit the erection of one single family dwelling upon any lot as shown by the last conveyance of record prior to the date of the ordinance codified in this title because such lot is of less area or width than required in this section. (Ord. 961 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.17.050 — Height.

~~No building hereafter erected or structurally altered shall exceed twenty eight feet, or two stories in height, except municipal buildings and structures may exceed this restriction. (Ord. 989 § 1 (part), 1996; Ord. 961 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.17.060 — Off street parking area.

~~Off street parking requirements shall be in conformance with Chapter 17.61. (Ord. 948 § 2 (part), 1995).~~

17.17.070 — Maximum land coverage by buildings.

Maximum land coverage by buildings shall be as follows:

- (a) — Interior lot, thirty five percent;
- (b) — Corner lot, thirty five percent. (Ord. 948 § 2 (part), 1995).

Chapter 17.19

~~RESIDENTIAL-MEDICAL DISTRICT~~

Sections:

- ~~17.19.010 — Permitted uses.~~
- ~~17.19.020 — Conditional uses.~~
- ~~17.19.030 — Uses specifically prohibited.~~
- ~~17.19.040 — Front, side and rear yards.~~
- ~~17.19.050 — Building site area.~~
- ~~17.19.060 — Height.~~
- ~~17.19.070 — Off street parking area.~~

17.19.010 — Permitted uses.

~~In a residential medical district, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:~~

- ~~(a) — Any use permitted in an R-1 zone and their accessory uses;~~
- ~~(b) — Public hospitals and medical, dental, chiropractic, holistic and physical therapy clinics, and their supporting medical facilities;~~
- ~~(c) — Convalescent homes, nursing homes, rest homes, and similar residential/medical uses and their support facilities. (Ord. 1142 § 1 (part), 2003).~~

17.19.020 — Conditional uses.

~~The following uses may be permitted by the hearing examiner as a conditional use in compliance with the provisions of this title:~~

- ~~(a) — Any conditional use allowed in the R-1 zone;~~
- ~~(b) — Medically related commercial vendors. (Ord. 1142 § 1 (part), 2003).~~

17.19.030 — Uses specifically prohibited.

~~The following are prohibited in the residential medical district:~~

- ~~(a) — Any uses prohibited in the R-1 zone except medical/commercial uses which are specifically allowed by this chapter. (Ord. 1142 § 1 (part), 2003).~~

17.19.040 — Front, side and rear yards.

- ~~(a) — For all uses within this zone, the front, side and rear yard setbacks shall be as required in the R-1 district, except as otherwise provided herein.~~
- ~~(b) — Public hospitals and medical, dental, chiropractic, holistic and physical therapy clinics, convalescent homes, nursing homes, rest homes, similar residential/medical uses and their support facilities when located adjacent to a residential use shall have a hearing and approval by the planning commission. When buffering becomes necessary, the planning commission shall make appropriate provision for adequate landscaping or sight and sound obscuring devices between residential uses, medical, and commercial uses to mitigate the impact of the location of these medical uses adjacent to residential uses. The planning commission may consider the provisions of Chapter 17.75 of this code, but is not limited to those provisions in determining a reasonable mitigation requirement to accomplish the purposes of this section. (Ord. 1142 § 1 (part), 2003).~~

17.19.050 — Building site area.

- ~~(a) — All residential uses shall comply with R-1 conditions;~~

~~(b) — Every public hospital and medical, dental, chiropractic, holistic and physical therapy clinic, convalescent home, nursing home, rest home, residential/medical support facility, and medically related commercial vendor, shall be erected on lots, providing a maximum land coverage of fifty percent. Nothing herein shall prevent appropriate use of a binding site plan to locate more than one such facility on a single lot so long as such placement is approved by the planning commission;~~

~~(c) — New plats within the residential medical district shall have lots with no less than forty thousand square feet; provided, that these regulations shall not prohibit the erection or replacement of one single family dwelling upon any lot as shown by the last conveyance of record prior to the effective date of the ordinance codified in this chapter because such lot is of less area than required in this section. (Ord. 1142 § 1 (part), 2003).~~

17.19.060 — Height.

~~No building hereafter erected or structurally altered shall exceed twenty eight feet, or two stories in height, except public hospitals and medical, dental, chiropractic, holistic and physical therapy clinics and medically related commercial vendor buildings and structures shall not exceed sixty feet or three stories in height. (Ord. 1142 § 1 (part), 2003).~~

17.19.070 — Off street parking area.

~~Off street parking requirements shall be in conformance with Chapter 17.61. (Ord. 1142 § 1 (part), 2003).~~

Chapter 17.21

R-2 RESIDENTIAL DISTRICT

Sections:

- ~~17.21.010 — Permitted uses.~~
- ~~17.21.013 — Conditional uses.~~
- ~~17.21.015 — Uses specifically prohibited.~~
- ~~17.21.020 — Front yard.~~
- ~~17.21.030 — Side yard.~~
- ~~17.21.035 — Rear yard.~~
- ~~17.21.040 — Building site area.~~
- ~~17.21.050 — Height.~~
- ~~17.21.060 — Off street parking area.~~
- ~~17.21.070 — Maximum land coverage by buildings.~~

17.21.010 — Permitted uses.

In an R-2 district, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:

- ~~(a) — Any use permitted in the R-1 district;~~
- ~~(b) — Two family dwellings: units shall be completely separated by a one-hour fire wall and shall not be offered for rental on a shorter than month-to-month basis;~~
- ~~(c) — Home occupations as permitted pursuant to Chapter 17.59 of this code;~~
- ~~(d) — All dwellings shall meet these minimum design requirements:
 - ~~(1) — All dwellings shall be placed on a permanent foundation; for manufactured homes the space from the bottom of the home to the ground shall be enclosed by concrete;~~
 - ~~(2) — Be permanently connected to city utilities;~~
 - ~~(3) — Be in compliance with the Washington State Energy Code;~~
 - ~~(4) — Be in compliance with any regulations currently in force concerning radon abatement or detection;~~
 - ~~(5) — Be constructed with and presently have a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch;~~
 - ~~(6) — Have exterior siding similar in appearance to siding materials commonly used on site-built single-family residences;~~
 - ~~(7) — Be not less than twenty-four feet in width, width meaning the narrowest side of the rectangle formed by the structure as a whole;~~
 - ~~(8) — No home structure shall be placed upon any property unless the ownership of the real estate and the structures placed thereon are in the same person and the owner requests, in writing, the Adams County assessor to place the improvements on the tax rolls and assessed as a portion of the real estate; and~~
 - ~~(9) — Shall provide at least two covered parking spaces inside a garage;~~~~
- ~~(e) — Manufactured homes are permitted to be placed on individual lots in this district which meet the following requirements:
 - ~~(1) — Be built to the 42 U.S.C. Section 5401—5403 standards (as amended in 2000);~~~~

- ~~(2) — Be a new manufactured home as defined in RCW 35.63.160, as now enacted or hereafter amended;~~
- ~~(3) — Any manufactured home removed from its existing site shall be removed from within the city within thirty days, or relocated to a new site and ready for occupancy within thirty days, in compliance with any and all other applicable regulations in effect at that time;~~
- ~~(4) — Must be placed on a foundation per the manufacturer's recommendation or per the building code and in addition a continuous perimeter concrete foundation per the building code must be installed, regardless if it is necessary for the structural integrity of the dwelling. All wheels, towing or moving apparatus shall be removed from the site. The mobile or manufactured dwelling, as constructed, shall be inspected and certified by the Washington State Department of Labor and Industries that it meets all applicable electrical, plumbing and building codes for manufactured homes. (Ord. 1247 § 1 (part), 2007; Ord. 948 § 2 (part), 1995).~~

17.21.013 — Conditional uses.

The following uses may be permitted by the hearing examiner as a conditional use in compliance with the provisions of this title:

- ~~(a) — Day care facility for the care of more than twelve children in the family abode of the person holding the license issued by the state of Washington, Department of Social and Health Services:
 - ~~(1) — Requirements: day care facilities shall be in compliance with the following requirements:
 - ~~(A) — Outdoor play areas shall not be located in front yards.~~
 - ~~(B) — One on-site parking space is required for each employee in addition to required resident parking.~~
 - ~~(C) — An on-site, off-street loading and unloading area shall be required.~~
 - ~~(D) — A city business license shall be required.~~
 - ~~(E) — Signage shall not be permitted.~~
 - ~~(F) — No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be permitted.~~
 - ~~(G) — The use and structures shall be in compliance with zoning regulations and building code requirements.~~
 - ~~(H) — Day care facilities shall be licensed by the state of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirement as determined by the state of Washington, Department of Social and Health Services except that day care centers shall operate in compliance with the capacity requirements as stipulated in this section.~~
 - ~~(I) — The hearing examiner may impose conditions to mitigate any potential adverse impacts on the surrounding area.~~
 - ~~(J) — Notification of adjacent property owners for an application for a day care facility prior to obtaining a license from the state of Washington, Department of Social and Health Services.~~~~~~
- ~~(b) — Rental of an apartment appurtenant to a single family residence.~~
- ~~(c) — Golf courses, including food service as an incidental use.~~
- ~~(d) — Mini-golf courses, including food service as an incidental use.
 - ~~(1) — Conditions. In addition to the requirements in Section 17.05.050, the hearing examiner shall require that conditional use permits for mini-golf courses in any R-2 zone meet the following minimum requirements:~~~~

- ~~(A) — Noise. Decibel level shall not exceed eighty five.~~
- ~~(B) — Light/Glare. Outside light shall be directed inward toward play area and shielded to prevent light from impacting neighbors.~~
- ~~(C) — Parking. One space shall be provided for every three players and be in conformance with Chapter 17.61.~~
- ~~(D) — Hours. Operating hours shall not exceed nine a.m. to ten p.m.~~
- ~~(E) — Density. Mini golf courses will not be allowed within a radius of one mile of each other.~~
- ~~(F) — The conditional use permit is issued to individuals, not to land.~~
- ~~(G) — Buffer. Adequate buffer, netting, or other provisions shall be provided to protect adjacent residential properties. (Ord. 1247 § 1 (part), 2007; Ord. 1154 § 1, 2003; Ord. 948 § 2 (part), 1995).~~

17.21.015 — Uses specifically prohibited.

In the R-2 residential district the following are prohibited:

- ~~(a) — Mobile homes;~~
- ~~(b) — Commercial activities not otherwise specifically permitted. (Ord. 948 § 2 (part), 1995).~~

17.21.020 — Front yard.

There shall be a front yard having a minimum depth of twenty feet; provided, however, where lots comprising twenty five percent or more of the frontage on one side of a principal street between two intersecting streets shall at any particular time have been developed with buildings, no building thereafter erected or structurally altered on lots comprising any part of such frontage shall project beyond the average setback line of the buildings. (Ord. 962 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.21.030 — Side yard.

There shall be a side yard of not less than five feet in width on either side of a building, nor less than one fifth of the height of the building; provided, however:

- ~~(a) — That the total of the two side yards of a building shall be not less than ten feet;~~
- ~~(b) — On corner lots, there shall be a side yard on the side of the intersecting street of not less than twenty feet when the house faces the front street;~~
- ~~(c) — When a house located on a corner lot faces the side street, there shall be a minimum setback of fifteen feet from the side street and twenty feet from the front street. (Ord. 962 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.21.035 — Rear yard.

There shall be a minimum of five feet of setback from the back property line except where the back property line abuts an alley there is no setback required, unless the garage opens onto the alley. (Ord. 962 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.21.040 — Building site area.

In the R-2 district, no single family dwelling shall be hereafter erected upon any lot or plot having an area of less than seven thousand two hundred square feet. Two family dwellings shall provide a lot or plot area of not less than thirty five hundred square feet per family. Every dwelling shall front upon a street dedicated for public use and accepted by the city council as a public street, without any other building intervening between such dwelling and the street upon which it fronts. Two family dwellings may, by special permission of the commission, face upon a court which fronts upon an accepted public street. However, these regulations shall not prohibit the erection of one single family dwelling upon any lot, as shown by the last conveyance of record prior to the date of the ordinance.

~~codified in this title because such lot is of less area or width than required in this section. (Ord. 962 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.21.050 — Height.

~~No building hereafter erected or structurally altered shall exceed twenty eight feet, or two stories in height, except municipal buildings and structures may exceed this restriction. (Ord. 990 § 1, 1996; Ord. 962 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.21.060 — Off-street parking area.

~~Off-street parking requirements shall be in conformance with Chapter 17.61. (Ord. 948 § 2 (part), 1995).~~

17.21.070 — Maximum land coverage by buildings.

~~Maximum land coverage by buildings shall be as follows:~~

- ~~(a) — Interior lot, thirty five percent;~~
- ~~(b) — Corner lot, thirty five percent. (Ord. 948 § 2 (part), 1995).~~

Chapter 17.22

R-3 RESIDENTIAL DISTRICT

Sections:

- ~~17.22.010 — Permitted uses.~~
- ~~17.22.013 — Conditional uses.~~
- ~~17.22.017 — Uses specifically prohibited.~~
- ~~17.22.020 — Front yard.~~
- ~~17.22.030 — Side yard.~~
- ~~17.22.035 — Rear yard.~~
- ~~17.22.040 — Building site area.~~
- ~~17.22.050 — Height.~~
- ~~17.22.060 — Off street parking area.~~
- ~~17.22.070 — Maximum land coverage by buildings.~~

17.22.010 — Permitted uses.

(a) ~~In the R-3 residential district, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:~~

- ~~(1) — Single family, mobile home, modular or site-built home dwelling of no more than one story in height;~~
- ~~(2) — Triplex and fourplex dwelling units which shall not be offered for rental on a shorter than-month to month basis;~~
- ~~(3) — Any use permitted in the R-1 and R-2 zones.~~

(b) ~~All dwellings shall meet these minimum design requirements:~~

- ~~(1) — Be permanently connected to city utilities;~~
- ~~(2) — Be in compliance with the Washington State Energy Code;~~
- ~~(3) — Be in compliance with any regulations currently in force concerning radon abatement or detection;~~
- ~~(4) — Be constructed with and presently have a composition of wood shake or shingle, or similar roof of not less than 3:12 pitch;~~
- ~~(5) — Have exterior siding similar in appearance to siding materials commonly used on site-built single family residences; and~~
- ~~(6) — Be not less than twenty-four feet in width, width meaning the narrowest side of the rectangle formed by the structure as a whole.~~
- ~~(7) — No home structure shall be placed upon any property unless the ownership of the real estate and the structures placed thereon are in the same person and the owner requests, in writing, the Adams County assessor to place the improvements on the tax rolls and assessed as a portion of the real estate.~~

(c) ~~Manufactured homes are permitted to be placed on individual lots in this district which meet the following requirements:~~

- ~~(1) — Be built to the 42 U.S.C. Section 5401 — 5403 standards (as amended in 2000).~~
- ~~(2) — Be a new manufactured home as defined in RCW 35.63.160 as now enacted or hereafter amended.~~

- ~~(3) — Any manufactured home removed from its existing site shall be removed from within the city within thirty days, or relocated to a new site and ready for occupancy within thirty days, in compliance with any and all other applicable regulations in effect at that time.~~
- ~~(4) — Must be placed on a foundation per the manufacturer's recommendation or per the building code and in addition a continuous perimeter concrete foundation per the building code must be installed, regardless if it is necessary for the structural integrity of the dwelling. All wheels, towing or moving apparatus shall be removed from the site. The mobile or manufactured dwelling, as constructed, shall be inspected and certified by the Washington State Department of Labor and Industries that it meets all applicable electrical, plumbing and building codes for manufactured homes.~~
- ~~(d) — Parks and playgrounds, including park buildings.~~
- ~~(e) — Accessory buildings, such as are ordinarily appurtenant to single family dwellings, shall be permitted when located not less than sixty feet from the front lot line nor less than twenty feet from any side street line. Garages on lots where no residence is constructed are not permitted.~~
- ~~(f) — Nothing contained in this section shall be deemed to prohibit the use of vacant property for gardening or fruit raising so long as the property is maintained in a neat, orderly and clean condition such that it does not constitute any sort of nuisance.~~
- ~~(g) — All structures and dwellings shall be inspected by the appropriate regulatory authority depending upon the type of structure or dwelling proposed to be placed upon the lot.~~
- ~~(h) — Condominiums in compliance with Chapter 17.54.~~
- ~~(i) — Family day care homes as an accessory use to a private family residence providing care during part of the twenty four hour day to twelve or fewer children. Family day care homes shall be licensed by the state of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements for family day care homes. The operator must provide written proof that prior to state licensing written notification was provided to the immediately adjacent property owners of the intent to locate and maintain such a facility. A city business license shall be required.~~
- ~~(j) — Adult family home licensed by the state of Washington, Department of Social and Health Services, and a city business license shall be required.~~
- ~~(k) — Home occupations as permitted pursuant to Chapter 17.59 of this code. (Ord. 1248 § 1 (part), 2007; Ord. 963 § 1 (part), 1995).~~

17.22.013 — Conditional uses.

