

Title 17

ZONING

Chapters:

<u>17.02</u>	<u>Planning Fees</u>
<u>17.04</u>	<u>Purpose and Intent</u>
<u>17.08</u>	<u>Definitions</u>
<u>17.12</u>	<u>General Provisions</u>
<u>17.16</u>	<u>Residential One District (R-1)</u>
<u>17.20</u>	<u>Residential Two District (R-2)</u>
<u>17.24</u>	<u>Residential Three District (R-3)</u>
<u>17.28</u>	<u>Residential Four District (R-4)</u>
<u>17.32</u>	<u>Commercial One District (C-1)</u>
<u>17.36</u>	<u>Commercial Two District (C-2)</u>
<u>17.40</u>	<u>Commercial Three District (C-3)</u>
<u>17.44</u>	<u>Industrial One District (I-1)</u>
<u>17.48</u>	<u>Industrial Two District (I-2)</u>
<u>17.50</u>	<u>Airport District</u>
<u>17.52</u>	<u>Conservancy District</u>
<u>17.56</u>	<u>General Regulations</u>
<u>17.60</u>	<u>Spatial Requirements</u>
<u>17.64</u>	<u>Accessory Uses and Structures</u>
<u>17.68</u>	<u>Home Businesses</u>
<u>17.70</u>	<u>Sexually Oriented Businesses</u>
<u>17.72</u>	<u>Signing</u>
<u>17.76</u>	<u>Lighting</u>
<u>17.80</u>	<u>Off-Street Parking Requirements</u>
<u>17.84</u>	<u>Miscellaneous Regulations</u>
<u>17.85</u>	<u>Mobile Home Parks</u>
<u>17.86</u>	<u>Recreational Vehicle Parks</u>
<u>17.88</u>	<u>Planned Development</u>
<u>17.90</u>	<u>Recycling Collection Boxes</u>
<u>17.92</u>	<u>Conditional Use Permits</u>
<u>17.96</u>	<u>Variances</u>
<u>17.100</u>	<u>Procedures--Processing of Applications</u>
<u>17.104</u>	<u>Nonconformance</u>
<u>17.108</u>	<u>Amendments</u>
<u>17.112</u>	<u>Appeals</u>
<u>17.116</u>	<u>Enforcement</u>

Chapter 17.02PLANNING FEESSections:

17.02.010 Fees designated.

17.02.010 Fees designated. (a) The following fees shall be paid to the city clerk's office upon filing any application or petition with the city for land use and development proposals as follows:

Rezone	\$500.00
Zoning amendment petitions that require a comprehensive plan amendment shall be combined with that process and the comprehensive plan amendment fee shall apply to both.	
Conditional use permit	200.00
Variance	160.00
Shoreline: Substantial development permit,	
Conditional use permit and/or	
variance	250.00
Master plan amendment	500.00
Planned development	100.00 + \$20.00 per dwelling unit
Comprehensive plan amendment	500.00

(b) All applicants shall additionally pay to the city all actual costs of publication and mailing associated with the application and/or petition.

(c) Any applicant, proponent or sponsor of a project requiring a State Environmental Policy Act (SEPA) review shall pay to the city the sum of twenty-five dollars plus fifteen dollars per one-half hour of time after the initial one hour actually spent by the city on SEPA compliance. (Ord. 637 §1, 1999; Ord. 623 §1, 1999: Ord. 541 §§1--3, 1994).

Chapter 17.04PURPOSE AND INTENTSections:

- 17.04.010 Title for citation.
- 17.04.020 Purposes.
- 17.04.030 Authority.
- 17.04.040 Other permits issued by city.
- 17.04.050 Zoning map.

17.04.010 Title for citation. The ordinance codified in this title and amendments thereto shall be known as the "Oroville zoning ordinance." (Ord. 613 §1, 1999: Ord. 491 §1(part), 1992).

17.04.020 Purposes. The purpose of this title is to promote the public health, safety, general welfare and interest of the city and the citizens thereof by:

(a) Establishing and retaining a pattern of land use within the city reflective of the needs of the residents thereof and considering the existing land uses, structures and their associated intensities in both residential and commercial areas;

(b) Recognizing that the location, the rivers and lake, the views and the associated environmental qualities are a valuable asset to the city and its citizens;

(c) Achieving public and private land use decisions that are consistent with the goals and policies of the comprehensive plan of the city;

(d) Encouraging the location and use of structures and land for commerce, industry, residences and recreational opportunities where they are most compatible with existing land uses and identified environmental and aesthetic constraints;

(e) Providing flexible means to encourage innovative site design and land use patterns responsive to both human and natural environmental needs while maintaining sufficient control to assure compliance with the goals of this title and the comprehensive plan of the city;

(f) Protecting existing land uses and property values from undue adverse impacts of adjacent development;

(g) Providing for adequate light, view, open space, air, privacy and fire separation;

(h) Insuring efficient use of public investments in community facilities, roads and improvements;

(i) Complying with the provisions and objectives of the Growth Management Act and RCW Chapter 35A.63, both as amended. (Ord. 613 §3, 1999; Ord. 491 §1(part), 1992).

17.04.030 Authority.

This title is adopted pursuant to RCW Chapter 35.63, as amended. The administrator is vested with the duty of administering the provisions of this title and may prepare, and require, the use of such forms as are needed for its administration. (Ord. 491 §1(part), 1992).

17.04.040 Other permits issued by city.

The issuance of any other permit or license by any department of the city shall not in any way make lawful use of land or structure otherwise in violation of this title. Any such permit or license issued for a use of land shall be and is null and void. (Ord. 491 §1(part), 1992).

17.04.050 Zoning map.

The location and boundaries of the districts designated in this title are established as shown on the map entitled the "Zoning Map of the City of Oroville." The zoning map shall be dated with the effective date of the ordinance codified in this title and signed by the mayor. The signed map shall be maintained on file with the city clerk, and is made a part of this title. (Ord. 491 §1(part), 1992).

Chapter 17.08DEFINITIONSSections:

- 17.08.010 Generally.
- 17.08.020 Accessory uses and structures.
- 17.08.030 Administrator or zoning administrator.
- 17.08.038 Adult cabaret.
- 17.08.040 Adult family home.
- 17.08.042 Adult hotel/motel.
- 17.08.044 Adult motion picture theater.
- 17.08.046 Adult panorama theater or arcade.
- 17.08.048 Adult theater.
- 17.08.050 Agriculture.
- 17.08.060 Alley.
- 17.08.070 Automobile wrecking yard.

Sections: (Continued)

17.08.080 Boarding clinic.
17.08.090 Boarding, lodging or roominghouse.
17.08.100 Buildable area.
17.08.110 Building.
17.08.115 Building coverage.
17.08.120 Building line.
17.08.130 City.
17.08.140 Commission.
17.08.150 Comprehensive plan.
17.08.160 Convalescent center.
17.08.170 Corner lot.
17.08.180 Council.
17.08.190 Day care facility (family).
17.08.200 Day care facility (mini).
17.08.210 Day care center (agency).
17.08.220 Density.
17.08.230 Dish antenna.
17.08.240 Drive-in restaurant.
17.08.244 Drive-up service.
17.08.250 Duplex.
17.08.260 Dwelling, multifamily.
17.08.270 Dwelling, single-family.
17.08.280 Dwelling unit.
17.08.290 Family.
17.08.300 Floor area.
17.08.310 Functional disabilities, people with.
17.08.320 Grade (ground level).
17.08.330 Group home.
17.08.340 Halfway house.
17.08.350 Hazardous waste.
17.08.360 Hazardous waste storage.
17.08.370 Hazardous waste treatment.
17.08.380 Hazardous waste treatment and storage
facility, offsite.
17.08.390 Hazardous waste treatment and storage
facility, onsite.
17.08.400 Height of building.
17.08.410 Home business.
17.08.420 Impervious surface.
17.08.430 Junkyard.
17.08.440 Lot.
17.08.450 Lot area.

Sections: (Continued)

17.08.460 Lot coverage.
17.08.470 Lot line.
17.08.480 Lot line, front.
17.08.490 Lot line, rear.
17.08.500 Lot line, side.
17.08.510 Lot width.
17.08.520 Microbrewery.
17.08.530 Manufactured home.
17.08.540 Mobile home.
17.08.550 Mobile/manufactured home park.
17.08.560 Nonconforming lot.
17.08.570 Nonconforming structure.
17.08.580 Nonconforming use.
17.08.590 Nursery/greenhouse.
17.08.592 Parties of record.
17.08.600 Off-street parking space.
17.08.610 Person.
17.08.620 Planning commission.
17.08.630 Professional office.
17.08.632 Prurient.
17.08.640 Recreational facilities.
17.08.650 Recreational vehicle.
17.08.660 Recreational vehicle park.
17.08.665 Recreational vehicle site.
17.08.670 Recycling center.
17.08.680 Recycling drop station.
17.08.690 Residential care facility.
17.08.700 Setback.
17.08.710 Sign.
17.08.712 Sexually-oriented business.
17.08.714 Sexually-oriented retail establishment.
17.08.716 Specified anatomical areas.
17.08.718 Specified sexual activities.
17.08.720 Street.
17.08.730 Structural alteration.
17.08.740 Structure.
17.08.750 Transportation facility.
17.08.760 Travel trailer.
17.08.770 Triplex.
17.08.780 Use.
17.08.790 Use, multifamily.
17.08.800 Veterinarian clinic.

Sections: (Continued)

- 17.08.810 Visual obstruction.
- 17.08.820 Vocational school.
- 17.08.830 Yard.
- 17.08.840 Yard, front.
- 17.08.850 Yard, rear.
- 17.08.860 Yard, side.
- 17.08.870 Yard, side, street.
- 17.08.880 Zoning district.
- 17.08.890 Zoning map.

17.08.010 Generally.

Unless the context otherwise requires, the words and phrases set out in this chapter are defined as follows in this chapter. (Ord. 491 §1(part), 1992).