The following uses may be permitted by the hearing examiner as a conditional use in compliance with the provisions of this title:

- ~~(a) — Any use permitted in an R-4 district;~~
- ~~(b) — Day care facility for the care of more than twelve children in the family abode of the person holding the license issued by the state of Washington, Department of Social and Health Services.~~
- ~~(1) — Requirements: day care facilities shall be in compliance with the following requirements:~~
- ~~(A) — Outdoor play areas shall not be located in front yards.~~
- ~~(B) — One on-site parking space is required for each employee in addition to required resident parking.~~
- ~~(C) — An on-site, off-street loading and unloading area shall be required.~~
- ~~(D) — A city business license shall be required.~~

~~(E) — Signage shall not be permitted.~~

~~(F) — No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be permitted.~~

~~(G) — The use and structures shall be in compliance with zoning regulations and building code requirements.~~

~~(H) — Day care facilities shall be licensed by the state of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirement as determined by the state of Washington, Department of Social and Health Services except that day care centers shall operate in compliance with the capacity requirements as stipulated in this section.~~

~~(I) — The hearing examiner may impose conditions to mitigate any potential adverse impacts on the surrounding area.~~

~~(J) — Notification of adjacent property owners for an application for a day care facility prior to obtaining a license from the state of Washington, Department of Social and Health Services. (Ord. 1248 § 1 (part), 2007; Ord. 963 § 1 (part), 1995).~~

17.22.017 — Uses specifically prohibited.

In the R-3 residential district the following are prohibited:

(a) — Commercial activities not otherwise specifically permitted. (Ord. 963 § 1 (part), 1995).

17.22.020 — Front yard.

The front yard requirements shall be the same as in the R-1 district, twenty feet minimum or average setback if greater. (Ord. 963 § 1 (part), 1995).

17.22.030 — Side yard.

The side yard requirements shall be the same as in the R-1 district, ten feet total with five feet minimum. (Ord. 963 § 1 (part), 1995).

17.22.035 — Rear yard.

There shall be a minimum of five feet of setback from the back property line except where the back property line abuts an alley there is no setback required, unless the garage opens onto the alley. (Ord. 963 § 1 (part), 1995).

17.22.040 — Building site area.

The building site area requirements shall be the same as in the R-1 district, seven thousand two hundred square feet. (Ord. 963 § 1 (part), 1995).

17.22.050 — Height.

No building hereafter erected or structurally altered shall exceed twenty-eight feet or two stories in height, except municipal buildings and structures may exceed this restriction. (Ord. 991 § 1, 1996; Ord. 963 § 1 (part), 1995).

17.22.060 — Off-street parking area.

The off-street parking area requirements shall be as provided in Chapter 17.61. (Ord. 1280 § 1 (part), 2008; Ord. 963 § 1 (part), 1995).

17.22.070 — Maximum land coverage by buildings.

The maximum land coverage by buildings shall be the same as in the R-1 district, thirty-five percent. (Ord. 963 § 1 (part), 1995).

Chapter 17.23

R-4 RESIDENTIAL DISTRICT

Sections:

- ~~17.23.010 — Permitted uses.~~
- ~~17.23.013 — Conditional uses.~~
- ~~17.23.015 — Uses specifically prohibited.~~
- ~~17.23.030 — Front yard.~~
- ~~17.23.040 — Side yard.~~
- ~~17.23.045 — Rear yard.~~
- ~~17.23.050 — Building site area.~~
- ~~17.23.060 — Height.~~
- ~~17.23.070 — Maximum land coverage by buildings.~~

17.23.010 — Permitted uses.

~~In an R-4 district, no building or premises shall be used, and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:~~

- ~~(a) — Any use permitted in the R-1 district;~~
- ~~(b) — All single family and two family dwellings which shall not be offered for rental on a shorter than month-to-month basis;~~
- ~~(c) — Multiple family dwellings including duplex, triplex, fourplex, apartment houses, apartment courts and bungalow courts, which shall not be offered for rental on a shorter than month-to-month basis;~~
- ~~(d) — All dwellings shall meet these minimum design requirements:
 - ~~(1) — All dwellings shall be placed on a permanent foundation; for manufactured homes the space from the bottom of the home to the ground shall be enclosed by concrete;~~
 - ~~(2) — Be permanently connected to city utilities;~~
 - ~~(3) — Be in compliance with the Washington State Energy Code;~~
 - ~~(4) — Be in compliance with any regulations currently in force concerning radon abatement or detection;~~
 - ~~(5) — Be constructed with and presently have a composition of wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch;~~
 - ~~(6) — Have exterior siding similar in appearance to siding materials commonly used on site built single family residences;~~
 - ~~(7) — Be not less than twenty four feet in width, width meaning the narrowest side of the rectangle formed by the structure as a whole;~~
 - ~~(8) — No home structure shall be placed upon any property unless the ownership of the real estate and the structures placed thereon are in the same person and the owner requests, in writing, the Adams County assessor to place the improvements on the tax rolls and assessed as a portion of the real estate; and~~
 - ~~(9) — Shall provide at least two covered parking spaces inside a garage;~~~~
- ~~(e) — Manufactured homes are permitted to be placed on individual lots in this district which meet the following requirements:
 - ~~(1) — Be built to the 42 U.S.C. Section 5401 — 5403 standards (as amended in 2000);~~~~

~~(2) — Be a new manufactured home as defined in RCW 35.63.160, as now enacted or hereafter amended;~~

~~(3) — Any manufactured home removed from its existing site shall be removed from within the city within thirty days, or relocated to a new site and ready for occupancy within thirty days, in compliance with any and all other applicable regulations in effect at that time;~~

~~(f) — Boardinghouses, bed and breakfasts, group homes, bunk houses, hostels, dormitories, licensed care facilities, adult family homes, resort or timeshare condominiums and lodging houses; provided, that no more than fifty percent of the available accommodations, whether rooms or beds, in any of these residential uses shall be occupied on a rental term of monthly or longer at any time;~~

~~(g) — Private clubs and fraternities; except those selling or furnishing members beer, wine or intoxicating liquors, and also excepting those the chief activity of which is a service customarily carried on as a business;~~

~~(h) — Provided, that in the case of any change of use of any structure or the discontinuance of the use of any structure for ninety days or longer as a dwelling described in subsection (e) of this section or as a rental accommodation as described in subsection (f) of this section, such structure shall comply with all applicable building codes for the use such structure is being changed to or returned to as if it were being constructed at the time of such change or return to use;~~

~~(i) — The office of a physician, dentist, or other licensed health care professional when located in his or her dwelling; provided, that no such office shall constitute the principal use of the premises or occupy more than thirty percent of the usable floor space of a dwelling;~~

~~(j) — Art galleries, museums and libraries;~~

~~(k) — The uses described in subsection (f) of this section are subject to review under Chapter 17.67 of this code. (Ord. 1249 § 1 (part), 2007; Ord. 964 §§ 1 (part), 2 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.23.013 — Conditional uses.

The following uses may be permitted by the hearing examiner as a conditional use in compliance with the provisions of this title:

~~(a) — Convalescent homes, nursing homes, rest homes, clinics, hospitals and sanitariums, except those for inebriates, the insane or those suffering from mental diseases, may be allowed by conditional use permit from the hearing examiner after an examination of the location and upon due proof to the satisfaction of the hearing examiner that hospitals or sanitariums will not be detrimental to adjacent and surrounding property; subject to regulations of the department of health.~~

~~(b) — Day care facility for the care of more than twelve children in the family abode of the person holding the license issued by the state of Washington, Department of Social and Health Services.~~

~~(1) — Requirements: day care facilities shall be in compliance with the following requirements:~~

~~(A) — Outdoor play areas shall not be located in front yards.~~

~~(B) — One on site parking space is required for each employee in addition to required resident parking.~~

~~(C) — An on site, off street loading and unloading area shall be required.~~

~~(D) — A city business license shall be required.~~

~~(E) — Signage shall not be permitted.~~

~~(F) — No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be permitted.~~

~~(G) — The use and structures shall be in compliance with zoning regulations and building code requirements.~~

~~(H) — Day care facilities shall be licensed by the state of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirement as determined by the state of Washington, Department of Social and Health Services except that day care centers shall operate in compliance with the capacity requirements as stipulated in this section.~~

~~(I) — The hearing examiner may impose conditions to mitigate any potential adverse impacts on the surrounding area.~~

~~(J) — Notification of adjacent property owners for an application for a day care facility prior to obtaining a license from the state of Washington, Department of Social and Health Services.~~

~~(c) — Rental of an apartment appurtenant to a single family residence.~~

~~(d) — Golf courses. (Ord. 1249 § 1 (part), 2007; Ord. 964 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.23.015 — Uses specifically prohibited.

In the R-4 residential district the following are prohibited:

(a) — Commercial activities not otherwise specifically permitted;

(b) — Nurseries and greenhouses. (Ord. 1249 § 1 (part), 2007; Ord. 964 §§ 1 (part), 2 (part), 1995; Ord. 948 § 2 (part), 1995).

17.23.030 — Front yard.

There shall be a front yard having a minimum depth of twenty feet. (Ord. 964 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.23.040 — Side yard.

There shall be a side yard of not less than five feet in width on either side of a building, nor less than one fifth of the height of the building; provided, however:

(a) — On corner lots, there shall be a side yard on the side of the intersecting street of not less than twenty feet, when the building faces the front street.

(b) — When a building located on corner lot faces the side street, there shall be a minimum setback of twenty feet from the side street and twenty feet from the front street. (Ord. 964 §§ 1 (part), 2 (part), 1995; Ord. 948 § 2 (part), 1995).

17.23.045 — Rear yard.

There shall be a minimum of five feet of setback from the back property line except where the back property line abuts an alley there is no setback required, unless the garage opens onto the alley. (Ord. 964 §§ 1 (part), 2 (part), 1995; Ord. 948 § 2 (part), 1995).

17.23.050 — Building site area.

For every building hereafter erected or structurally altered, there shall be provided an area of not less than six thousand square feet per family for one family dwellings and not less than three thousand square feet per family for two family dwellings. For every apartment house, multiple dwelling or apartment court, there shall be provided a site area equivalent to nine hundred square feet for each family unit and there shall be maintained upon the same site with the dwelling building a space open and unoccupied, except by trees, shrubs, or other natural growth, having an area equivalent to three hundred square feet for each family living unit contained in such multifamily dwelling or bungalow court, in addition to parking area requirements. (Ord. 964 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

~~17.23.060 — Height.~~

~~No building hereafter erected or structurally altered shall exceed twenty eight feet, or two stories in height, except municipal buildings and structures may exceed this restriction. (Ord. 992 § 1, 1996; Ord. 964 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

~~17.23.070 — Maximum land coverage by buildings.~~

~~Maximum land coverage by buildings shall be as follows:~~

- ~~(a) — Interior lot, thirty five percent;~~
- ~~(b) — Corner lot, thirty five percent. (Ord. 964 §§ 1 (part), 2 (part), 1995; Ord. 948 § 2 (part), 1995).~~

Chapter 17.24

S-1 SUBURBAN ZONE

Sections:

- ~~17.24.010 — Purpose.~~
- ~~17.24.020 — Permitted uses.~~
- ~~17.24.025 — Conditional uses.~~
- ~~17.24.030 — Dwelling minimum size.~~
- ~~17.24.040 — Lot area required.~~
- ~~17.24.050 — Yard requirements.~~
- ~~17.24.060 — Height.~~
- ~~17.24.070 — Off street parking.~~
- ~~17.24.080 — Maximum land coverage by buildings.~~

17.24.010 — Purpose.

~~The S-1 suburban zone is a classification within the city of Othello for a district suitable for residential use on land parcels one acre to five acres, which is, or will become a single family unit living area. Uses are limited to residential uses. Animals, livestock and crops, primarily for the personal use of occupants of dwellings are permitted in accordance with the standards relative to the land area required to protect public health and welfare. (Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.24.020 — Permitted uses.

~~In an S-1 zone, permitted uses are as follows:~~

- ~~(a) — All uses permitted in R-1 residential or R-3 residential districts subject to the same conditions and restrictions as those uses;~~
- ~~(b) — Fruit raising, agricultural nurseries, agricultural products, and vineyards; provided, however, that they primarily be used for personal use of the occupants of the dwelling;~~
- ~~(c) — Animals and/or livestock as follows:
 - ~~(1) — Not to exceed fifteen fowl and not to exceed fifteen rabbits or guinea pigs. Guinea fowl or pea fowl are not permitted; provided, that no such livestock shall be maintained closer than twenty five feet to any dwelling now existing or hereafter erected;~~
 - ~~(2) — Not to exceed one horse, one mule, one cow, two goats, or two sheep for each twenty one thousand seven hundred eighty square feet of area of the parcel of land upon which the same are kept; provided, that no such livestock shall be maintained closer than one hundred feet to any dwelling now existing or hereafter erected;~~
 - ~~(3) — Not to exceed three dogs or cats or similar household pets, exclusive of animals under six months of age. (Ord. 1250 § 1 (part), 2007; Ord. 965 §§ 1 (part), 2, 1995; Ord. 948 § 2 (part), 1995).~~~~

17.24.025 — Conditional uses.

~~The following uses may be permitted by the hearing examiner as a conditional use in compliance with the provisions of this title:~~

- ~~(a) — Day care facility for the care of more than twelve children in the family abode of the person holding the license issued by the state of Washington, Department of Social and Health Services.
 - ~~(1) — Requirements: day care facilities shall be in compliance with the following requirements:
 - ~~(A) — Outdoor play areas shall not be located in front yards.~~~~~~

- ~~(B) — One on site parking space is required for each employee in addition to required resident parking.~~
- ~~(C) — An on site, off street loading and unloading area shall be required.~~
- ~~(D) — A city business license shall be required.~~
- ~~(E) — Signage shall not be permitted.~~
- ~~(F) — No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be permitted.~~
- ~~(G) — The use and structures shall be in compliance with zoning regulations and building code requirements.~~
- ~~(H) — Day care facilities shall be licensed by the state of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirement as determined by the state of Washington, Department of Social and Health Services except that day care centers shall operate in compliance with the capacity requirements as stipulated in this section.~~
- ~~(I) — The hearing examiner may impose conditions to mitigate any potential adverse impacts on the surrounding area.~~
- ~~(J) — Notification of adjacent property owners for an application for a day care facility prior to obtaining a license from the state of Washington, Department of Social and Health Services. (Ord. 1250 § 1 (part), 2007; Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.24.030 — Dwelling minimum size.

Minimum dwelling size is as follows: single family dwelling of nine hundred sixty square feet minimum basic structure. (Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.24.040 — Lot area required.

Required lot area is as follows:

- (a) — Minimum lot area, one acre;
- (b) — Maximum lot area, five acres. (Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.24.050 — Yard requirements.

Yard requirements are the same as R 1 residential. Exceptions: accessory buildings shall not project, in the front yard, beyond the dwelling unit. (Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.24.060 — Height.

Height requirements are the same as R 1 residential. (Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.24.070 — Off street parking.

Off street parking requirements are the same as R 1 residential. (Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.24.080 — Maximum land coverage by buildings.

Maximum land coverage by buildings is the same as R 1 residential. (Ord. 965 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

Chapter 17.31

C-1 COMMERCIAL DISTRICT

Sections:

- ~~17.31.010 — Permitted uses.~~
- ~~17.31.015 — Conditional uses.~~
- ~~17.31.017 — Prohibited uses.~~
- ~~17.31.020 — Setbacks.~~
- ~~17.31.030 — Height.~~
- ~~17.31.040 — Off street parking area.~~

17.31.010 — Permitted uses.

~~In the C-1 district, no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this title, except for the following uses:~~

- ~~(a) — Any C-1B use;~~
- ~~(b) — Banks with drive-through facilities;~~
- ~~(c) — Bowling alleys, dance halls;~~
- ~~(d) — Carnivals/amusement;~~
- ~~(e) — Churches, schools, assembly buildings;~~
- ~~(f) — Convenience stores;~~
- ~~(g) — Fast food restaurants;~~
- ~~(h) — Fuel stations and mini markets;~~
- ~~(i) — Gasoline and diesel fuel service stations;~~
- ~~(j) — Retail stores over seven thousand square feet or one hundred vehicle trips generated in a twenty-four hour period;~~
- ~~(k) — Theaters, recreation centers;~~
- ~~(l) — Warehouse sales;~~
- ~~(m) — Other uses with similar impacts as determined by the planning commission. (Ord. 1121 § 2 (part), 2002).~~

17.31.015 — Conditional uses.

~~The following specific and generally described uses shall be permitted in the C-1 zone only as a conditional use subject to the approval of the hearing examiner in compliance with the provisions of this chapter and the provisions of this title:~~

- ~~(a) — Farm and landscaping equipment, supplies and service;~~
- ~~(b) — Home improvement/lumber;~~
- ~~(c) — Other uses with similar impacts as determined by the hearing examiner. (Ord. 1121 § 2 (part), 2002).~~

17.31.017 — Prohibited uses.

~~In the C-1 district the following uses shall be prohibited:~~

- ~~(a) — Industrial uses;~~
- ~~(b) — Outside storage, collection or dumping of dismantled, partly dismantled or wrecked vehicles, trailers, machinery or other parts, wrecking yards, salvage yards or junk yards;~~
- ~~(c) — Outside storage or collection of any junk, scrap, unsightly material or debris visible from a public street;~~
- ~~(d) — Abandoned structures or buildings in a state of disrepair or not approved for use;~~
- ~~(e) — Removal of soil or other natural materials for the purpose of sale or use as fill material, except that excavation for the purpose of construction or landscaping is permitted;~~
- ~~(f) — Mobile home parks or recreational vehicle parks, occupancy of mobile homes or recreational vehicles;~~
- ~~(g) — The using of any containers, trailers, railroad cars, semi trailers, car, truck or van bodies for storage facilities when visible from a public street;~~
- ~~(h) — Other uses with similar impacts as determined by the planning commission. (Ord. 1121 § 2 (part), 2002).~~

17.31.020 — Setbacks.