17.08.020 Accessory uses and structures.

"Accessory uses and structures" means a building or use which: (1) is subordinate to and serves a principal building or use; (2) is subordinate in area, extent or purpose to the principal building or use served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building or use; and (4) is located on the same lot as the principal building or use. (Ord. 491 §1(part), 1992).

17.08.030 Administrator or zoning administrator.

"Administrator" or "zoning administrator" means the duly appointed city of Oroville Land Use Administrator. (Ord. 491 §1(part), 1992).

17.08.038 Adult cabaret.

"Adult cabaret" means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity or semi-nudity; or
- (2) Live performances that are characterized by the exposure of specified anatomical areas or by including specified sexual activities; or
- (3) Films, motion pictures, video cassettes, DVDS, slides or other photographic reproductions that are characterized by the depiction or description of specified

sexual activities or specified anatomical areas. (Ord. 668 §2(part), 2003).

17.08.040 Adult family home.

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four people with functional disabilities who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six persons may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.110). (Ord. 491 §1(part), 1992).

17.08.042 Adult hotel/motel.

"Adult hotel/motel" means a hotel, motel, or similar commercial establishment:

(1) Which offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, DVDS, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and

(2) Which offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or

(3) Which allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours. (Ord. 668 §2(part), 2003).

17.08.044 Adult motion picture theater.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, DVDS, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction of specified sexual activities, or specified anatomical areas. (Ord. 668 §2(part), 2003).

17.08.046 Adult panorama theater or arcade.

"Adult panorama theater or arcade" means a place to which the public is permitted or invited in which coin-

operated, slug-operated, or electronically, electrically, mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices are maintained to show images to one person per machine at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas. (Ord. 668 §2(part), 2003).

17.08.048 Adult theater.

"Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by the depiction of specified sexual activities, or specified anatomical areas. (Ord. 668 §2(part), 2003).

17.08.050 Agriculture.

"Agriculture" means the tilling of soil, raising of crops and horticulture, except, vegetable gardens occupying less than five thousand square feet and ten fruit trees or less are not included in this definition. (Ord. 491 §1(part), 1992).

17.08.060 Alley.

"Alley" means a narrow street which affords only a secondary means of access to property abutting thereon. (Ord. 491 §1(part), 1992).

17.08.070 Automobile wrecking yard.

"Automobile wrecking yard" means an area in which is conducted the dismantling and/or wrecking of used motor vehicles, machinery or trailers, or the storage or sale of dismantled, obsolete or wrecked vehicles or parts or the storage of motor vehicles unable to be moved under the power of the vehicle. (Ord. 491 §1(part), 1992).

17.08.080 Boarding clinic.

"Boarding clinic" means a veterinarian clinic or kennel where provisions are made for boarding animals for periods longer than one day. (Ord. 491 §1(part), 1992).

17.08.090 Boarding, lodging or roominghouse.

"Boardinghouse," "lodging house" or "roominghouse" means a building where lodging with or without meals is provided for three or more persons in addition to members of the family occupying such building. (Ord. 491 §1(part), 1992).

17.08.100 Buildable area.

"Buildable area" means the space remaining on a lot after the minimum open space requirements (coverage, yards, setbacks) have been met. (Ord. 491 §1(part), 1992).

17.08.110 Building.

"Building" means a structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 491 §1(part), 1992).

17.08.115 Building coverage.

"Building coverage" means the amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot. (Ord. 491 §1(part), 1992).

17.08.120 Building line.

"Building line" means a line, fixed parallel to the lot line, beyond which a building cannot extend. (Ord. 491 §1(part), 1992).

17.08.130 City. "City" means the city of Oroville, Washington. (Ord. 491 §1(part), 1992).

17.08.140 Commission. "Commission" means the planning commission of the city. (Ord. 491 §1(part), 1992).

17.08.150 Comprehensive plan. "Comprehensive plan" means any map, plan or policy statement pertaining to the development of land use, streets or public utilities and facilities, for all or any portion of the city, which has been officially adopted by the planning commission of the city and the city council. (Ord. 491 §1(part), 1992).

17.08.160 Convalescent center. "Convalescent center" means a facility other than a home used to house and care for more than fifteen people with functional disabilities. (Ord. 491 §1(part), 1992).

17.08.170 Corner lot. "Corner lot" means a lot located at the intersection of two or more streets having an angle of intersections of not more than one hundred thirty-five degrees. (Ord. 491 §1(part), 1992).

17.08.180 Council. "Council" means the city council. (Ord. 491 §1(part), 1992).

17.08.190 Day care facility (family). "Family day care facility" means an agency that regularly provides care during part of the twenty-four-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed. (Ord. 491 §1(part), 1992).

17.08.200 Day care facility (mini). "Mini day care facility" means a day care facility for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision of the child is placed; or the care of from seven through twelve children in the family abode of such person or persons. (Ord. 491 §1(part), 1992).

17.08.210 Day care center (agency). "Agency day care center" means an agency regularly providing care of thirteen or more children. State law provides that no such center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family. (Ord. 491 §1(part), 1992).

17.08.220 Density. "Density" means the average number of dwelling units per acre. (Ord. 491 §1(part), 1992).

17.08.230 Dish antenna. "Dish antenna" means a structure designed to receive radio or television signals from communication satellites. (Ord. 491 §1(part), 1992).

17.08.240 Drive-in restaurant. "Drive-in restaurant" means an eating establishment that provides for the ordering and pick-up of food from the window of a vehicle for onsite consumption. (Ord. 616 §1, 1999: Ord. 491 §1(part), 1992).

17.08.244 Drive-up service. "Drive-up service" means a business or component of a business (e.g., fast food windows, banks, espresso stands, etc.) that provides for the ordering and/or retrieval of goods and/or services from the window of a vehicle. (Ord. 616 §2, 1999).

17.08.250 Duplex. "Duplex" means two dwelling units designed for occupancy of two families and connected by a common vertical wall or, in the case of a multistory building, by common ceiling and floor; all in a single structure. (Ord. 491 §1(part), 1992).

17.08.260 Dwelling, multifamily. "Multifamily dwelling" means a building containing four or more dwelling units. (Also, see definition for "use, multifamily.") (Ord. 491 §1(part), 1992).

17.08.270 Dwelling, single-family. "Single-family dwelling" means a detached building containing one dwelling unit. (Ord. 491 §1(part), 1992).

17.08.280 Dwelling unit. "Dwelling unit" means a building or portion of a building designed for occupancy by one family and having only one cooking facility. (Ord. 491 §1(part), 1992).

17.08.290 Family. "Family" means an individual, or two or more persons related by blood, marriage, adoption or legal guardianship, living together in a dwelling unit, in which meals or lodging may also be provided for not more than two additional persons excluding servants; or a group of not more than three unrelated persons living together in a dwelling unit. (Ord. 491 §1(part), 1992).

17.08.300 Floor area. "Floor area" means the total area of all floors of a building as measured to the outside surfaces of exterior walls and including hall, stairways, elevator shafts, attached garages, porches, basements and balconies. (Ord. 491 §1(part), 1992).

17.08.310 Functional disabilities, people with.

"People with functional disabilities" means:

- (1) A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

(A) Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or

(B) Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or

(C) Having a record of having such an impairment, or

(2) Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance. (Ord. 491 §1(part), 1992).

17.08.320 Grade (ground level). "Grade (ground level)" means the lowest elevation of the finished ground level. (Ord. 491 §1(part), 1992).

17.08.330 Group home. "Group home" means a place for dependent or pre-delinquent children which provides special care in a homelike environment. This definition does not include homes of this nature for three or fewer persons (excluding house parents). (Ord. 491 §1(part), 1992).

17.08.340 Halfway house. "Halfway house" means a home for juvenile delinquents and adult offenders leaving correctional and/or mental institutions; or leaving a rehabilitation center for alcohol and/or drug users; which provides residentially oriented facilities for the rehabilitation or social adjustment of persons who need supervision or assistance in becoming socially reoriented but who do not need institutional care. (Ord. 491 §1(part), 1992).

17.08.350 Hazardous waste. "Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010. (Ord. 491 §1(part), 1992).

17.08.360 Hazardous waste storage. "Hazardous waste storage" means the holding of dangerous waste for a temporary period as regulated by State Dangerous Waste regulation, WAC Chapter 173-303. (Ord. 491 §1(part), 1992).

17.08.370 Hazardous waste treatment. "Hazardous waste treatment" means the physical, chemical or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume. (Ord. 491 §1(part), 1992).

17.08.380 Hazardous waste treatment and storage facility, offsite. "Offsite hazardous waste treatment and storage facility" means those treatment and storage facilities which treat and store waste from generators on properties other than those on which the offsite facilities are located. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105-.210. (Ord. 491 §1(part), 1992).

17.08.390 Hazardous waste treatment and storage facility, onsite. "Onsite hazardous waste treatment and storage facility" means those treatment and storage facilities which treat and store wastes generated on the same geographically contiguous, or bordering property. These facilities must comply with the state siting criteria adopted in accordance with RCW 20.105.210. (Ord. 491 §1(part), 1992).

17.08.400 Height of building. "Height of building" means the vertical distance measured from the grade to the highest point of the roof. (Ord. 491 §1(part), 1992).

17.08.410 Home business. "Home business" means the use of a dwelling unit or any of its accessory structures for gainful employment involving the manufacture, provision or sale of goods and/or services in the home, and meeting the standards and restrictions of Chapter 17.68 of this title. (Ord. 578 §1, 1996: Ord. 491 §1(part), 1992).

17.08.420 Impervious surface. "Impervious surface" means any material or structure that prevents the natural absorption of water into the earth. (Ord. 491 §1(part), 1992).

17.08.430 Junkyard. Any lot, parcel, tract of land, building, structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, vehicular parts, glass, used building materials, household appliances, brush, wood or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor or recreational vehicles or any other type of junk. This definition shall not include recycling drop off stations. (Ord. 491 §1(part), 1992).