Setbacks are required as set forth herein:

- ~~(a) — As required by the fire or building code;~~
- ~~(b) — As required for traffic visibility or utility easements;~~
- ~~(c) — As required for a fire lane if no alley is provided between rear lot lines;~~
- ~~(d) — As required by the parking, sign, or landscaping ordinances of the city;~~
- ~~(e) — As required by the adjacent residential zone when there is not an alley on common property lines. (Ord. 1121 § 2 (part), 2002).~~

17.31.030 — Height.

~~There shall be no limit to the height of structures in this district; provided, that all structures over thirty five feet high and which have a base that is less than fifty percent of the height be set back from the property line equal to the portion of the structure over thirty five feet in height. (Ord. 1121 § 2 (part), 2002).~~

17.31.040 — Off street parking area.

~~Off street parking shall be provided in conformance with Chapter 17.61. (Ord. 1121 § 2 (part), 2002).~~

Chapter 17.32

~~C-1B COMMERCIAL DISTRICT~~

Sections:

- ~~17.32.010 — Permitted uses.~~
- ~~17.32.015 — Conditional uses.~~
- ~~17.32.017 — Prohibited uses.~~
- ~~17.32.020 — Setbacks.~~
- ~~17.32.030 — Height.~~
- ~~17.32.040 — Off street parking area.~~

17.32.010 — Permitted uses.

~~In the C-1B district, no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this title, except the following uses (and the normally accepted accessory needs such as parking, storm water swale, freight, storage, waste handling, security):~~

- ~~(a) — Automobile, motorcycle sales and light service;~~
- ~~(b) — Banks and office buildings;~~
- ~~(c) — Caretaker residence;~~
- ~~(d) — Dwelling units when fronting Cedar, Hemlock, Scootney, and North 14th Avenue when conforming to adjacent residential zone use and setbacks;~~
- ~~(e) — Health care providers;~~
- ~~(f) — Heating, plumbing, and electric equipment sales, installation and service;~~
- ~~(g) — Motels and hotels provided such uses are subject to review under Chapter 17.67 of this code;~~
- ~~(h) — Professional offices;~~
- ~~(i) — Restaurants, cafes;~~
- ~~(j) — Retail business with up to and including seven thousand square feet of floor area or one hundred vehicle trips generated by service business use (barber shops, dry cleaning, car servicing, washing, detailing) in a twenty four hour period;~~
- ~~(k) — Adult business when more than seven hundred feet from a park or school campus, preschool or youth club, bus stop, day care center, or another adult business;~~
- ~~(l) — Other uses with similar impacts as determined by the planning commission. (Ord. 1245 § 1, 2007; Ord. 1121 § 3 (part), 2002).~~

17.32.015 — Conditional uses.

~~The following specific and generally described uses shall be permitted in the C-1B zone only as a conditional use subject to the approval of the hearing examiner in compliance with the provisions of this chapter and the provisions of this title:~~

- ~~(a) — Small animal hospitals, kennels;~~
- ~~(b) — Small engine or home appliance repair;~~
- ~~(c) — Car, trailer, truck, or machinery rental and major repair;~~

- ~~(d) Day care center, preschool (drop off area and inconspicuous, safe, and secure outdoor play area provided);~~
- ~~(e) Other uses with similar impacts as determined by the hearing examiner. (Ord. 1121 § 3 (part), 2002).~~

17.32.017 — Prohibited uses.

~~In the C-1B district the following uses shall be prohibited:~~

- ~~(a) All uses prohibited in the C-1 zone. (Ord. 1121 § 3 (part), 2002).~~

17.32.020 — Setbacks.

~~Setbacks are required as set forth herein:~~

- ~~(a) As required by the fire or building code;~~
- ~~(b) As required for traffic visibility or utility easements;~~
- ~~(c) As required for a fire lane if no alley is provided between rear lot lines;~~
- ~~(d) As required by the parking, sign, or landscaping ordinances of the city;~~
- ~~(e) As required by the adjacent residential zone when there is not an alley on common property lines. (Ord. 1121 § 3 (part), 2002).~~

17.32.030 — Height.

~~No building or structure shall be erected or structurally altered to exceed thirty five feet in height. (Ord. 1121 § 3 (part), 2002).~~

17.32.040 — Off street parking area.

~~Off street parking requirements shall be in conformance with Chapter 17.61. (Ord. 1121 § 3 (part), 2002).~~

Chapter 17.33

C-2 COMMERCIAL DISTRICT

Sections:

- ~~17.33.010 — Permitted uses.~~
- ~~17.33.015 — Conditional uses.~~
- ~~17.33.018 — Prohibited uses.~~
- ~~17.33.020 — Yards.~~
- ~~17.33.030 — Height.~~
- ~~17.33.040 — Off street parking area.~~

17.33.010 — Permitted uses.

~~In the C 2 district, no building or premises shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:~~

- ~~(a) — Animal hospitals, clinics and kennels;~~
- ~~(b) — Appliance, lawn mower, and small engine repair;~~
- ~~(c) — Auction yards, outside sales and flea markets;~~
- ~~(d) — Auto body and vehicle repair shops;~~
- ~~(e) — C 1 uses with public assembly rooms for under one hundred people;~~
- ~~(f) — Caretaker dwellings secondary to commercial use;~~
- ~~(g) — Chain link fences up to ten feet high. Barbed wire allowed on eight foot fence;~~
- ~~(h) — Contractor supply and sales;~~
- ~~(i) — Farm and landscaping supplies, equipment assembly, sales and service;~~
- ~~(j) — Home improvement/lumber supply companies;~~
- ~~(k) — Irrigation pipe, pumps, and circle sales and repair;~~
- ~~(l) — New manufactured home sales;~~
- ~~(m) — Municipal and governmental facilities, shops and yards;~~
- ~~(n) — Recycle facility when contained within a building;~~
- ~~(o) — Rental vehicles, trailers and machinery;~~
- ~~(p) — RV, boat and trailer and camper trailer, sales and service;~~
- ~~(q) — Self storage, mini storage, and RV storage;~~
- ~~(r) — Steel fabrication, sales and machine shops;~~
- ~~(s) — Truck stops, sales and light repair;~~
- ~~(t) — Wholesale sales;~~
- ~~(u) — Cargo Containers. A cargo container can be used for storage under the following conditions:~~

- (1) — ~~It is placed adjacent to a site built structure (separation determined by fire department);~~
- (2) — ~~It is inconspicuous from the nearest collector or arterial street (located in the rear or behind a sight obscuring fence);~~
- (3) — ~~There is only one container per parcel;~~
- (4) — ~~It is blocked to prevent harboring of animals under or between buildings;~~
- (5) — ~~It is not connected to water or occupied in any way;~~
- (6) — ~~It has only factory installed doors, with neither windows nor other openings added;~~
- (7) — ~~The access route to the end doors cannot be on a public right of way, including alleys;~~
- (8) — ~~It cannot be rented out or used for storage by anyone except the occupant of the adjacent building;~~
- (9) — ~~It is painted to be compatible with the adjacent building;~~
- (10) — ~~The unit is removed prior to sale of the land or change of the tenant;~~
- (11) — ~~An annual placement permit from the city has been applied for and received to verify compliance with this code upon payment of a fee of fifty dollars. Said yearly permit is renewable no more than two times;~~

~~Other uses with similar impacts as determined by the planning commission. (Ord. 1296 § 2 (part), 2009; Ord. 1261 § 1, 2007; Ord. 1146 § 1 (part), 2003; Ord. 968 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.33.015 — Conditional uses.

The following uses shall be permitted in the C-2 zone under the conditions stated:

(a) — ~~Truck Parking Areas. Every parcel of land used as a public or private truck/trailer parking area shall be developed, used and maintained in the following manner:~~

- (1) — ~~The lot shall have access directly off of an improved truck route as established in Chapter 9.36;~~
- (2) — ~~All vehicles shall be within three hundred feet of a fire hydrant;~~
- (3) — ~~The driveway shall have a surfaced apron no less than thirty feet wide by thirty feet long and shall be permitted by the public works director per Chapter 11.20;~~
- (4) — ~~Vehicles shall not drive over curbs and/or sidewalks to egress or ingress the parking area;~~
- (5) — ~~The lot shall have sidewalks along all curbs as prescribed in Chapter 11.16;~~
- (6) — ~~The parcel or lot area shall be graded to contain one inch of storm water on site (or enter into a city storm water contract if applicable);~~
- (7) — ~~The parking and maneuvering area shall be graded and graveled sufficiently to control the dust and mud and to provide for fire truck access;~~
- (8) — ~~All trucks/trailers shall be licensed operating vehicles. There shall be no nonoperating, damaged, parting, hulks, or pieces of vehicles allowed to be stored in an area allowed under this conditional use;~~
- (9) — ~~No lots permitted under this conditional use shall be used for truck repair, painting or freight transfer;~~
- (10) — ~~A water service shall not be provided to an unplatted lot. This conditional use does not require the platting of the parcel involved, but further development or different uses may require platting to be completed;~~

~~(11) — Parcels in the C-2 zone currently used for parking of trucks and trailers on January 1, 2003, shall be permitted to remain in operation with the condition they apply for and obtain a conditional use permit. Said permit shall allow up to sixty months to complete compliance with the conditions of that approval;~~

~~(12) — Any person parking a truck or trailer on a lot, which has not been approved for such parking, shall be deemed to have committed a civil infraction and shall be punished by a C-6 penalty. Any person permitting the parking of trucks or trailers on a parcel or lot without having obtained a conditional use permit to do so in a C-2 zone shall be deemed to have committed a civil infraction and shall be punished by a C-3 penalty.~~

~~(b) — I-1 permitted uses and C-1 assembly uses may be allowed by conditional use permit issued by the hearing examiner after examination of the location and upon due proof to the satisfaction of the hearing examiner that such I-1 or C-1 assembly uses will not be unduly detrimental to adjacent and surrounding property and that public health, safety and welfare is not compromised.~~

~~(c) — On-site hazardous waste treatment and storage facilities necessary and accessory or subordinate to the primary C-2 use may be allowed by a conditional use permit issued by the hearing examiner after examination of the location and upon due proof to the hearing examiner that such uses will not be unduly detrimental to adjacent and surrounding property and are in full compliance with the performance standards of the state siting criteria for on-site hazardous waste treatment and storage facilities. (Ord. 1296 § 2 (part), 2009; Ord. 1146 § 1 (part), 2003; Ord. 968 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.33.018 — Prohibited uses.

In the C-2 district the following uses shall be prohibited:

~~(a) — Industrial uses;~~

~~(b) — Outside storage, collection or dumping of dismantled, partly dismantled or wrecked vehicles, trailers, machinery or other parts;~~

~~(c) — Outside storage or collection of any junk, scrap, unsightly material or debris except as may be contained in an approved garbage collection container or as may be enclosed within a sight-obscuring fence or screen subject to hearing examiner approval as a conditional use;~~

~~(d) — Abandoned structures or buildings in a state of disrepair;~~

~~(e) — Removal of soil or other natural materials for the purpose of sale or use as fill material, except that excavation for the purpose of construction or landscaping is permitted;~~

~~(f) — Occupancy of mobile homes or recreational vehicles outside mobile home parks or recreational vehicle parks;~~

~~(g) — Wrecking yards, salvage yards or junk yards;~~

~~(h) — Locating any railroad cars and cabooses, car, truck or van bodies or parts of bodies when intended to be used as storage facilities. (Ord. 1146 § 1 (part), 2003; Ord. 948 § 2 (part), 1995).~~

17.33.020 — Yards.

~~Yards are not required; however, where any building or lot of a C-2 district abuts upon a residential district with no alley between the districts, there shall be provided a rear and side yard of not less than the height of the building. (Ord. 1146 § 1 (part), 2003; Ord. 948 § 2 (part), 1995).~~

17.33.030 — Height.

~~There shall be no limit to the height of buildings in this district. (Ord. 948 § 2 (part), 1995).~~

17.33.040 — Off-street parking area.

~~Off-street parking requirements shall be in conformance with Chapter 17.61. (Ord. 948 § 2 (part), 1995).~~

Chapter 17.37

C-3 COMMERCIAL DISTRICT

Sections:

- ~~17.37.010 — Permitted uses.~~
- ~~17.37.015 — Conditional uses.~~
- ~~17.37.017 — Prohibited uses.~~
- ~~17.37.020 — Yards.~~
- ~~17.37.030 — Height.~~
- ~~17.37.040 — Off street parking area.~~
- ~~17.37.050 — Maximum land coverage by buildings.~~

17.37.010 — Permitted uses.

~~In the C 3 district, no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this title, except for one or more of the following uses. The initial nucleus of such a neighborhood development shall include a minimum area sufficient for at least four of the following primary permitted uses designated as a group:~~

- ~~(a) — Retail stores and personal service shops;~~
- ~~(b) — Professional and business offices, studios, and other like enterprises and the accessory uses incidental thereto;~~
- ~~(c) — Gasoline service stations, except that no open space in this district may be used for the storage, display or sale of used vehicles or equipment;~~
- ~~(d) — Buildings or developments necessary for the operation of a public utility, provided the installation complies with the requirements for those same uses when installed within a residential district;~~
- ~~(e) — Signs and signboards. (Ord. 948 § 2 (part), 1995).~~

17.37.015 — Conditional uses.

~~The following specific and generally described uses shall be permitted in the C 3 zone only as a conditional use subject to the approval of the hearing examiner in compliance with the provisions of this chapter and the provisions of this title.~~

- ~~(a) — On site hazardous waste treatment and storage facilities in compliance with the performance standards of the state of Washington citing criteria for on site hazardous waste treatment and storage facilities and the requirements of this chapter; provided that, on site hazardous waste treatment and storage facility are accessory to and subordinate to any primary use which is a generator of hazardous waste;~~
- ~~(b) — Dwelling units as a secondary use. (Ord. 948 § 2 (part), 1995).~~

17.37.017 — Prohibited uses.

~~In the C 3 district the following uses shall be prohibited:~~

- ~~(a) — Industrial uses;~~
- ~~(b) — Outside storage, collection or dumping of dismantled, partly dismantled or wrecked vehicles, trailers, machinery or other parts;~~
- ~~(c) — Outside storage or collection of any junk, scrap, unsightly material or debris except as may be contained in an approved garbage collection container or as may be enclosed within a sight obscuring fence or screen subject to hearing examiner approval as a conditional use;~~
- ~~(d) — Abandoned structures or buildings in a state of disrepair;~~

~~(e) — Removal of soil or other natural materials for the purpose of sale or use as fill material, except that excavation for the purpose of construction or landscaping is permitted;~~

~~(f) — Occupancy of mobile homes or recreational vehicles outside mobile home parks or recreational vehicle parks;~~

~~(f) — Wrecking yards, salvage yards or junk yards;~~

~~(g) — Locating any sea or ocean going containers which can be detached from a trailer, chassis or frame and which were formerly used for transporting sea or ocean going cargo, railroad cars and cabooses, semi-trailers when intended to be used as storage facilities or any other unit which detaches from a trailer, chassis or frame including car, truck or van bodies or parts of bodies when intended to be used as storage facilities of the like. (Ord. 948 § 2 (part), 1995).~~

17.37.020 — Yards.

Yards are not required. (Ord. 948 § 2 (part), 1995).

17.37.030 — Height.

No building hereafter erected or structurally altered shall exceed twenty feet or one story in height. (Ord. 948 § 2 (part), 1995).

17.37.040 — Off-street parking area.

Off-street parking requirements shall be in conformance with Chapter 17.61. (Ord. 948 § 2 (part), 1995).

17.37.050 — Maximum land coverage by buildings.

Maximum land coverage by buildings shall not exceed thirty five percent for combined uses. Any land not occupied by buildings shall be maintained in a dust free condition. (Ord. 948 § 2 (part), 1995).

Chapter 17.41

I-1 INDUSTRIAL DISTRICT

Sections:

~~17.41.010 — Permitted uses.~~

~~17.41.015 — Conditional uses.~~

~~17.41.020 — Yards.~~

~~17.41.030 — Height.~~

~~17.41.035 — Dwelling units.~~

17.41.010 — Permitted uses.

~~In the I-1 district, no building or premises shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this title, except for one or more of the following uses:~~

~~(1) — Any use permitted in the C-2 district;~~

~~(2) — Wood, coal or oil fuel yards;~~

~~(3) — Contractors' offices, shops and storage yards used exclusively for the repair and storage of their personal equipment;~~

~~(4) — Auto freight terminals;~~

~~(5) — Warehouses and wholesaling;~~

~~(6) — Machine shops;~~

~~(7) — Cold storage locker plants;~~

~~(8) — Open storage of materials available for retail sale, and not storage as junk for sale to wholesalers, manufacturers, or metal processors;~~

~~(9) — Dwelling units complying with Section 17.41.035;~~

~~(10) — Public facilities as defined in Section 17.09.740. (Ord. 1510 § 1, 2018; Ord. 1132 § 1 (part), 2002; Ord. 969 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.41.015 — Conditional uses.

~~Conditional uses in the I-1 district are as follows:~~

~~(1) — On site hazardous waste treatment and storage facilities in compliance with the state of Washington Hazardous Waste Facility Citing Standards WAC 173-303-285, as now enacted or hereafter amended, and the requirements of this chapter; provided, that on site hazardous waste treatment and storage facilities are accessory to and subordinate to a primary use which is a generator of hazardous waste. (Ord. 1132 § 1 (part), 2002; Ord. 969 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.41.020 — Yards.