17.08.440 Lot. "Lot" means the basic development unit; an area with fixed boundaries designated on a plat which has been approved by the city and filed by the Okanogan County auditor or any parcel on record at the Okanogan County assessor's office having fixed outside of any plat that complies with the city's subdivision laws. (Ord. 491 §1(part), 1992).

17.08.450 Lot area. "Lot area" means the total horizontal land area (measured in square footage) within the lot lines of a lot. (Ord. 491 §1(part), 1992).

17.08.460 Lot coverage. "Lot coverage" means the amount of land covered or permitted to be covered by buildings or other improvements that create impervious surfaces usually measured in terms of percentage of total lot area. (Ord. 491 §1(part), 1992).

17.08.470 Lot line. "Lot line" means the property line bounding a lot. (Ord. 491 §1(part), 1992).

17.08.480 Lot line, front. "Front lot line" means the property line separating the lot from the street other than an alley. (Ord. 491 §1(part), 1992).

17.08.490 Lot line, rear. "Rear lot line" means a property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line. (Ord. 491 §1(part), 1992).

17.08.500 Lot line, side. "Side lot line" means any property line not a front or rear lot line. (Ord. 491 §1(part), 1992).

17.08.510 Lot width. "Lot width" means the average horizontal distance between the side lot lines, ordinarily measured at the front building line. (Ord. 491 §1(part), 1992).

17.08.520 Microbrewery. "Microbrewery" is a plant where malt liquors are produced on a scale of fifty thousand barrels or less annually. (Ord. 491 §1(part), 1992).

17.08.530 Manufactured home. "Manufactured home" means a residential unit or part thereof on one or more chassis for towing to the point of use and designated to be used with a foundation as a dwelling unit on a year-round basis, and which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home. Commercial coaches, recreational vehicles or motor homes are not considered mobile/manufactured homes. (Ord. 491 §1(part), 1992).

17.08.540 Mobile home. "Mobile home" means a factory-fabricated residential unit on one or more chassis for towing to the point of usage. Mobile homes are more than thirty-five feet in length, greater than eight feet in width and are designed to be used with a foundation, skirting or other means of attachment to the ground. (Ord. 491 §1(part), 1992).

17.08.550 Mobile/manufactured home park. "Manufactured/mobile home park" means a development of at least one acre of land specifically designed for mobile and/or manufactured homes on the same lot for dwelling or sleeping purposes. (Ord. 491 §1(part), 1992).

17.08.560 Nonconforming lot. "Nonconforming lot" means a lot, the area, width and other dimensional characteristics of which fail to meet the requirements of the zoning district in which it is located and was conforming prior to the enactment of the ordinance codified in this title or any amendment thereto. (Ord. 491 §1(part), 1992).

17.08.570 Nonconforming structure. "Nonconforming structure" means a legally established structure existing at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the lot size, yard, height or lot coverage requirements of the district in which it is located. (Ord. 491 §1(part), 1992).

17.08.580 Nonconforming use. "Nonconforming use" means a legally established use existing at the time the ordinance codified in this title or any amendment thereto becomes effective which does not conform to the use requirements of the district in which it is located. (Ord. 491 §1(part), 1992).

17.08.590 Nursery/greenhouse. "Nursery/greenhouse" means a facility, structure or use of land for the commercial production of bedding plants, street stock or associated horticultural products. (Ord. 491 §1(part), 1992).

17.08.592 Parties of record. "Parties of record" means:

- (1) The applicant;
- (2) Any person who testified at the open record public hearing on the application and requested to be notified of any subsequent actions; and/or
- (3) Any person who submitted written comments concerning the application at the open record public hearing and requested to be notified of any subsequent actions (excluding persons who have only signed petitions or mechanically produced form letters). (Ord. 613 §4, 1999).

17.08.600 Off-street parking space.

"Off-street parking space" means an off-street enclosed or unenclosed surface area of not less than nine feet by twenty feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street by a driveway which affords ingress and egress for automobiles. (Ord. 491 §1(part), 1992).

17.08.610 Person.

"Person" means an individual, firm, partnership, association, corporation, estate, trust, receiver, syndicate, branch of government, social or fraternal organization, or any group or combination acting as a legal entity, and including representative(s) thereof. (Ord. 491 §1(part), 1992).

17.08.620 Planning commission.

"Planning commission" means the planning commission of the city. (Ord. 491 §1(part), 1992).

17.08.630 Professional office.

"Professional office" means an office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, and persons engaged in other similar occupations. (Ord. 491 §1(part), 1992).

17.08.632 Prurient.

"Prurient" means that which incites lasciviousness or lust. (Ord. 668 §2(part), 2003).

17.08.640 Recreational facilities.

"Recreational facilities" mean a structure or use designed to provide indoor or outdoor recreation opportunities for the public. (Ord. 491 §1(part), 1992).

17.08.650 Recreational vehicle.

"Recreational vehicle" means a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: Travel trailer, folding camping trailer, park trailer,

truck, motor home and multi-use vehicle. (WAC 296-150B-015(32)) (Ord. 578 §2, 1996: Ord. 491 §1(part), 1992).

17.08.660 Recreational vehicle park.

"Recreational vehicle park" means a tract of land under single ownership or control upon which two or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters. (Ord. 578 §3, 1996: Ord. 491 §1(part), 1992).

17.08.665 Recreational vehicle site.

"Recreational vehicle site" means a plot of ground within a recreational vehicle park available for accommodation of a recreational vehicle for thirty consecutive days or fewer. (Ord. 578 §4, 1996).

17.08.670 Recycling center.

"Recycling center" means a facility where discarded recyclable products such as aluminum and tin cans, glass, paper and other similar individual consumer products are deposited and stored for future reprocessing (excluding drop stations). (Ord. 491 §1(part), 1992).

17.08.680 Recycling drop station.

"Recycling drop station" means a facility or area for consumer deposit of small recyclable household items (glass, paper, aluminum, etc.) in enclosed containers which are collected and emptied on a regular basis (not less than weekly), without processing, crushing or other handling, and which does not create a nuisance due to odor, noise, appearance, rodent or bug attraction. (Ord. 491 §1(part), 1992).

17.08.690 Residential care facility.

"Residential care facility" means a facility, licensed by the state, that cares for at least five but not more than fifteen people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.175. (Ord. 491 §1(part), 1992).

17.08.700 Setback.

"Setback" means the required distance between structures and all lot lines. (Ord. 491 §1(part), 1992).

17.08.710 Sign.

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business or professional. (Ord. 491 §1(part), 1992).

17.08.712 Sexually oriented business.

"Sexually oriented business" means a business meeting the definition of an adult cabaret, adult hotel/motel, adult motion picture theater, adult panorama theater or arcade, sexually oriented retail establishment, or adult theater. (Ord. 668 §2(part), 2003).

17.08.714 Sexually oriented retail establishment.

"Sexually oriented retail establishment" means any premises in which ten percent or more of the "stock in trade" (as defined in this section) consists of merchandise distinguished or characterized by the depiction of, description, simulation, or relation to "specified sexual activities" or "specified anatomical areas." The term "merchandise," as used in this section, includes but is not limited to the following: books, magazines, posters, cards, pictures, periodicals, or other printed matter; prerecorded video tapes, DVDs, discs, film, or other such medium, instruments, devices, equipment, paraphernalia or other such products. The "stock in trade" of a particular business establishment shall be determined by examining the retail dollar value of all sexually oriented merchandise compared to the retail dollar value of all nonsexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; and, the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for nonsexually oriented materials. (Ord. 668 §2(part), 2003).

17.08.716 Specified anatomical areas.

"Specified anatomical areas" mean and include any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, anus, or areola of the female breasts or any artificial depiction of the same; or

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered. (Ord. 668 §2(part), 2003).

17.08.718 Specified sexual activities.

"Specified sexual activities" mean and include any of the following:

(1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated;

(4) Human genitals or artificial depictions of the same in a state of sexual stimulation or arousal; or

(5) Excretory functions as part of or in conjunction with any of the activities set forth in subsections (1) through (4) of this section. (Ord. 668 §2(part), 2003).

17.08.720 Street.

"Street" means a public right-of-way for roadway, sidewalk and utility installation. (Ord. 491 §1(part), 1992).

17.08.730 Structural alteration.

"Structural alteration" means any change to the supporting members of a structure including but not limited to foundations, bearing walls or partitions, columns, beams, girders, trusses or any structural change in the roof or exterior walls. (Ord. 491 §1(part), 1992).

17.08.740 Structure.

"Structure" means anything constructed or erected on the ground, or which is attached to something located on the ground. The term includes building, radio and TV towers, sheds and signs. The term does not include residential fences and retaining walls less than three feet in height, rockeries, sidewalks and other paved surfaces, and similar improvements of a minor character. (Ord. 491 §1(part), 1992).

17.08.750 Transportation facility.

"Transportation facility" means a structure or use designed to provide services and support for persons using public conveyance. (Ord. 491 §1(part), 1992).

17.08.760 Travel trailer.

"Travel trailer" means a building or vehicle which is portable or which was originally designed to be portable and which was constructed to permit occupancy for dwelling or sleeping purposes. (Ord. 491 §1(part), 1992).

17.08.770 Triplex. "Triplex" means three dwelling units designed for occupancy of three families and connected by common vertical walls or, in the case of a multi-story building, by common ceiling and floor; all in a single structure. (Ord. 491 §1(part), 1992).

17.08.780 Use. "Use" means the purpose for which land or a structure is primarily designed, arranged or intended, or for which it is primarily occupied or maintained. (Ord. 491 §1(part), 1992).

17.08.790 Use, multifamily. "Multifamily use" means two or more single-family dwellings, or; two or more duplexes, triplexes or multifamily dwellings, or; any combination of two or more of the above located on a single lot. (Ord. 491 §1(part), 1992).