~~Yards are not required; provided, however, where any building or lot of an I-1 district abuts upon residential district with no alley between the districts, there shall be provided a rear yard of not less than ten feet and/or a side yard of not less than five feet or one fifth of the height of building. (Ord. 948 § 2 (part), 1995).~~

17.41.030 — Height.

~~There shall be no limit to the height of buildings in this district. (Ord. 1132 § 1 (part), 2002; Ord. 948 § 2 (part), 1995).~~

17.41.035 — Dwelling units.

~~No dwelling units will be permitted within an I-1 district except when all of the following conditions are met:~~

- ~~(1) — The dwelling unit is occupied by the owner of the parcel or employee of the owner as a caretaker.~~
- ~~(2) — The parcel is at least one acre in size and no more than one dwelling unit is permitted per parcel.~~
- ~~(3) — The dwelling shall be occupied only by the owner or employee of the owner, and the occupant's immediate family, acting as a caretaker. No tenancy or multiple occupancy uses are permitted beyond the single family occupancy described in this section.~~
- ~~(4) — The dwelling unit is secondary to the industrial use and is set back from the front street to be inconspicuous and unobtrusive to the area's primary industrial use.~~
- ~~(5) — The dwelling unit whether site built, factory built or manufactured housing, must contain a separate bathroom and kitchen, have a floor area over two hundred square feet, comply with current city housing standards and have been built after 1974. No RVs are allowed. (Ord. 1132 § 1 (part), 2002; Ord. 969 § 2, 1995; Ord. 948 § 2 (part), 1995).~~

Chapter 17.42

I-2 INDUSTRIAL DISTRICT

Sections:

~~17.42.010 — Permitted uses.~~

~~17.42.015 — Conditional uses.~~

~~17.42.020 — Yards.~~

~~17.42.030 — Dwellings.~~

17.42.010 — Permitted uses.

~~In the I 2 district, all buildings and premises may be used for any use except: C 1 or C 2 uses, and those uses which have been declared nuisances in any court of record, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise. The commission shall have the power to grant special conditional and revocable permits within an I 2 district after examination of the location and upon due proof to the satisfaction of the commission that the maintenance of the proposed use will not be unduly detrimental to adjacent and surrounding property. (Ord. 970 § 1, 1995; Ord. 948 § 2 (part), 1995).~~

17.42.015 — Conditional uses.

~~Conditional uses in the I-2 district are as follows:~~

- ~~(1) — On site and off site hazardous waste treatment and storage facilities in compliance with the state of Washington Hazardous Waste Facility Citing Standards WAC 173-303-285, as now enacted or hereafter amended, and the requirements of this chapter; provided that, on site hazardous waste treatment and storage facilities are accessory to and subordinate to a primary use which is a generator of hazardous waste. (Ord. 948 § 2 (part), 1995).~~

17.42.020 — Yards.

~~Yards are not required; provided, however, where any building or lot of an I 2 district abuts upon a residential district with no alley between the districts, there shall be provided a rear yard of not less than ten feet and/or a side yard of not less than five feet or one fifth the height of the building. (Ord. 948 § 2 (part), 1995).~~

17.42.030 — Dwellings.

~~No dwellings will be permitted within an I 2 district. (Ord. 948 § 2 (part), 1995).~~

Chapter 17.44

RECREATIONAL VEHICLE PARKS

Sections:

- 17.44.010 Recreational vehicle (RV) park ~~(permitted by conditional use in the C-2 district).~~
- 17.44.020 Principal permitted uses.
- 17.44.030 Recreational park development standards.
- 17.44.040 Operational requirements.
- 17.44.050 RV park administration.

17.44.010 Recreational vehicle (RV) park ~~(permitted by conditional use in the C-2 district).~~

A conditional use permit is required. The ownership of the land must be under one entity (i.e., one person, partnership, firm or corporation). All streets and systems within the boundaries of the park, although served by the municipal system, are maintained by the ownership entity. Application shall be submitted to the city of Othello hearing examiner. In addition to the requirements specified, the application/development plan shall include design specifics of the park, as set forth and required in this section, including, but not limited to, the location and dimensions of each RV lot; the location of each RV stand (so that setbacks, yards and other open spaces and utility connections may be determined); the location of street lighting; the method for drainage and the location of all catchbasins and storm sewers; and the park landscaping plan. (Ord. 971 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.44.020 Principal permitted uses.

Principal permitted uses include:

- (1) Recreational vehicles used for temporary dwelling purposes ~~with their customary accessory uses~~;
- (2) Buildings and structures necessary for the operation and maintenance of the park, or providing customary accessory uses of parks, including laundry facilities, office and equipment storage buildings;
- (3) Community recreation facilities, for residents of the park and their guests, including swimming pools;
- (4) Residences for the use of a manager and/or caretaker responsible for maintaining or operating the park which may be either a conventional single-family dwelling or a mobile home;
- (5) Vending machines and similar products and services may be approved by the hearing examiner. (Ord. 948 § 2 (part), 1995).

17.44.030 Recreational park development standards.

- (a) Minimum Park Size. The minimum area for an RV park shall be one acre.
- (b) Public Access. Public access not less than twenty-two feet in width shall be required from the recreational vehicle park to an arterial or collector street. The hearing examiner shall determine on a case-by-case basis whether a secondary access shall be required. Secondary access, if provided, shall enter the public street system at least one hundred fifty feet from the primary access.
- (c) Minimum lot requirements:
 - (1) Lot area—minimum of one thousand five hundred square feet;
 - (2) Lot width—minimum of twenty feet;
 - (3) Lot length—minimum of seventy-five feet;
 - (4) Minimum Building Setback Requirements.
 - (A) Twenty-five feet from a public right-of-way,

- (B) Fifteen feet from the RV lot line abutting on an interior access street,
 - (C) Fifteen feet from any park boundary (excluding public right-of-way);
- (5) Separation Requirements. No RV shall be located closer than fifteen feet from any other RV unit or permanent park building;
- (6) Occupied Area. Additional lot structures ~~shall be limited to such as storage sheds, patios and decks shall not be allowed; as long as the square footage, including the RV, does not exceed thirty percent of the lot. The owner or occupant shall secure a permit of construction from the Othello building department;~~
- (7) Interior Park Access Ways. Streets, driveways and other access ways within an RV park shall be constructed and maintained by the owner and/or developer of the park in accordance with the standards provided by the public works department. Interior park access ways shall not be dedicated as a public right-of-way unless otherwise approved or required by the city council. Interior park streets shall observe the following minimums:
- (A) No on-street parking: one-way roads, twelve feet; two-way roads, twenty-two feet,
 - (B) One side on-street parking: one-way roads, eighteen feet; two-way roads, twenty-eight feet;
- (8) Parking lanes shall be eight and one-half feet wide where provided;
- (9) Cul-de-sac streets and streets designated to have one end permanently closed (“Y” or “T”) should have a minimum turning radius of fifty feet, or an adequate right-of-way to permit ease of turning;
- (10) Parking Requirements. A minimum of one off-street parking space shall be provided adjacent to, or conveniently near, each RV lot. Parking may be in tandem;
- (11) Street Lighting. Adequate street lighting shall be provided to illuminate streets, driveways, walkways and buildings for the safe movement of pedestrians and vehicles and for the safe night time use of such facilities. Installation of all street lighting shall be in accordance with standards provided by the public works department;
- (12) Landscaping, Buffering and Screening.
- (A) RV parks shall be enclosed on all sides with permanently maintained natural or artificial barrier, such as a sight-obscuring wall or continuous buffer of trees or shrubs, not less than six feet in height, except for those sides abutting public rights-of-way. Sides which abut public rights-of-way shall be buffeted with a perimeter landscape strip not less than ten feet wide within the required setback. Such landscape strip shall be planted or installed with a permanently maintained natural or artificial barrier not less than four feet in height. If an artificial barrier is installed, the remainder of the landscape strip shall be landscaped with ground cover or other approved landscape treatment, excluding pavement. The hearing examiner may waive all or part of the perimeter landscaping requirements if, due to the nature of the existing topography or other existing conditions, it is unreasonable to require a wall, fence or screen.
 - (B) All open areas of the RV park shall be landscaped. A permanent irrigation system shall be installed and all landscaped areas shall be continually maintained.
 - (C) A specific landscaping plan for the RV park shall be submitted as part of the conditional use permit application. Landscaping material shall conform to, and be installed in accordance with the approved development plan prior to occupancy of any lot;
- (13) Utilities and Other Services.
- (A) The construction and maintenance of all water, sewer, electrical, communication and miscellaneous (television cable, etc.) service lines shall be under the supervision of the department or utility agency having jurisdiction in accordance with all applicable state and local codes, policies and

regulations. The location of all underground utility and service lines shall be indicated by an aboveground sign (or signs) identifying the proximity of the lines to the RV stand to facilitate service connection and to avoid damage to such underground services by the use of ground anchors, installation of skirting, etc. Fire protection, hydrant location, fire equipment access, etc. shall be approved by the local fire chief;

(14) Water Supply and Distribution System. Each RV park shall be connected to the Othello municipal system, with the appropriate backflow preventative device installed, and its supply shall be used exclusively. Individual water service connection shall be provided for each lot;

(15) Sewage Disposal. Connection shall be made to public sewer system;

(16) Electrical Distribution System. Each RV park shall be provided with an electrical distribution system in accordance with the policies and specifications for installation and maintenance of the electrical utility having jurisdiction;

(17) Solid Waste Disposal System. Solid waste collection stands shall be provided for all waste containers in accordance with specifications for design and location as provided by the public works department. Solid waste collection stands, whether individual or grouped, shall be screened from view with appropriate landscaping and/or screening as indicated on the approved landscaping plan;

(18) Signs. Signs identifying the RV park shall be in conformance with applicable sign regulations. RV parks are subject to all applicable building and construction provisions of this code, which include issuance of building permits and authorized inspections of all phases of construction and development.

(d) No building permits shall be issued and no construction of any kind to create, alter or extend any RV park may be initiated until a conditional use permit has been granted by the hearing examiner in accordance with the procedure specified and subject to the applicable regulations and standards set forth in this section.

(e) All RV parks are developed pursuant to a binding site plan as provided in Chapter 16.26 of this code. (Ord. 971 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

17.44.040 Operational requirements.

(a) No RV lot may be rented or occupied until a business license for operation of the RV park has been obtained pursuant to Chapter ~~5.02~~ 4.04. A business license shall not be issued until all required building, fire and health inspections have been conducted.

(b) Construction or development of all of the improvements indicated on the approved development plan shall also be required prior to issuance of a business license; provided however, that the building official may waive this requirement if sufficient need can be shown. A performance bond or other acceptable security shall be required by the building official in order to ensure development as per the conditional use permit, for any improvements that are not completed prior to issuance of the business license. Such improvements shall be completed within a reasonable time, not to exceed six months.

(c) Prior to renewal of the business license, the building official shall inspect the RV park to check continued compliance with all conditions of the conditional use permit and shall submit to the park owner a written report stating whether or not the park is in compliance. The owner must take action to effect compliance with any conditions that are in violation before the business license shall be renewed. A violation of any of the licensing provisions of this section shall be subject to the penalties set forth in Chapter 17.92. (Ord. 948 § 2 (part), 1995).

17.44.050 RV park administration.

(a) It shall be the responsibility of the park owner and/or manager to assure that the provisions of this section, including installation of RV's ~~and construction of accessory structures on individual lots,~~ and additional conditions of the conditional use permit are observed and maintained within the RV park.

(b) The park shall be kept free of any brush, leaves and weeds and all landscaped areas shall be continually maintained.

(c) Failure to comply with any of the requirements for administering a recreational vehicle park shall be a violation subject to penalties set forth in Chapter 17.92. (Ord. 948 § 2 (part), 1995).

(d) No recreational vehicle shall be used as a permanent dwelling for indefinite periods of time. Removal of wheels of a recreational vehicle, except for temporary purposes of repair or replacement, is prohibited.

Chapter 17.46

MOBILE HOME PARKS

Sections:

- ~~17.46.010 — Mobile home parks (permitted by conditional use in the C-2 district.~~
- ~~17.46.020 — Permitted uses.~~
- ~~17.46.030 — Mobile home parks development standards.~~
- ~~17.46.040 — Mobile home parks — Required permits and licenses.~~
- ~~17.46.050 — Mobile home park administration.~~

17.46.010 — Mobile home parks (permitted by conditional use in the C-2 district.

~~When allowed in a specific use district, any development, alterations or extension of a mobile home park shall require a conditional use permit as per the definition of “mobile home park.” The ownership of the land must be under one entity (i.e., one person, partnership, firm or corporation). All streets and systems within the boundaries of the mobile home although served by the municipal system, are maintained by the ownership entity. Application shall be submitted to the city of Othello hearing examiner. In addition to the requirements specified, the application/development plan shall include design specifics of the mobile home park, as set forth and required in this section, including, but not limited to, the location and dimensions of each mobile home lot; the location of each mobile home stand (so that setbacks, yards and other open spaces and utility connections may be determined); the location of street lighting; the method for drainage and the location of all catchbasins and storm sewers; and the mobile home park landscaping plan. The hearing examiner in determining whether the location contemplated will create special problems in relation to site design and compatibility with other developments established as of right within the particular zone, shall on its own initiative, or by recommendation of the planning commission, establish conditions of the conditional use permit as deemed necessary or shall deny the permit. (Ord. 972 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.46.020 — Permitted uses.

~~No building, structure or land within the boundaries of a mobile home park shall be used for any purpose, except as follows, and specified on the approved conditional use permit development plan.~~

~~(a) — Principal Permitted Uses.~~

- ~~(1) — Mobile homes used for dwelling purposes with their customary accessory uses;~~
- ~~(2) — Buildings and structures necessary for the operation and maintenance of the mobile home park, or providing customary accessory uses of mobile home parks, including laundry facilities, park office and equipment storage buildings;~~
- ~~(3) — Buildings and structures necessary for the operation of a public utility;~~
- ~~(4) — Community recreation facilities, for residents of the mobile home park and their guests, including swimming pools;~~
- ~~(5) — Residences for the use of a manager and/or caretaker responsible for maintaining or operating the mobile home park which may be either a conventional single family dwelling or a mobile home;~~
- ~~(6) — Vending machines and similar products and services may be approved by the planning commission and the city council. (Ord. 948 § 2 (part), 1995).~~

17.46.030 — Mobile home parks development standards.

~~(a) — Minimum Park Size. The minimum area for a mobile home park shall be five acres.~~

~~(b) — Maximum Gross Density. Maximum gross density shall not exceed ten mobile home lots per acre. Density for each specific mobile home park shall be similar to, or compatible with, surrounding residential areas and shall be determined on a case-by-case basis.~~

~~(c) — Public Access. Public access not less than thirty six feet in width shall be required from the mobile home park to an arterial or collector street. The planning commission and city council shall determine on a case by case basis whether a secondary access shall be required. Secondary access, if provided, shall enter the public street system at least one hundred fifty feet from the primary access.~~

~~(d) — Minimum Lot Requirements.~~

~~(1) — The minimum area for a mobile home lot designed to accommodate a mobile home not exceeding fourteen feet in width shall be three thousand five hundred square feet. The minimum lot dimension shall be thirty four feet.~~

~~(2) — The minimum area for a mobile home lot designed to accommodate a mobile home exceeding fourteen feet in width shall be four thousand five hundred square feet.~~

~~(e) — Minimum Building Setback Requirements.~~

~~(1) — Twenty five feet from a public right of way;~~

~~(2) — Ten feet from the mobile home lot line abutting on an interior access street;~~

~~(3) — Fifteen feet from any park boundary (excluding public rights of way).~~

~~(f) — Setback Requirements. No mobile home or accessory buildings shall be located closer than fifteen feet from any other mobile home unit or permanent park building. An unattached accessory building shall be set back seven and one half feet from the lot line. An attached accessory building shall be considered part of the mobile home for separation purposes. If not attached to the mobile home, an accessory structure shall not be located closer than five feet from such mobile home (unless an intervening fire wall is provided), or from any other mobile home or permanent building.~~

~~(g) — Occupied Area. The cumulative occupied area of the mobile home and its accessory buildings on a mobile home lot shall not exceed sixty five percent of the respective lot area.~~

~~(h) — Accessory Structures and Buildings. Accessory structures and buildings shall be designed and constructed of materials, size, color and pattern so as to be compatible with the mobile home. Such structures shall be subject to all applicable building and construction provisions of this code.~~

~~(i) — Park Land Dedication/Recreation Areas. Mandatory park land dedication or payment of fees in lieu of dedication shall be required for all mobile home park developments. Dedicated park land shall not be designated within the boundaries of a mobile home park; however, certain recreational facilities and areas provided within the park for its residents which are determined by the planning commission and the city council to satisfy the intent of the mandatory park land provision may be eligible for credit towards the required dedication or fee. Development and maintenance of recreational facilities and area(s) within the mobile home park boundaries are the responsibility of the park owner and/or developer.~~

~~(j) — Interior Park Access Ways. Streets, driveways and other access ways within a mobile home park shall be constructed and maintained by the owner and/or developer of the park in accordance with the standards provided by the engineering department. Interior park access ways shall not be dedicated as a public right of way unless otherwise approved or required by the city council. Interior park streets shall observe the following minimums:~~