17.08.800 Veterinarian clinic. "Veterinarian clinic" means a clinic for the treatment of sick, diseased or injured animals on an appointment or walk-in basis which may also include boarding facilities. (Ord. 491 §1(part), 1992).

17.08.810 Visual obstruction. "Visual obstruction" means any fence, wall, tree, hedge or shrub, object or combination of which limits visibility along streets. (Ord. 491 §1(part), 1992).

17.08.820 Vocational school. "Vocational school" means a school for educating, training or retraining persons in a trade, vocation or other technical field. (Ord. 491 §1(part), 1992).

17.08.830 Yard. "Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided for in this title. (Ord. 491 §1(part), 1992).

17.08.840 Yard, front. "Front yard" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building. (Ord. 491 §1(part), 1992).

17.08.850 Yard, rear. "Rear yard" means a yard between the side lot lines and measured horizontally at right angles from the side lot line to the nearest point of the building. (Ord. 491 §1(part), 1992).

17.08.860 Yard, side. "Side yard" means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of the building. (Ord. 491 §1(part), 1992).

17.08.870 Yard, side, street. "Street side yard" means the side yard of a corner lot abutting the street extending from the front yard to the rear lot line, and measured horizontally at right angles from the side lot line to the nearest point of the building. (Ord. 491 §1(part), 1992).

17.08.880 Zoning district. "Zoning district" means a section of the city designated in this chapter in which requirements of the use of land and building and development standard are prescribed. (Ord. 491 §1(part), 1992)..

17.08.890 Zoning map. "Zoning map" means the map delineating the boundaries of districts which, along with the zoning text of this title, comprise the zoning ordinance of the city. (Ord. 491 §1(part), 1992).

Chapter 17.12

GENERAL PROVISIONS

Sections:

- 17.12.010 Scope.
- 17.12.020 Interpretation.
- 17.12.030 Compliance.
- 17.12.040 Severability.
- 17.12.050 Establishment of zone districts.
- 17.12.060 Construction.
- 17.12.070 Restriction covering same subject matter.
- 17.12.080 Tenses--Number--"Shall" to be construed as mandatory.
- 17.12.090 Reference to provisions includes amendments.
- 17.12.100 Zoning map boundaries--Rules governing.

17.12.010 Scope. This title shall apply to all public and private lands situated within the incorporated limits of the city, and over which the city has jurisdiction under the Constitutions and laws of the state of Washington and the United States, and shall set forth minimum standards which are supplemental to the rules and regulations of the Shoreline Management Act and the city's master

program thereunder, the State Environmental Policy Act and the city ordinances implementing the same, city, county and state health regulations, and subdivision and short subdivision ordinances of the city. (Ord. 491 §1(part), 1992).

17.12.020 Interpretation. In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements adopted for the protection of the health, safety and welfare of the city and the citizens thereof.

(1) The provisions of this title shall be liberally construed to further its purposes and in the event controversy as to the meaning of a particular provision of this title shall arise, such provision shall be construed liberally in favor of the general public interest and the stated purposes of the title.

(2) If the conditions imposed by a provision of this title are less or more restrictive than or conflict with the conditions of any other provision of this title, or any other law, rule, contract, resolution or regulation of the state or federal government or the county of Okanogan and the city, then the more restrictive requirement or the higher standard shall govern.

(3) Reference in this title to any existing provisions of law, including city ordinances or regulations or state or federal laws, rules or regulations shall include reference to any amendment to such provision that may occur subsequent to adoption of the ordinance codified in this chapter. (Ord. 491 §1(part), 1992).

17.12.030 Compliance. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits. No lot, area, yard or off-street parking area existing on or after the effective date of the ordinance codified in this chapter shall be reduced below the minimum requirements of this title. (Ord. 491 §1(part), 1992).

17.12.040 Severability. The provisions of this title are severable. If any section, subsection, sentence, clause or phrase of this title is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of this title. (Ord. 491 §1(part), 1992).

17.12.050 Establishment of zone districts. For the purposes of this title the following zone districts are established: residential one district, residential two district, residential three district, residential four district, commercial one district, commercial two district,

commercial three district, industrial one district, industrial two district, airport district and conservancy district. The zone districts established by this title are indicated on the zoning map attached to the ordinance codified in this title and incorporated herein by this reference, and are described in the description of zone districts attached to the ordinance codified in this title and incorporated herein by this reference.

(1) Residential One District. The intent of the R-1 district is to provide an appropriately classified area exclusively for single-family residences. This district may be used in newly platted areas or future annexations.

(2) Residential Two District. The intent of the R-2 district is to provide for a mixture of residential types while limiting nonresidential uses. These areas are typically existing residential areas that have had a relatively high buildout.

(3) Residential Three District. The intent of the R-3 district is to provide areas for a mixture of housing types while still retaining the residential character by limiting uses to those that are compatible with residential areas. These areas are typically residential areas that have had a moderate to low buildout rate or have that potential for redevelopment or being annexed as a new residential area.