~~(1) — One way traffic streets shall be a minimum of twenty eight feet in width. Reduction of this standard to a minimum of twenty feet may be allowed when on street parking is prohibited subject to the approval of the public works department.~~

~~(2) — Two way traffic streets shall be a minimum of thirty six feet in width. Reduction of this standard to a minimum of twenty eight feet may be allowed when on street parking is prohibited subject to the approval of the public works director.~~

~~(3) — Parking lanes shall be eight and one half feet wide where provided.~~

~~(4) — Cul de sac streets and streets designed to have one end permanently closed (“Y” or “T”) should have a minimum turning radius of fifty feet, or an adequate right of way to permit ease of turning.~~

~~(k) — Parking Requirements.~~

~~(1) — A minimum of two off street parking spaces shall be provided adjacent to, or conveniently near, each mobile home lot. Parking may be in tandem.~~

~~(2) — One parking space per each four mobile home lots shall be required to accommodate the contemplated guest parking loads and shall be evenly distributed throughout the mobile home park. Parking lanes may be provided up to fifty percent of this requirement. The remainder of the guest parking spaces shall be grouped in separate off street parking areas. The design and construction of parking facilities shall be in accordance with this code.~~

~~(l) — Mobile Home Stand. Every mobile home lot shall be provided with a mobile home stand to accommodate the placement of the mobile home and its attached accessory structures. The material used for the mobile home stand foundation base shall be durable and capable of supporting a mobile home without shifting, heaving or uneven settling regardless of weather conditions and other forces acting on the unit. Provisions shall be made at the mobile home stand for utility connections at appropriate locations and adequate surface drainage as specified and approved by the public works department.~~

~~(m) — Pedestrian Walkways. A common walkway system shall be provided and maintained between locations where pedestrian traffic is expected to be concentrated and might interfere with automobile traffic. Such common walks shall be constructed in accordance with standards provided by the public works department.~~

~~(n) — Street Lighting. Adequate street lighting shall be provided to illuminate streets, driveways, walkways and buildings for the safe movement of pedestrians and vehicles and for the safe night time use of such facilities. Installation of all street lighting shall be in accordance with standards provided by the public works department.~~

~~(o) — Landscaping, Buffering and Screening.~~

~~(1) — Mobile home parks shall be enclosed on all sides with permanently maintained natural or artificial barrier, such as a sight obscuring wall or continuous buffer of trees or shrubs, not less than six feet in height, except for those sides abutting public rights of way. Sides which abut public rights of way shall be buffered with a perimeter landscape strip not less than ten feet wide within the required setback. Such landscape strip shall be planted or installed with a permanently maintained natural or artificial barrier not less than four feet in height. If an artificial barrier is installed, the remainder of the landscape strip shall be landscaped with ground cover or other approved landscape treatment, excluding pavement. (See city landscape ordinance.)~~

~~The city council may waive all or part of the perimeter landscaping requirements if, due to the nature of the existing topography or other existing conditions, it is unreasonable to require a wall, fence or screen.~~

~~(2) — All open areas of the mobile home park shall be landscaped. A permanent irrigation system shall be installed and all landscaped areas shall be continually maintained.~~

~~(3) — A specific landscaping plan for the mobile home park shall be submitted as part of the conditional use permit application. Landscaping materials shall conform to, and be installed in accordance with the approved development plan prior to occupancy of any mobile home lot.~~

~~(p) — Storage Facilities.~~

~~(1) — No mobile home lot shall be occupied unless or until adequate storage facilities as provided for herein are properly installed or developed. It shall be the responsibility of the park management to provide the required storage facilities and adequate security thereof.~~

~~(2) — Outside storage of materials, equipment and household items shall not be permitted. A private storage facility having a floor area of at least forty eight square feet and minimum height of six feet shall be provided.~~

~~on or conveniently near each mobile home lot for inside storage of such items. The storage structure shall be anchored to a concrete footing as approved by the building official.~~

~~(3) — A bulk storage and parking area shall be set aside for storage of boats, RV's, trailers, and other similar items. A minimum of three hundred square feet of space, exclusive of driveways, shall be provided within the mobile home park for every five mobile home lots. This storage area shall be located so as to avoid conflict with adjoining residential properties and shall be screened from view with appropriate landscaping and/or screening as indicated on the approved landscaping plan.~~

~~(g) — Utilities and Other Services.~~

~~(1) — The construction and maintenance of all water, sewer, electrical, natural gas, communication and miscellaneous (television cable, etc.) service lines shall be under the supervision of the department or utility agency having jurisdiction in accordance with all applicable state and local codes, policies and regulations. The location of all underground utility and service lines shall be indicated by an aboveground sign (or signs) identifying the proximity of the lines to the mobile home stand to facilitate service connection and to avoid damage to such underground services by the use of ground anchors, installation of skirting, etc. Fire protection, hydrant location, fire equipment access, etc. shall be approved by the local fire chief.~~

~~(2) — Water Supply and Distribution System. Each mobile home park shall be connected to the Othello municipal system, with the appropriate backflow preventative device installed, and its supply shall be used exclusively. Individual water service connection shall be provided for each mobile home lot.~~

~~(3) — Sewage Disposal. Adequate and safe sewage disposal shall be provided for all mobile home lots. (Connection shall be made to public sewer system).~~

~~(4) — Electrical Distribution System. Each mobile home park shall be provided with an electrical distribution system in accordance with the policies and specifications for installation and maintenance of the electrical utility having jurisdiction.~~

~~(5) — Natural Gas. Each mobile home park shall be provided with a natural gas distribution system, if available or desirable, in accordance with the policies and specifications for installation and maintenance of the natural gas utility having jurisdiction.~~

~~(6) — Solid Waste Disposal System. Solid waste collection stands shall be provided for all waste containers in accordance with specifications for design and location as provided by the public works department. Solid waste collection stands, whether individual or grouped, shall be screened from view with appropriate landscaping and/or screening as indicated on the approved landscaping plan.~~

~~(f) — At least one public telephone shall be provided in each mobile home park.~~

~~(s) — Signs. Signs identifying the mobile home park shall be in conformance with applicable sign regulations. (Ord. 972 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).~~

17.46.040 — Mobile home parks — Required permits and licenses.

~~(a) — Mobile home parks are subject to all applicable building and construction provisions of this code, which include issuance of building permits and authorized inspections of all phases of construction and development.~~

~~(b) — No building permits shall be issued and no construction of any kind to create, alter or extend any mobile home park may be initiated until a conditional use permit has been granted by the hearing examiner in accordance with the procedure specified and subject to the applicable regulations and standards set forth in this section.~~

~~(c) — No mobile home lot may be rented or occupied until a business license for operation of the mobile home park has been obtained pursuant to Chapter 5.02. A business license shall not be issued until all required building, fire and health inspections have been conducted. Construction or development of all of the improvements indicated on the approved development plan shall also be required prior to issuance of a business license; provided, however, that the building official may waive this requirement if sufficient need can be shown. A performance bond or other~~

~~acceptable security shall be required by the building official in order to ensure development as per the conditional use permit, for any improvements that are not completed prior to issuance of the business license.~~

~~(d) — Such improvements shall be completed within a reasonable time, not to exceed six months. Prior to renewal of the business license, the building official shall inspect the mobile home park to check continued compliance with all conditions of the conditional use permit and shall submit to the park owner a written report stating whether or not the park is in compliance. The owner must take action to effect compliance with any conditions that are in violation before the business license shall be renewed. A violation of any of the licensing provisions of this section shall be subject to the penalties set forth in Chapter 17.92.~~

~~(e) — All mobile home parks are developed pursuant to a binding site plan as provided in Chapter 16.26 of this code. (Ord. 948 § 2 (part), 1995).~~

17.46.050 — Mobile home park administration.

~~(a) — It shall be the responsibility of the park owner and/or manager to assure that the provisions of this section, including installation of mobile homes and construction of accessory structures on individual mobile home lots, and any additional conditions of the special use permit are observed and maintained within the mobile home park.~~

~~(b) — The park shall be kept free of any brush, leaves and weeds and all landscaped areas shall be continually maintained.~~

~~(c) — Failure to comply with any of the requirements for administering a mobile home park shall be a violation subject to penalties set forth in Chapter 17.92.~~

~~(d) — The stabilizing system (support system and anchoring system) of each mobile home shall be installed in accordance with the manufacturer's installation instructions. Mobile homes for which manufacturer's instructions are not available shall have the anchoring and support systems designed and installed in accordance with the specifications set forth in this section or shall be designed by a registered professional engineer or architect.~~

~~(e) — Each mobile home shall have the space between the bottom of the unit and the ground completely enclosed with a compatible skirting material or installed at terrain level, with provisions for adequate ventilation and access as approved by the building official.~~

~~(f) — Construction of accessory structures shall be subject to the applicable building and construction provisions of this code.~~

~~(g) — Definitions (Mobile Home Stabilizing System):~~

~~(1) — “Anchoring system” means a combination of ties, anchoring equipment and ground anchors that will, when properly designed and installed, resist overturning and lateral movement.~~

~~(2) — “Stabilizing system” means combination of the anchoring system and the support system when properly installed.~~

~~(3) — “Support systems” means a combination of footings, piers, caps and shims that will, when properly installed, support the mobile home. The stabilizing system of each mobile home shall be installed in accordance with the HUD approved manufacturer's installation instructions. For mobile homes without manufacturer's installation instructions, the stabilizing system of mobile homes for which installation instructions are not available shall be designed by a registered professional engineer or architect, or shall comply with the specifications and standards for mobile home setting and stabilization established in NFPA/501A Standard for Installation of Mobile Homes Including Mobile Home Park Requirements; provided, however, that this standard shall not be construed as relieving the installer of a mobile home of responsibility for compliance with all other applicable regulations and provisions of this code. (Ord. 948 § 2 (part), 1995).~~

Chapter 17.50

OPEN SPACE RECREATIONAL (O-SR)

Sections:

- 17.50.010 Purpose.
- 17.50.020 Permitted uses.
- 17.50.030 Conditional uses.
- 17.50.040 Building height.

17.50.010 Purpose.

Open space recreational (O-SR) provides for breathing space, visual relief, psychological relief and solitudes needs of community residents. Those areas may include recreational opportunities, sports, parks, historical areas or simply viewshed areas. The use of land and structures, location and erection of new structures, and the alteration, enlargement or moving of existing structures shall conform in all respects to the following regulations. (Ord. 948 § 2 (part), 1995).

17.50.020 Permitted uses.

Permitted uses in the O-SR district are as follows:

- A. Recreational camps for groups such as, but not limited to: 4-H groups, Boy Scouts, Girl Scouts, Campfire Girls, youth groups, etc.;
- B. Public parks, playgrounds, campgrounds;
- C. Wildlife preserves;
- D. Public facilities. (Ord. 948 § 2 (part), 1995).

17.50.030 Conditional uses.

Permitted uses in the O-SR district are as follows:

- A. Grazing of livestock;
- B. Golf courses;
- C. Sports complex;
- D. Swimming pool. (Ord. 948 § 2 (part), 1995).

17.50.040 Building height.

Same as R-1. (Ord. 948 § 2 (part), 1995).

Chapter 17.51

OPEN SPACE URBAN RESERVE

Sections:

17.51.010 Purpose.

17.51.010 Purpose.

These lands serve in a temporary function as open space until needed for urban development. Those areas are restricted to agricultural uses until the full range of urban services are available. (Ord. 948 § 2 (part), 1995).

Chapter 17.54

PLANNED DEVELOPMENT DISTRICT OVERLAY

Sections:

- 17.54.010 Purpose.
- 17.54.020 Permitted planned development district.
- 17.54.030 General planned development district application requirements.
- 17.54.040 Preliminary planned development district requirements.
- 17.54.050 Planned development district design standards.
- 17.54.060 Permit process ~~Referral to other city departments.~~
- ~~17.54.070 Planning commission public hearing.~~
- ~~17.54.080 Notice of public hearing.~~
- 17.54.090 Hearing Examiner ~~Planning commission action.~~
- 17.54.100 Preparation of the planned development district ordinance.
- 17.54.110 City council action.
- 17.54.120 Final planned development district application and map(s).
- ~~17.54.130 Planning commission action.~~
- 17.54.140 Council action.
- 17.54.150 Issuance of a building permit.
- 17.54.160 Landscape performance bond.
- 17.54.170 Street and utility improvements performance bond.
- 17.54.180 Extension of bond or security time limit.
- 17.54.190 Maintenance bond.
- ~~17.54.200 Inspection of improvements.~~
- 17.54.210 Changes and modifications.
- 17.54.220 Repeal of planned development district ordinance.

17.54.010 Purpose.

(a) The purpose of the planned development district is to allow greater flexibility in the design of residential, commercial or industrial uses or a mixture of such uses by permitting specific modifications of the bulk and use regulations and performance standards of the underlying zone(s) as applied to a particular parcel of land. A planned development district is a floating district. Each approved planned development district is superimposed on the underlying zone to the extent that the planned development district shall modify and supersede the bulk and use regulations and performance standards to the underlying zone.

(b) A planned development district shall:

- (1) Encourage flexibility in design and development that will result in a more efficient and desirable use of the land;
- (2) Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, open spaces, off-street parking areas, and otherwise to better utilize the potentials of the site characterized by special features such as but not limited to geography, topography or shape;
- (3) Provide for maximum efficiency in the layout of streets, utilities, and other public improvements;
- (4) Produce an integrated or balanced development of mutually supportive uses that might be otherwise inharmonious or incongruous. (Ord. 948 § 2 (part), 1995).

17.54.020 Permitted planned development district.

(a) Planned development districts may be approved for any uses or combination of uses of this title as currently existing. The uses permitted in any specific planned development district shall be enumerated in the ordinance establishing the planned development district.

(b) Approved planned development districts are permitted in all commercial, residential and industrial zones.

- (c) Planned development districts may be used for the following types of development:
- (1) Planned unit developments: an area to be planned and developed as a single district containing one or more residential clusters or planned residential developments and one or more public, quasi-public, commercial, and/or industrial areas. A planned unit development shall only contain the uses permitted in the underlying zone group. For example, a planned unit development involving residential uses shall overlay a residential zone, a planned unit development involving residential uses and commercial uses shall overlay a commercial zone, and a planned unit development involving residential uses and/or commercial uses and industrial uses shall overlay an industrial zone. A planned unit development may be permitted by the city council to deviate from this general rule only upon a finding by the city council that such planned unit development is:
 - (A) Necessary,
 - (B) In the best interests of the citizens of the community, and
 - (C) The more intensive uses of the planned unit development will not adversely impact adjoining properties zoned in the same manner as the zoning group as the subject property.

Planned unit developments proposed under subsections (2), (3) and (4) of this subsection (c) shall only permit a more intensive use of the property than the underlying zoning group if there is a true mixed use within the planned unit development. In no event will one lot planned unit developments for a use more intensive than is permitted by the underlying zoning group be permitted;

- (2) Planned unit residential development: an area to be planned and developed as a single district and containing one or more residential clusters; appropriate commercial, public, or quasi-public uses may be included if such uses are for the exclusive benefit of the residential development;
- (3) Planned commercial developments: an area to be planned, developed, operated and maintained as a single district containing one or more structures to accommodate commercial, retail, business or office uses or a combination of such uses;
- (4) Planned industrial development: an area to be planned, developed, operated, and maintained as a single entity containing one or more structures to accommodate industrial uses. (Ord. 948 § 2 (part), 1995).

17.54.030 General planned development district application requirements.

- (a) Pre-Application Conference.
- (1) Prior to submission of a planned development district application and map(s), the proponent shall schedule a pre-application conference with the community development ~~public works~~ director and representatives of other affected city departments. The proponent shall present a conceptual plan of the planned development district including a general outline of the proposal represented by sketch plans. The community development ~~public works~~ director will respond informally and address potential items of concern to aid the proponent in preparing the planned development district application and map(s).
 - (2) The community development ~~public works~~ director shall furnish the proponent with a written review of the conference regarding the relationship of the planned development district to the comprehensive plan and any applicable city zoning ordinances, design standards and policies.
- (b) Study Session. Prior to the submission of the planned development district application and map(s) to the hearing examiner ~~planning commission~~ for action, the community development ~~public works~~ director shall schedule a planning commission study session. The community development ~~public works~~ director and the planned development district proponent shall present the conceptual planned development district to the planning commission so that the planning commission may study the proposal.
- (c) Planned Development District Application and Maps. The planned development district application and map(s) shall be filed with the building and planning ~~public works~~ department on forms prescribed by the building and planning ~~public works~~ department. The application shall be accompanied by eleven copies of the planned

development district application and map(s). A nonrefundable fee of five hundred dollars shall accompany each and every application for a preliminary planned development district.

- (d) Landscaping Plan. A landscaping plan must be submitted for approval as per Chapter ~~17.75~~ 17.74.
- (e) Environmental Information. Environmental information shall be prepared and submitted in accordance with the Guidelines established under the State Environmental Policy Act of 1971, as amended and Title 13 of the Othello Municipal Code entitled "Environmental Regulations." Said information is a part of and must accompany the planned development district application and map(s).
- (f) Alternate(s). Requests for alternate(s) of city design standards and community street and utility standards shall be submitted as a part of and must accompany the planned development district application and map(s). The hearing examiner ~~planning commission~~ shall recommend to the council that the requested alternative(s) be either approved, conditionally approved, or denied. The council shall either approve, conditionally approve, or deny the requested alternative(s) based upon the recommendation of the hearing examiner ~~planning commission~~ and testimony presented before the council.
- Alternative(s) of city design standards and community street and utility standards shall be listed in the ordinance conditionally approving and establishing the planned development district.
- (g) Comprehensive Plan. The planned development district shall be consistent with the city's comprehensive plan.
- (h) Findings of Fact. Every decision or recommendation made under this chapter by the hearing examiner ~~planning commission~~ or council shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.
- (i) Subdivision Approval. A planned development district for which subdivision or binding site plan approval is required may be submitted as a planned development district short plat, a planned development district major plat, or a planned development district binding site plan. Such a planned development district shall be submitted and processed in conformance with the appropriate subdivision chapter of the Othello Municipal Code and the requirements of this chapter. Redundant procedures or technical requirements shall be incorporated into the requirements and procedures of the appropriate subdivision chapter so as to not create unnecessary hardship or delay. Procedurally the preliminary and final planned development district element of a planned development district short plat, major plat or binding site plan must be approved by the council prior to the required subdivision approvals. Such approvals may be given concurrently by the appropriate approving body.
- (j) Titles. Planned development districts shall be appropriately entitled, i.e., planned unit development district, planned residential development district, planned commercial development district, or planned industrial development district. (Ord. 948 § 2 (part), 1995).

17.54.040 Preliminary planned development district requirements.

The preliminary planned development district application and map(s) shall depict or contain the following information:

- (1) A legal description of the total site proposed for development including a statement of the present and proposed ownership and present and proposed zoning;
- (2) A statement of the planning objectives to be achieved by the planned development district through the particular approach proposed by the applicant;
- (3) An itemized list of the proposed modifications to the bulk and use regulations of the underlying zone(s);
- (4) A development schedule indicating the approximate date when construction of the planned development district of stages of the planned development district can be expected to begin and be completed;
- (5) A statement of the applicant's intention with regard to the future selling or leasing of all or portions of the planned development district;

- (6) Quantitative data for the following: number and type of structures; parcel size; proposed lot coverage by buildings and structures; approximate gross and net residential densities; and the total amount of open space;
- (7) Relationship of the property to the surrounding area including identification of adjacent land uses, zoning, and peripheral treatment of the planned development district to maximize compatibility and integration of the planned development district with adjacent uses;
- (8) Proposed land uses and approximate building locations or buildable areas;
- (9) A general landscape plan and specific buffer plans (screening);
- (10) Existing site conditions including contours at two-foot intervals and unique natural features;
- (11) A list of the names and addresses of all owners of record of real property within three hundred feet of the external boundaries of the proposed planned development district. In addition, the proponent shall submit a list of the names and addresses of all owners of record of real property within three hundred feet of real property which lies adjacent to the external boundaries of the proposed planned development district and is owned by the proponent;
- (12) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas, storage areas, and points of ingress and egress to the planned development district;
- (13) Existing and proposed utility systems including sanitary sewers, storm sewers, water, electrical lines, TV and radio cable lines, and telephone lines;
- (14) The proposed pedestrian circulation system;
- (15) The proposed treatment of the perimeter of the planned development district, including materials and techniques used such as screens, fences and walls;
- (16) Vicinity map showing adjacent subdivision;
- (17) The method of maintaining common facilities;
- (18) Proposed lot lines;
- (19) The location and size in areas or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites, streets, and similar public, and semi-public uses. (Ord. 948 § 2 (part), 1995).

17.54.050 Planned development district design standards.

Planned development districts shall be in compliance with the following design standards:

- (1) Perimeters of the planned development district shall maintain all required building setbacks as specified in the applicable zone designation.
- (2) The planned development district shall be compatible with adjacent land uses and shall not adversely affect the character of the area in which it is located.
- (3) Performance standards for the uses enumerated in the planned development district shall be evaluated in light of the standards established in the Othello Municipal Code for the underlying zone.
- (4) Population density and building intensity shall be evaluated in light of the densities and intensities permitted in the underlying zone.
- (5) All dedicated rights-of-way within a planned development district shall be evaluated in accordance with city street and utility standards. The location of sidewalks may be varied as deemed appropriate when it is

found that the planned development district plan provides for the separation of vehicular and pedestrian circulation patterns.

(6) The vehicular movement and parking plan shall be consistent with the existing vehicular movement and shall not create an overburden.

(A) Private streets are permitted. All private streets or roadways shall have direct access onto a dedicated street. Private streets and roadways shall be constructed in compliance with city street and utility standards subject to modification with council approval. All private streets and roadways shall be designed and maintained to carry emergency vehicles.

(B) Off-street parking spaces and loading areas shall be provided as specified in Chapter 17.61 of this title. ~~Parking areas shall be designed and constructed according to APWA standards. Parking lots for more than twenty-five vehicles shall be interspaced with landscaped areas.~~

(C) The planned development district shall be located with respect to existing rights-of-ways which are adequately designed to handle the generated traffic without creating additional traffic along minor streets in residential neighborhoods.

(D) Planned development districts shall be so located with respect to schools, parks, playgrounds, and other public facilities so as to have access in the same degree as would development in a form generally permitted in the area.

(7) Utilities.

(A) All utilities including electrical lines, telephone lines, and cable TV and radio lines shall be installed underground except for access terminals in residential zones or residential areas of a planned development district and commercial zones or commercial areas of a planned development district.

(B) Planned development districts shall be so located in relation to sanitary sewers, water mains, storm and surface drainage systems, and other utility systems and installations that will be of adequate size to properly serve the planned development district and conform to the comprehensive water and sewer plan. (Ord. 948 § 2 (part), 1995).

17.54.060 ~~Permit Processing Referral to other city departments.~~

(a) ~~Applications for a Planned Development District shall be processed as a land use permit under OMC Title 19, Development Code. Upon receipt of a complete and satisfactory preliminary planned development district application and map(s), the public works director shall distribute copies of the preliminary planned development district to each of the following offices, departments or agencies within two working days of receipt:~~

~~(1) — Public works department;~~

~~(2) — Fire department;~~

~~(3) — Police department;~~

~~(4) — Electrical utility;~~

~~(5) — Telephone company;~~

~~(6) — Cable company;~~

~~(b) — Each department, office or agency may file written recommendations with the director within fifteen days from the date of filing of the planned development district with the public works department.~~

~~(c) — The public works director may determine that a meeting shall be held to resolve major issues identified as a result of the recommendations. The proceedings and results of such a meeting shall be documented by minutes. (Ord. 948 § 2 (part), 1995).~~

17.54.070 — ~~Planning commission public hearing.~~

~~When the public works director determines that the completed planned development district application and map(s) is acceptable the director shall set a date for a public hearing on the planned development district before the planning commission not less than twenty days nor more than forty five days after the receipt of the completed planned development district application. (Ord. 948 § 2 (part), 1995).~~

17.54.080 — ~~Notice of public hearing.~~

~~The public works director shall give notice of the time, location and purpose of the public hearing in the following manner:~~

- ~~(1) — At least one public notice shall be published not less than ten days prior to the hearing in a newspaper of general circulation within the city and the area where the real property that is proposed for the planned development district is located.~~
- ~~(2) — Three notices shall be posted on or adjacent to the land proposed for a planned development district at least ten days prior to the public hearing date.~~
- ~~(3) — One notice shall be mailed to each owner of property within three hundred feet of the property proposed for a planned development district at least ten days prior to the public hearing.~~
- ~~(4) — If the owner of the real property which is proposed for a planned development district owns another tract of land which lies adjacent to the real property proposed for a planned development district, one notice shall be mailed to each owner of real property located within three hundred feet of any portion of the boundaries of such adjacent located parcels of real property. (Ord. 948 § 2 (part), 1995).~~

17.54.090 Hearing examiner ~~Planning commission~~ action.

- (a) The community development ~~public works~~ director shall transmit the planned development district application and map(s), respective comments and recommendations from other offices, agencies, and city departments, ~~and community development division comments and recommendations~~ to the hearing examiner ~~planning commission~~ prior to the hearing.
- (b) The hearing examiner ~~planning commission~~ shall review the planned development district application and map(s), municipal recommendations, testimony and exhibits submitted at the hearing and make recommendations to the council to assure conformance of the proposed planned development district with the provisions of this chapter and a determination that:
 - (1) The planned development district shall be compatible with nearby developments and uses.
 - (2) Peripheral treatment insures proper transition between planned development district uses and nearby external uses and developments.
 - (3) The development will be consistent with the comprehensive plan and with the purpose of a planned development district.
 - (4) The planned development district can be completed within a reasonable period of time.
- (c) The hearing examiner ~~planning commission~~ shall recommend that the council approve, conditionally approve, or disapprove an ordinance providing for the establishment of a planned development district. (Ord. 948 § 2 (part), 1995).

17.54.100 Preparation of the planned development district ordinance.

- (a) Upon hearing examiner ~~planning commission~~ review of a planned development district application and map(s), the city attorney shall prepare an ordinance providing for the designation of the subject property as a planned development district. That ordinance shall establish the planned development district as a floating district to be superimposed over the existing zone and provide for specific modifications of the bulk and use regulations and performance standards as provided for in the ordinance. The ordinance shall specify the specific modifications to the underlying zone's bulk regulations and performance standards. The ordinance shall provide that the applicant or the applicant's successor in interest shall be bound to the uses and modifications specified in the ordinance.

(b) The ordinance providing for the designation of the subject property as a planned development district shall conditionally approve the preliminary planned development district. The ordinance shall only confer development rights upon the applicant or the applicant's successor in interest upon the submission and approval of a final planned development district application and map(s) which shall be in substantial conformity with the preliminary planned development district application and map(s). Approval for the applicant to proceed with construction shall be contingent upon receipt and approval by the city council of a final planned development district application and map(s). (Ord. 948 § 2 (part), 1995).

17.54.110 City council action.

(a) At the next regularly scheduled meeting of the city council there shall be presented an ordinance providing for the establishment of the planned development district. ~~The council shall set a date for a second reading of the ordinance and a public hearing within thirty days of the date of the first reading.~~

(b) The council shall consider and adopt or reject the ordinance with respect to the recommendations of the hearing examiner ~~planning commission~~ and the requirements of this chapter. (Ord. 948 § 2 (part), 1995).

17.54.120 Final planned development district application and map(s).

Upon preliminary planned development district approval, the applicant shall prepare a final planned development district application and map(s) as needed.

The final application and map(s) shall be prepared in substantial compliance with the approved preliminary planned development district application and map(s); contain or depict all information required in the preliminary application and map(s); and shall incorporate any changes required by the council in granting preliminary planned development district approval.

~~Preliminary map(s), if suitable, may be submitted as final map(s) with the final application if they are to be unaltered or are able to be altered to satisfy the final planned development district map(s) requirements.~~

In addition, the final planned development district application and map(s) shall contain and/or depict the following information:

(1) A title report from a title company licensed to do business in the state of Washington dated within thirty days of the date of filing of the final planned development district application and map(s) confirming that the title of the lands described and shown on the application and/or map(s) is in the name of the owners signing the planned development district application and map(s) and/or instrument or dedication.

The holder of the owner's power-of-attorney may sign the planned development district application and map(s) and/or instrument of dedication provided that the title company confirms that the person signing the documents is in fact the holder of the owner's power-of-attorney and that title to the land is in the name of the person granting power-of-attorney;

(2) ~~Three complete sets of preliminary construction plans and specifications along with an AutoCad copy prepared by a professional engineer licensed by the state of Washington showing all All street and utility improvements required by the council in granting planned development district approval must be built and accepted by the City, or guaranteed, prior to submittal of the final planned development district application. ~~All construction plans and specifications shall be in conformance with city design standards and the community street and utility standards. Construction plans and specifications must be approved by the public works department prior to the submission of the final planned development district to the council for approval;~~~~

~~(A) — Preliminary construction plans and specifications shall be submitted in compliance with Chapter 16.17 of this code, entitled "Major Subdivisions," Section 16.17.120, Improvements;~~

(3) Required dedication of all streets, rights-of-way, parks, playgrounds, easements, reservations, irrigation water rights-of-way, and any area to be dedicated to public use, together with any restrictions or limitations thereon shall be submitted for council approval and acceptance as a part of the final planned development district plan map(s) or as a separate instrument of dedication;

- (4) All covenants proposed to run with the land;
- (5) A nonrefundable fee of five hundred fifty dollars shall accompany each and every application for a final planned development district approval. (Ord. 948 § 2 (part), 1995).

~~17.54.130 Planning commission action.~~

~~Within forty five days of filing of the complete and satisfactory final planned development district application and map(s) with the public works department, the public works director shall set a date for planning commission review of the final planned development district application and map(s). The planning commission shall review the final planned development district application and map(s) as to compliance with all terms of the preliminary approval and shall recommend to the council that said planned development district be approved or disapproved. (Ord. 948 § 2 (part), 1995).~~

17.54.140 Council action.

- (a) The council may within sixty days from the date of filing of the final planned development district application and map(s), approve or disapprove the final planned development district application and map(s) unless the subdivider consents to an extension of such time period in writing.
- (b) If the council finds that the planned development district proposed for final approval conforms to all terms of the preliminary planned development district approval, the requirements of this chapter, applicable state laws, and any other requirements that were in effect at the time of preliminary planned development district approval, it may approve the final planned development district application and map(s).
- (c) The council may approve a phased planned development district construction schedule. On-site construction and installation of all required street and utility improvements and landscaping shall be completed in compliance with the approved planned development district construction schedule for each phase of the planned development district. (Ord. 979 § 1, 1996; Ord. 948 § 2 (part), 1995).

17.54.150 Issuance of a building permit.

No building permit shall be issued until final council approval of the planned development district and/or fulfillment of the subdivision or binding site plan requirements of the Othello Municipal Code. (Ord. 948 § 2 (part), 1995).

17.54.160 Landscape performance bond.

- (a) No building permit shall be issued until the applicant has posted a performance bond or other approved security in a form satisfactory to the city attorney in such an amount to cover one hundred and fifty percent of the cost of completing all landscaping improvements as required by the council in approving the final planned development district. All landscaping improvements listed in the bond or security must be completed within two years of council approval of the final planned development district.
- (b) In the event that all landscaping improvements are not completed within the time limit specified in the performance bond or approved security, the bond may be forfeited and the city may undertake the installation and completion of all required landscape improvements. (Ord. 948 § 2 (part), 1995).

17.54.170 Street and utility improvements performance bond.

- (a) No building permit shall be issued until the applicant has posted a performance bond or other approved security in a form satisfactory to the city attorney in such an amount to cover one hundred and fifty percent of the estimated cost, as determined by the City Engineer ~~director~~ of all street and utility improvements required by the council in granting planned development district approval. All street and utility improvements must be completed within two years of council approval of the final planned development district.
- (b) In the event that all street and utility improvements are not completed within the time limit specified in the performance bond or approved security, the bond or security may be forfeited and the city may undertake the installation and completion of all required street and utility improvements. (Ord. 948 § 2 (part), 1995).

17.54.180 Extension of bond or security time limit.

(a) The council may grant one extension of any performance bond or approved security required by this chapter not to exceed one year provided that the request for an extension is filed with the community development public-works director at least sixty days prior to the expiration date of the bond or security.

(b) In the event that a time extension is granted, a new performance bond or other approved security shall be submitted in an amount sufficient to cover one hundred and fifty percent of the cost of completing utility and street improvements or landscaping improvements. The bond will be updated with new estimates of cost on all uncompleted improvements and all increased costs shall be passed onto the bond.

(c) Departments issuing recommendations for new performance bonds or approved security shall not modify the terms and requirements of the bond or security other than to pass on all increased cost estimates ~~as determined by the public works director~~ to the bond or security to cover the cost of completing utility and street improvements and/or landscaping improvements ~~without the written consent of the applicant~~. (Ord. 948 § 2 (part), 1995).

17.54.190 Maintenance bond.

Upon completion of the required public improvements and prior to acceptance by the council, the subdivider/developer must submit a maintenance bond or alternative security approved by the city attorney as specified in the Public Works Design Standards in an amount ~~determined by the city engineer and approved by the public works director~~. The maintenance bond amount shall be one hundred percent of the actual cost of construction. An alternative security shall be in an amount not less than ten percent nor more than one hundred percent of the actual cost of construction. The amount shall be determined on a case by case basis based upon the city engineer's estimated cost of repair or maintenance should repair or maintenance be required. The subdivider/developer shall submit documentation of the cost of construction to the city engineer for his review and approval and use in ~~determining the required bond for alternative security amount~~. (Ord. 948 § 2 (part), 1995).

~~17.54.200 Inspection of improvements.~~

~~The public works department or a licensed professional engineer or engineering firm hired by the city shall be responsible for the inspection of all public or dedicated planned development district street and utility improvements to insure conformance with the approved plans and specifications. (Ord. 948 § 2 (part), 1995).~~

17.54.210 Changes and modifications.

(a) Major changes in the approved final planned development district shall be considered as a new application for preliminary planned development district approval. Major changes include, but are not limited to, the following:

- (1) Change in use;
- (2) Major change in vehicular circulation system;
- (3) Increase in density or relocation of density pattern;
- (4) Change in exterior boundaries except survey adjustments;
- (5) Increase in building height.

(b) The community development public-works director may approve changes in the final planned development district which are minor and of a technical nature and which are consistent with the approved plan. (Ord. 948 § 2 (part), 1995).

17.54.220 Repeal of planned development district ordinance.

(a) The community development public-works director shall prepare and submit to the council an ordinance providing for the repeal of the ordinance establishing the planned development district upon the occurrence of the following:

- (1) A final planned development district application and map(s) has not been submitted within three years of adoption of the ordinance conditionally approving and establishing the planned development district unless an application for an extension has been approved by the council.

(2) Construction has not commenced within two years of final planned development district approval or in compliance with the final approved planned development district construction schedule unless an application for an extension has been approved by the council.

(b) Application for Time Extension.

(1) Sixty days prior to the consideration of an ordinance to repeal the ordinance establishing the planned development district, the responsible party of record representing the planned development district shall be notified by certified letter via U.S. mail of the pending action and shall be afforded the opportunity to submit an application or an extension of the planned development district ordinance.

(2) The council may grant one extension not to exceed one year of the ordinance establishing the planned development district.

(3) Application for an extension shall be made to the city council ~~planning commission~~ at least thirty calendar days prior to the scheduled date of ~~a first reading of~~ the repeal ordinance.

(4) The application shall include a statement of mitigating and/or hardship circumstances necessitating the request for an extension.

(5) ~~The planning commission shall review the application for an extension and recommend to the council that the application be approved or rejected.~~

~~(6)~~ At the time of the consideration of the ordinance the council may grant the requested extension based upon the recommendation of staff ~~the planning commission~~ and testimony given at that time.

~~(6)~~ ~~(7)~~ If the extension is approved, the repealing ordinance shall be docketed for consideration at the termination of the one-year extension period. In the event that a final planned development district application and map(s) has not been submitted within the one-year extension period or in the event that construction has not commenced within the one-year extension, there shall be adoption of the ordinance repealing the planned development districts. (Ord. 948 § 2 (part), 1995).

Chapter 17.56
GENERAL PROVISIONS

Sections:

- 17.56.010 Building site calculations.
- 17.56.020 Junk.
- 17.56.025 Composting.
- 17.56.030 Building occupancy.
- 17.56.040 Vision clearance at intersections.
- 17.56.050 Recreational vehicles (RVs).
- 17.56.055 Recreational vehicle parking.
- 17.56.070 Eaves.
- 17.56.080 Chimneys.
- 17.56.090 Accessory buildings.
- 17.56.100 Wells.
- 17.56.110 Trees.
- 17.56.120 Use of premises for the keeping of livestock.
- 17.56.125 Use of premises—Kennels.
- 17.56.130 Gas station standards.
- 17.56.140 Auto wrecking and junkyard standards.
- 17.56.150 Building on multiple lots.
- 17.56.160 Vesting of rights.
- 17.56.170 Prohibited uses.
- 17.56.175 Residential foster dog permit.

17.56.030 Building occupancy.

No structure or structures shall be occupied until they have met all the minimum occupancy requirements as stated in the ~~State Uniform~~ Building Code. (Ord. 973 § 1, 1995; Ord. 948 § 2 (part), 1995).

[Other portions of this chapter are not proposed to be changed at this time.]

Chapter 17.57

PERFORMANCE STANDARDS

Sections:

- ~~17.57.010 — Performance standards.~~
- ~~17.57.020 — Air contaminants.~~
- ~~17.57.030 — Odor.~~
- ~~17.57.040 — Gases.~~
- ~~17.57.050 — Sewage wastes.~~

17.57.010 — Performance standards.

~~The following are the performance standards to be applied to any use permitted in any district, and in the process of applying such standards, the building inspector shall make or cause to be made all technical measurements and determinations relating thereto. (Ord. 948 § 2 (part), 1995).~~

17.57.020 — Air contaminants.

~~(a) — Air shall be less dark in shade than that designated as No. 2 on the Ringlemann chart, as published by the United States Bureau of Mines, except that No. 2 is permitted for one four minute period in each one half hour during any twenty-four hour period.~~

~~(b) — Air contaminants, of such an opacity as to obscure an observer's view to a degree equal to or greater than described in subsection (a) of this section, shall not be permitted, except that smoke in the range of white or cream may be excepted by the application of this rule.~~

~~(c) — Particulate matter, or dust, as measured at, and by, any generally accepted manner, shall not be emitted in excess of three tenths grains per cubic foot, as corrected to a temperature of five hundred degrees Fahrenheit, except for one period of four minutes in any one half hour, then it can equal but not exceed six tenths grains per cubic foot, as corrected to a temperature of five hundred degrees Fahrenheit. "Particulate matter" is material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric temperature and pressure. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, bagging, sweeping, etc. (Ord. 948 § 2 (part), 1995).~~

17.57.030 — Odor.

~~The emission of odors which are generally agreed to be obnoxious to any considerable number of persons, at their place of residence, shall be prohibited. (Ord. 948 § 2 (part), 1995).~~

17.57.040 — Gases.

~~The following gases, sulphur dioxide and hydrogen sulphide, shall not exceed five tenths parts per million; carbon monoxide shall not exceed twenty five parts per million; nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the place of residence; provided, however, there shall not be discharged from any source whatsoever, such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons, or to the public, or which endanger the comfort, repose, health or safety of any such persons, or the public, or which cause or have a natural tendency to cause injury or damage to business or property. (Ord. 948 § 2 (part), 1995).~~

17.57.050 — Sewage wastes.

~~No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. These standards shall apply at the point where wastes are discharged into the public sewer or other drainage course. Acidity or alkalinity shall be neutralized within an average pH (unit of measurement of acidity) range between 5.5 to 8.5 as a daily average on the volumetric basis, with a temporary variation of pH 4.0 to 10.0. Wastes shall contain no cyanides, and no chlorinated solvents shall be in excess of 1.0 parts per million. No fluorides shall be in excess of one hundred parts per million of hydrogen sulphide, sulphur dioxide, and nitrous oxide gases. Wastes shall not contain any insoluble substance in excess of ten thousand parts per million or exceed a daily average of five hundred parts per million, or fail to pass a No. 8 standard sieve, or have a dimension greater than one half inch. Wastes shall not have a chlorine demand greater than fifty parts per million. Wastes shall not contain phenols in excess of 0.5~~

~~parts per million. Wastes shall not contain any grease or oil or any oily substances in excess of one hundred parts per million or exceed a daily average of twenty five parts per million. Industrial wastes will be evaluated on an individual plant basis with requirements for the discharge of the waste into the sewer system determined prior to issuing a permit of occupancy or operation. (Ord. 948 § 2 (part), 1995).~~

Chapter 17.59

HOME OCCUPATIONS

Sections:

- 17.59.010 Home occupation defined.
- 17.59.015 Application for home occupation uses and appeals.
- 17.59.020 Permitted occupations.
- 17.59.030 Participation restricted.
- 17.59.040 Floor area limitation.
- 17.59.050 Advertising and appearance restricted.
- 17.59.060 Accessory building use prohibited.
- 17.59.070 Retail sales prohibited.
- 17.59.080 Traffic and parking restricted.
- 17.59.090 Noise and interference prohibited.
- 17.59.100 Prohibited occupations.

17.59.015 Application for home occupation uses and appeals.

An application for a home occupation use shall be submitted to the clerk's department for consideration. Such uses may be permitted by the individual(s) designated to review the applications subject to the provisions of this chapter. Any party aggrieved by a decision rendered by the individual(s) reviewing the application may appeal the decision to the hearing examiner, subject to the provisions of Chapter 19.11, Appeals ~~17.83 of this title~~. (Ord. 1066 § 1, 2000; Ord. 948 § 2 (part), 1995).

[Other portions of this chapter are not proposed to be changed at this time.]

Chapter 17.61
OFF-STREET PARKING

[This chapter was updated in 2018. No further changes proposed at this time.]

Chapter 17.65
BUILDING PERMITS

[No changes proposed to this chapter at this time.]

Chapter 17.67

USE REVIEW STANDARDS

[No changes proposed to this chapter at this time.]

Chapter 17.70

ACCESSORY USES, BUILDINGS, OR STRUCTURES

Sections:

~~17.70.010—Accessory uses, buildings, or structures.~~

17.70.010—Accessory uses, buildings, or structures.

(a) ~~All accessory uses, buildings, and structures must be customarily incidental and subordinate to the principal building or use of the lot upon which they are located.~~

(b) ~~Where there is a question regarding the inclusion or exclusion of a particular accessory use within any zone classification, the city planner shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and on an analysis of the compatibility of the use or structure with the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.~~

(c) ~~The following structures are customarily incidental to residential uses:~~

(1) ~~Carports or garages for the sole use of occupants of premises and their guests, attached or detached, for storage of motor vehicles, boats, and/or recreational vehicles.~~

(2) ~~Greenhouses, private and noncommercial.~~

(3) ~~Storage buildings for yard maintenance equipment and household goods.~~

(d) ~~Accessory uses, buildings, and structures, other than fences and retaining walls, are prohibited from being located on a lot prior to a legal principal use.~~

(e) ~~Detached accessory buildings or structures are permitted in compliance with the use and bulk regulations and performance standards of this chapter; provided, that:~~

(1) ~~Detached accessory buildings or structures shall comply with the front, rear and side yard setback requirements of this chapter. In no case shall a detached accessory building or structure be placed closer to the lot line in the front yard than the legal principal use.~~

(2) ~~No detached accessory building or structure shall be constructed on or over a right of way or on or over a public easement.~~

(3) ~~For structures accessory to residential uses in the R-1, R-2, and R-3 zones, the total ground area of accessory structures may not exceed one hundred twenty square feet unless all of the following conditions are met:~~

(A) ~~The total area of all detached accessory structures does not exceed the ground floor square footage of the primary structure. Accessory structures shall not exceed twenty feet in height or the height of the primary structure, whichever is greatest.~~

(B) ~~No more than forty percent of the lot may be covered by buildings.~~

(C) ~~The roof pitch of the accessory building(s) shall be at least three vertical to twelve horizontal.~~

(D) ~~The exterior siding and roofing material shall be similar in appearance and color to that of the primary dwelling unit.~~

(4) ~~The accessory building shall be at least five feet from the primary building on the lot. Separation between accessory buildings shall be as regulated by the building code as adopted by the city of Othello. (Ord. 1338 § 1, 2011).~~

Chapter 17.72

ELECTRIC VEHICLE INFRASTRUCTURE

[No changes proposed to this chapter at this time.]

Chapter 17.75

LANDSCAPING BUFFER AND SCREENING REQUIREMENTS

Sections:

- ~~17.75.010 — Purpose.~~
- ~~17.75.020 — Applicability.~~
- ~~17.75.030 — Plan submittal and review.~~
- ~~17.75.040 — Buffer and screening requirements.~~
- ~~17.75.050 — Performance assurance.~~
- ~~17.75.060 — Alternative buffer and screening options.~~
- ~~17.75.070 — Maintenance.~~
- ~~17.75.080 — Restrictions.~~
- ~~17.75.090 — Appeals.~~
- ~~17.75.100 — Penalties for noncompliance.~~

17.75.010 — Purpose.

The intent of this chapter is to establish minimum natural screening and buffer requirements in order to promote safety, privacy and public well being; protect and maintain property values, appearance and character of neighborhoods; to provide a method to mitigate adverse climatic, visual and auditory effects associated with intensified urban development and to enhance the city's appearance. This chapter provides an effective manner to achieve the above objectives. (Ord. 948 § 2 (part), 1995).

17.75.020 — Applicability.

(a) ~~New or Expanded Structures.~~ The provisions of this chapter shall apply to all structures which are located in C 1, C 2, C 3, I 1, or I 2 zones, including parking lots so far as they are not otherwise covered under Chapter 17.61 of this code, and includes all new structures and all intensified, modified, expanded, repaired or altered existing uses and structures when the cost of such intensification, modification, expansion, repairs or alteration exceeds fifty percent of the existing value of said use or structure. Parking lots are included within the application of this chapter to permit the community development director to proceed to give notice to the owners of such properties and require compliance with this chapter or Chapter 17.61 within the time limits provided in this chapter.

(b) ~~Existing Structures.~~ These standards shall apply to all structures existing as of November 15, 1992, which must comply with the requirements of this chapter no later than July 1, 1997.

(c) ~~The buffer and screening requirements of this chapter shall be required for every property line that is adjacent to, contiguous to, abuts, adjoins, fronts or borders a public street, public right of way, or public highway, including railroad rights of way, or a residential zone. (Ord. 948 § 2 (part), 1995).~~

17.75.030 — Plan submittal and review.

(a) ~~All construction and development applications to which this chapter applies shall include detailed plans for screening and buffering required for compliance with this chapter. Plans shall be drawn to scale, shall include the materials and method(s) to be used to comply with this chapter, identify size and location of planted materials, identify and show existing trees or shrubs that are to remain, illustrate the method of tree and shrub protection of the landscaped area, shall identify any evergreen plants and trees by botanical and common names, and shall include information on the growing characteristics of the trees and plants, such as minimum and maximum mature height.~~

(b) ~~The plans shall also include a description of the method(s) and material(s) required to maintain all vegetation in a healthy growing condition, including any proposed irrigation system. If the plans do not include an automatic irrigation system, the plans shall describe in detail the proposed irrigation method. All maintenance costs shall be borne by the property owner.~~

(c) ~~All plans shall be submitted to the city for review and approval prior to the issuance of a building permit. No building permit may issue until plans have been submitted to and approved by the city.~~

(d) — The city may reject any proposal deemed to be inadequate to accomplish the buffer and screening objectives of this chapter. (Ord. 948 § 2 (part), 1995).

17.75.040 — Buffer and screening requirements.

The buffer and screening requirements of this chapter shall include a combination of the following:

(a) — The provisions of this title shall not apply to vacant or undeveloped lots even though they are located wholly or in part in a C 1, C 2, C 3, I 1, or I 2 zone.

(b) — The purpose of this title shall be to allow the city to provide a means of review and implementation of sight-obscuring devices in connection with activities which are conducted, allowed or carried on in the affected zones. Specifically, the intent of this title is to provide for the screening from general public of garbage containers and solid waste compaction or collection devices; outdoor storage of equipment, materials, supplies or products, other than for commercial sale in limited and reasonable numbers including new vehicle display lots, truck working yards, gravel pits, equipment repair yards, mill yards, factory yards, loading docks, delivery depots, salvage yards, junk yards, any area where loading, unloading, storage, manufacturing or processing is conducted on a continuous or frequent basis and recycling facilities; the direct view into operating or nonoperating facilities, mills, plants, shops, pits, hoists, or ramps; storage areas and holding areas in C 3 zone, and, like commercial or industrial activities which the community development director determines to be of such a nature as to require screening under this title. Parking lots and parking facilities related to commercial and industrial operations shall be screened and or landscaped as provided in the zoning and land use portions of this code.

(c) — Landscaping. A landscaping buffer and screening is required for every property line referred to in Section 17.75.020. All such landscaping buffer and screening plantings shall be to a depth of sufficient amount to permit the passage of pedestrians along streets abutting the property line and to permit safe sight lines at intersections and driveways, which shall be determined by the city at the time of plan review and approval. All landscaping buffers and screening shall be accomplished by a continuous planting of evergreen trees and/or shrubs, except driveways and pedestrian walks, that will close together and produce a dense, sight-obscuring screen at least eight feet in height within three years of planting and shall be allowed to grow no higher than can be permitted to maintain the stability of the plantings during high winds and to avoid contact with any overhead cables, wires or lines. The horizontal sight area shall be no less than seventy percent obscured in less than three years.

(d) — Fence. A solid fence, solid wall or chain link fence with filler strips is required for every property line referred to in Section 17.75.020 and shall be constructed and maintained of appropriate colors and materials as a backdrop to the landscaping buffer and screening plantings unless the community development director determines that landscaping alone will be sufficient to provide the buffering required by this chapter. If the fencing requirement is waived on condition landscaping will provide an adequate buffer and the landscaping is not developed, is allowed to die or is not maintained as initially indicated to the community development director, the community development director can require the installation of fencing as provided in this chapter. In addition to the provisions of this chapter, all fences or walls required by this chapter shall also comply with the provisions of Sections 17.56.060 and 17.56.140 of the Othello Municipal Code.

(e) — Any existing use or structure shall be subject to correction and compliance with Section 17.75.020(b) of this chapter but only after the city community development director has provided written notice of the need to comply with the provisions of this chapter. In that event, the property owner shall have no less than four years from the date of the notice to come into compliance with the provisions of this chapter.

Any property owner feeling aggrieved by a directive from the community development director to bring an existing structure or use into compliance with the provisions of this chapter shall have the right within ten days of the receipt of the written notice from the community development director to bring the property into compliance to appeal this determination to the hearing examiner. In such an appeal, the burden shall be upon the property owner appealing the directive of the community development director to establish that the property in question is not required to comply with the provisions of this chapter. (Ord. 948 § 2 (part), 1995).

17.75.050 — Performance assurance.

Prior to the issuance of any building permits for the project, a performance bond shall be submitted to the city in an amount determined by the city to be sufficient to guarantee installation of the required landscaping and fencing and

~~also cover the replacement of any vegetation that dies within the first year. Required landscaping and fencing shall be installed and constructed within three months of the date of final inspection or the issuance of a certificate of occupancy, whichever is later. The bond shall expire at the end of the first twelve months following installation of the landscaping and fencing. If the requirements of this chapter are not met, the city may use the bond to complete the required landscaping or fencing buffer and screening. (Ord. 948 § 2 (part), 1995).~~

17.75.060 — Alternative buffer and screening options.

~~The city may waive the buffer and screening requirements if the existing structure is situated on or in such close proximity to the property line or right of way that compliance with the buffer and screening requirements is impossible.~~

~~The city may approve a modification of the buffer and screening requirements if:~~

- ~~(1) — There is a proposed alternative which meets the purpose of this chapter; and~~
- ~~(2) — The alternative better accommodates the existing physical conditions of the property, topography or existing vegetation, or provides significant elements for visual screening, wind protection, solar access and shading, and the proposed alternative represents an equal or superior result than would be achieved if the requirements of this chapter were strictly followed. (Ord. 948 § 2 (part), 1995).~~

17.75.070 — Maintenance.

~~(a) — All landscaped areas required by this chapter shall be permanently maintained in a healthy growing condition in order to accomplish the purpose for which it was required. All fence or wall structures required by this chapter shall be permanently maintained in a state of good structural and aesthetic repair.~~

~~(b) — Dead or diseased plants, as determined by the city, must be replaced within thirty days of notification, or as soon as practical in regard to freezing weather, or complex situations involving removal and replacement of large trees. Deteriorating fences or walls, as determined by the city, must be repaired or replaced within thirty days of notification.~~

~~(c) — All plantings must be fertilized, irrigated and pruned at such intervals necessary to promote optimum growth. All landscaped areas shall be kept free of debris and weeds.~~

~~(d) — The owners, their agents or assigns, are responsible for providing, protecting and maintaining all landscaping material in a healthy growing condition, replacing it when necessary, and keeping it free of refuse, weeds, and debris.~~

~~(e) — The failure of a responsible person to maintain plantings in compliance with this section shall be deemed a violation of Othello Municipal Code Chapter 8.24 and shall subject the violator to all the remedies available to the city pursuant to that chapter. (Ord. 948 § 2 (part), 1995).~~

17.75.080 — Restrictions.

~~No buffer or screening required by this chapter shall be constructed or maintained so as to constitute a nuisance as defined by state law and/or Othello Municipal Code Chapter 8.24, and no buffer or screening required by this chapter shall be constructed or maintained in violation of Othello Municipal Code Chapter 8.24 or Section 17.56.110. (Ord. 948 § 2 (part), 1995).~~

17.75.090 — Appeals.

~~Any person aggrieved by an action of the city in the enforcement of this chapter may appeal to the hearings examiner within seven days of the action taken. The hearing examiner's decision may be appealed to the city council within ten days of the hearing examiner's written decision. The city council's decision shall be final except for such relief as may be granted by a court of competent jurisdiction. Such court review must be sought within ten days of the city council's decision. (Ord. 948 § 2 (part), 1995).~~

17.75.100 — Penalties for noncompliance.

~~Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title shall be deemed to have violated the terms of this title and will~~

~~subject the offender to a civil penalty of one thousand dollars per violation as provided for in Chapter 1.10 of the Othello Municipal Code. (Ord. 948 § 2 (part), 1995).~~

Chapter 17.79
NONCONFORMING USES

[No changes proposed to this chapter at this time.]

Chapter 17.83

APPEALS

Sections:

~~17.83.010 — To council.~~

~~17.83.020 — Appeals to reviewing agencies, commissions, courts and boards other than city council.~~

~~17.83.030 — Transcript costs.~~

17.83.010 — To council.

~~Any interested citizen may appeal to the city council from any ruling of the commission pertaining to the granting or denial of any permit applied for under this title when the ruling is adverse to his interest. Such appeal shall be made in writing and filed with the city clerk and the secretary of the commission. The secretary of the commission shall then transmit to the city council all papers constituting the record upon which the action appealed from was taken and in addition thereto, the city council may at its hearing receive such further evidence presented to it. Upon public hearing called as provided in Section 17.85.010, the city council shall have the power to overrule and alter any such ruling of the commission pertaining to the granting or withholding of any permit so applied for. (Ord. 948 § 2 (part), 1995).~~

17.83.020 — Appeals to reviewing agencies, commissions, courts and boards other than city council.

~~Any appeal by an aggrieved party of a ruling or decision made by an administrative officer, board, commission or the city council, relative to the provisions of this title, to any agency, commission, court or board other than the city council, must be filed within ten days from the date of the final decision or ruling. Failure to file such appeal within the ten days shall result in forfeiture of the aggrieved party's right to an appeal. (Ord. 948 § 2 (part), 1995).~~

17.83.030 — Transcript costs.

~~In the event of any timely appeal from the decision of any administrative officer, board, commission or city council relative to any matter which is within the scope of this title, the appellant shall be responsible to pay all costs of having any transcript or record prepared that is required. Any person desiring to review a transcript or portion thereof, who is not a party to an appeal, from any proceeding conducted to this title shall be responsible to pay all costs for the preparation of such transcript or portion thereof which such person desires to review. (Ord. 948 § 2 (part), 1995).~~

Chapter 17.87
AMENDMENTS

Sections:

- 17.87.010 Procedure.
- 17.87.020 Amendments and area-wide zoning change procedures.
- 17.87.030 Site-specific rezone procedures.

17.87.010 Procedure.

This title, or any part of it, may be amended, supplemented, repealed or modified by subsequent ordinances of the city adopted as provided by law. (Ord. 948 § 2 (part), 1995).

17.87.020 Amendments and area-wide zoning change procedures.

The regulations, classifications or area-wide zone boundary lines may be amended by ordinance in the following manner:

- (1) The planning commission, upon receipt of an amendment or area-wide zone change request, or after a motion of its own, shall investigate the merits of the request and may set a public hearing date at which time the request can be considered.
- (2) Following the hearing, the planning commission shall forward its findings, conclusions and recommendation to the city council.
- (3) After receiving a recommendation from the planning commission and after a public hearing has been held before the council, the council may consider the request. If the council finds the amendments are in the public interest, benefit the public welfare of the community, and are consistent with the city's zoning scheme, it shall so amend this title by ordinance. (Ord. 948 § 2 (part), 1995).

17.87.030 Site-specific rezone procedures.

Rezoning which are not of general applicability shall be processed as follows:

- (1) A public hearing before the Hearing Examiner shall be scheduled and held, following the standards of Title 19.
- (2) Following the hearing, the Hearing Examiner shall forward findings, conclusions, and recommendations to the City Council.
- (3) The Council will consider the Hearing Examiner's recommendations. If the council finds the rezone is in the public interest, benefits the welfare of the community, and is consistent with the Comprehensive Land Use Plan and the city's zoning scheme, it shall adopt the rezone ordinance.

Chapter 17.92

GENERAL ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.92.010 Purpose.
- 17.92.020 Duties of officials.
- 17.92.030 Interpretations of this title.
- 17.92.040 Building permits.
- 17.92.050 Certificate of occupancy.
- 17.92.060 Fees.
- 17.92.070 Right of entry.
- 17.92.080 Violations.
- 17.92.090 Enforcement and penalties.

17.92.010 Purpose.

The purpose of this chapter is to establish provisions pertaining to the administration and enforcement of this title. It is the intent that all questions of interpretation and enforcement shall first be presented to the planner for resolution prior to seeking enforcement through litigation. (Ord. 1307 § 1 (part), 2009).

17.92.020 Duties of officials.

(a) City Planner. The city planner is responsible for the administration, and interpretation, ~~and enforcement~~ of all parts of this title.

(b) The Mayor's Designee. The mayor's designee, or the person designated to perform the duties of the mayor's designee, is responsible for providing engineering review, in consultation with the city engineer, of permit applications when such a review is needed, and for such other duties as set forth in this title.

(c) Building Official. The building official is responsible for assuring that all building permits and certificates of occupancy are referred to the city planner, as required by Sections ~~17.92.030 and~~ 17.92.040.

(d) Code Enforcement Officer. The code enforcement officer is responsible for the enforcement of all parts of this title.

~~(e)~~ Enforcement. All departments, officials, and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no such permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this title, and should any such permit or license be issued in error it shall be null and void from its issuance and the city shall not be required to seek an appeal or review of the issuance of that permit or license to be able to declare the same as null and void from the date of its wrongful issuance.

~~(e)~~ (f) General Duty. None of the provisions of this title are intended to create a cause of action or provide the basis for a claim against the city, its officials, or employees for the performance or failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public. (Ord. 1307 § 1 (part), 2009).

~~17.92.030 Interpretations of this title.~~

~~The city planner may, acting on his or her own initiative or in response to an inquiry, issue interpretations of any provision of this title for which the mayor's designee shall be responsible. The city planner shall base his or her interpretations on the following:~~

~~(a) The defined or common meaning of the words of the provision;~~

~~(b) The general purpose of the provision; and~~

~~(c) The meaning of the provision in relation to the comprehensive plan. (Ord. 1307 § 1 (part), 2009).~~

17.92.040 Building permits.

Building permits are required by Chapter 17.65.

- (a) The building official shall refer to the city planner all applications for building permits for new construction and for additions which increase the square footage of usable space.
- (b) Upon receiving an application for a building permit, the city planner shall review it and make any necessary field inspections to determine whether the proposed construction or addition complies with this title. (Ord. 1307 § 1 (part), 2009).

17.92.050 Certificate of occupancy.

- (a) No building hereafter erected, moved, enlarged, or changed in use shall be occupied until a certificate of occupancy has been issued by the building official.
- (b) Certificates of Occupancy for Conforming Uses, Buildings, and Structures.
 - (1) A certificate of occupancy shall be issued only after such building, enlargement, or relocation has been completed in conformity with the provisions of this title and any applicable permits and plans.
 - (2) Any use legally occupying an existing building at the time this zoning code becomes effective may be continued but shall not be changed unless a certificate of occupancy for the new use shall have been issued by the building official after finding that the new use conforms to any required conditions of any applicable permits and plans, and the city planner finds that the new use conforms to this title.
 - (3) Any transfer of ownership of the building or structure which does not involve a change of use shall automatically effect a transfer of the certificate of occupancy to the new owner.
- (c) Certificates of Occupancy for Nonconforming Uses, Buildings and Structures.
 - (1) The owner or authorized agent of any legal nonconforming use, building or structure may, at any time, apply for a certificate of occupancy to continue as a nonconformity under the provisions of Chapter 17.79.
 - (2) No certificate of occupancy for a nonconforming use, building or structure shall be issued until the applicant demonstrates that the nonconformity existed on the effective date of this title, or on the date when preceding versions of the city's zoning regulations became effective as to such building, structure, land or use, or that the building, structure, land, or use was rendered nonconforming by an amendment to this title subsequent to its effective date.
 - (3) A certificate of occupancy for a nonconformity shall state the manner in which the property is nonconforming and the date when the property became nonconforming.
 - (4) Any transfer of ownership of the building or structure which does not involve a change of use shall effect a transfer of the certificate of occupancy to the new owner. (Ord. 1307 § 1 (part), 2009).

~~**17.92.060 Fees.**~~

~~All applications for permits, certificates of occupancy, rezones, variances, site plan approvals, and appeals shall be accompanied by the fees established for such applications by action of the council. (Ord. 1307 § 1 (part), 2009).~~

17.92.070 Right of entry.

- (a) Application Constitutes Permission for Entry. Application for any permit, certificate of occupancy, rezone, variance, site plan approval, or appeal constitutes permission for representatives of the city to enter on the property involved in order to make inspections necessary to permit review. A refusal to permit entry is considered to be an abandonment of the application and forfeiture of all fees charged and/or paid.
- (b) Investigation of Potential Violations. The code enforcement officer ~~city planner~~ may enter upon private property to investigate potential violations of this title if he or she has a good faith belief that a violation exists on the property. Before entering upon private property, the code enforcement officer ~~city planner~~ shall present

credentials to the owner or person in possession or charge of the property and request entry. If entry is refused, the code enforcement officer ~~city planner~~ may use any lawful means to obtain entry. (Ord. 1307 § 1 (part), 2009).

17.92.080 Violations.

- (a) It is unlawful for any person to do or cause any act to be done contrary to or in violation of this title, and for any property owner to permit any act to be done contrary to or in violation of this title. All violations of this title which are enforced by means of this administrative process are determined to be public nuisances and subject to abatement in the manner provided for herein as well as by any and all means provided by state law for the abatement of public nuisances.
- (b) It is also unlawful for any applicant or permittee to fail to perform any activity or obligation required by this title.
- (c) Any violation of any provision of this title is a C-1 civil infraction subject to a penalty as provided in Chapter 1.10.
- (d) Any violation of any provision of this title may be enforced per Chapter 1.20 et seq. or Section 17.92.090. (Ord. 1465 § 7, 2016; Ord. 1307 § 1 (part), 2009).

17.92.090 Enforcement and penalties.

When the code enforcement officer ~~city planner~~ determines that a violation of this title exists, he or she may proceed against that violation using the procedures provided in this section.

- (a) Initiation of Review. A review under this subsection may be initiated by:
 - (1) The code enforcement officer ~~city planner~~;
 - (2) A motion of the city council;
 - (3) Any aggrieved person believing that a violation or violations of this title is occurring by making a written complaint to the code enforcement officer ~~city planner~~.
- (b) Review Procedure.
 - (1) The code enforcement officer ~~city planner~~ shall within sixty days after the receipt of such written allegations or motion of the city council complete an investigation of the alleged violation(s) to determine the merits thereof.
 - (2) Within fourteen days after the code enforcement officer ~~city planner~~ has completed the investigation, he or she shall take the following action:
 - (A) If the code enforcement officer ~~city planner~~ determines that no violation as alleged or otherwise is occurring, then notification of that decision shall be given to the complaining person or a spokesperson for the complaining person, or in a written report to the city council.
 - (B) If the code enforcement officer ~~city planner~~ determines that a violation is occurring or has occurred as alleged, a notice of violation and order to correct or cease activity shall be sent as specified in subsection (c) of this section.
 - (3) If the code enforcement officer ~~city planner~~ determines that the way to correct a violation is for the property owner or violator to cease the activity, or for the city to impose new or changed conditions on a permit or plan that has been issued or approved, the code enforcement officer ~~city planner~~ shall refer the matter to the hearing examiner or staff for review depending upon which entity made the final decision on the matter under review.
 - (A) The hearing examiner shall hold a public meeting to review the permit or approval, using criteria required for the original.

(B) If the hearing examiner finds that a violation exists, and that it can be reasonably resolved by imposing new or changed conditions on the permit or plan, the conditions may be changed. The action of the hearing examiner shall be final as provided under Chapter 19.09.

(C) If the hearing examiner determines that the way to correct the violation is for the permittee to cease the violation, and the permittee fails or refuses to cease the violation, the hearing examiner may revoke the permit or approved plan and may order the activity allowed by the permit or plan to cease.

(D) If the violation is of a condition which was imposed by staff and staff finds that the violation can be reasonably resolved by imposing new or changed conditions on the permit or plan, conditions may be changed by staff.

(E) If the staff determines that the way to correct a violation is for the permittee to cease the violation and the permittee fails or refuses to cease the violation, the staff may revoke the permit or plan and may order activity allowed by the permit or plan to cease.

(c) Notice of Violation and Order to Correct or Cease Activity.

(1) General. If the ~~code enforcement officer~~ ~~city planner~~ determines that any activity, condition, structure, or use exists that does not conform to this title, he or she may issue a notice of violation and order to correct or cease activity. This notice will specifically indicate the following:

(A) The name and address of the person(s) charged with the violation;

(B) What provision of this title is being violated;

(C) The street address and a brief legal description of the site on which the violation has been determined to exist;

(D) What is necessary to correct the violation;

(E) The time by which the violation is to be corrected or activity ceased; and

(F) A statement that the civil penalties established in subsection (e) of this section shall be assessed against the person(s) cited if the violation is not corrected within the specified time period.

(2) Notice to Occupant and Owner. The ~~code enforcement officer~~ ~~city planner~~ shall deliver or cause to be delivered the notice of violation and order to correct or cease activity by U.S. postal mail, or certified mail return receipt requested, or personal service to: the occupant or person in charge of the property if the occupant or person in charge of the property is the violator; or the owner of the property if the owner of the property is the violator, or both if appropriate.

A copy of the notice of violation and order to correct or cease activity shall be sent to the complaining person or a spokesperson for complaining person.

(d) Appeals.

(1) Any notice of violation and order to correct or cease activity issued by the ~~code enforcement officer~~ ~~city planner~~ shall be appealable to the hearing examiner under Chapter 2.16.

(2) Any dispute as to whether or not a violation for which a notice of violation and order to correct or cease activity has been issued has been resolved so as to comply with the underlying city standard shall be appealable to the hearing examiner under Chapter 2.16 so long as such appeal is filed before the penalty sum has reached five thousand dollars.

(e) Penalties.

- (1) Any violation for which a notice of violation and order to correct or cease activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars per day up to a sum of five thousand dollars, beginning on the day the correction was to be completed. The cumulative penalty provided for in this subsection shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation.
- (2) If a penalty has been assessed pursuant to subsection (e)(1) of this section, a court shall assess that penalty and any additional penalty the court considers appropriate plus court costs and attorney's fees.
- (f) If the ~~code enforcement officer~~ ~~city planner~~ determines that the property owner or violator could reasonably correct the violation, but fails to do so within the time specified in the notice of violation and order to correct or cease activity, the ~~code enforcement officer~~ ~~city planner~~ may refer the matter to the city attorney for civil enforcement by injunction or other appropriate action.
- (g) **Compromise, Settlement, and Disposition of Disputes or Litigation.** The ~~code enforcement officer~~ ~~city planner~~ and the city attorney may negotiate a settlement or compromise or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the city. (Ord. 1307 § 1 (part), 2009).