(4) Residential Four District. The intent of the R-4 district is to provide areas for the development of multifamily dwellings where city services such as water, sewer and streets are readily available. This district will typically occur near downtown commercial areas.

(5) Commercial One District. The intent of the C-1 district is to provide for commercial uses within the city's central business district. Primary uses in this district are retail sales and services while emphasis is placed on pedestrian access.

(6) Commercial Two District. The Intent of the C-2 district is to provide an area for service commercial uses. Areas typical of this district are along major arterials and access is auto oriented.

(7) Commercial Three District. The intent of the C-3 district is to provide for areas that have services needed by the traveling public.

(8) Industrial One District. The intent of the I-1 district is to provide an area for those industrial and commercial uses that do not produce significant noise, air pollution, odor or have other obnoxious features and tend to be consumer oriented.

(9) Industrial Two District. The intent of the I-2 district is to provide areas for industrial developments

that have characteristics which may result in more intense usage or may generate offensive noise, emissions, smoke, odor or involve heavy equipment operation or other obnoxious features.

(10) Airport District. The intent of the airport district is to provide an area for airport, industrial and commercial uses that do not produce unreasonable dissemination of dust, smoke, visible gas, noxious gas fumes, excess noise and vibration, or odor.

(11) Conservancy District. The intent of the conservancy district is to provide for areas that may be unsuitable for residential, commercial or industrial development; city-owned property; and areas particularly vulnerable to one hundred-year flood levels. (Ord. 491 §1(part), 1992).

17.12.060 Construction. The provisions of this title shall be liberally construed to further its purposes and in the event controversy as to the meaning of a particular provision of this title arises, such provision shall be construed liberally in the favor of the general public interest. (Ord. 491 §1(part), 1992).

17.12.070 Restriction covering same subject matter. Whenever a provision of this title or any other law, rule, contract, resolution or regulation of the state or federal government or of the city, of any kind, contains restrictions covering the same subject matter, the more restrictive requirement or the higher standard shall govern. (Ord. 491 §1(part), 1992).

17.12.080 Tenses--Number--"Shall" to be construed as mandatory. As found in this title, words used in the present tense shall include the future tense, and the singular numbers shall include the plural and the plural the singular; the word "shall" is mandatory. (Ord. 491 §1(part), 1992).

17.12.090 Reference to provisions includes amendments. Reference to any existing provisions of law includes reference to any amendments to such provision that may occur subsequent to the adoption of the ordinance codified in this title. (Ord. 491 §1(part), 1992).

17.12.100 Zoning map boundaries--Rules governing. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following city limits shall be construed as following the city limits;

(4) Boundaries indicated as following railroad lines shall be construed as following the railroad lines;

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline;

(6) Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines;

(7) Boundaries indicated as parallel to extensions of features indicated in subsections (1) through (6) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;

(8) Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by the above subsections of this section, the planning commission shall interpret the boundaries. (Ord. 491 §1(part), 1992).

Chapter 17.16

RESIDENTIAL ONE DISTRICT (R-1)

Sections:

- 17.16.010 Intent.
- 17.16.020 Uses allowed outright.
- 17.16.025 Home business license required.
- 17.16.030 Uses allowed by conditional use permit.
- 17.16.040 Uses allowed by planned development.
- 17.16.050 Minimum design standards.
- 17.16.060 General standards.

17.16.010 Intent. The intent of the R-1 district is to provide an appropriately classified area exclusively for single-family residences. This district may be used in newly platted areas or future annexations. (Ord. 491 §1(part), 1992).

17.16.020 Uses allowed outright. In the R-1 district the following uses are allowed outright:

- (1) Single-family dwellings;
- (2) Residential planned unit developments;

- (3) Adult family home;
- (4) Day care facility (family);
- (5) Manufactured homes (see minimum design standards listed in Section 17.16.050 which may exclude some manufactured homes);
- (6) Home businesses meeting the standards set forth in Section 17.68.020 of this title. (Ord. 578 §6, 1996; Ord. 491 §1(part), 1992).

17.16.025 Home business license required. Home businesses that do not qualify as accessory uses according to the criteria in Section 17.68.020 of this title but meet the standards in Section 17.68.030 of this title for a licensed home business may be allowed but are first required to obtain a home business license as set forth in Chapter 17.68 of this title. (Ord. 578 §7, 1996).

17.16.030 Uses allowed by conditional use permit. In the R-1 district the following uses and their accessory structures and uses are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Parks and playgrounds;
- (2) Public installations needed to serve residential areas;
- (3) Day care facility (mini). (Ord. 578 §8, 1996; Ord. 491 §1(part), 1992).

17.16.040 Uses allowed by planned development. In the R-1 district the following uses are allowed as planned developments: single-family residential developments. (Ord. 491 §1(part), 1992).

17.16.050 Minimum design standards. The following standards apply to all single-family, residential structures to be placed within this district, both site-built or structures transported to the site to be erected as single-family dwellings:

- (1) Construction must be completed, inspected and approved under the building construction and related codes as adopted by the city or as required by state law, whichever is more restrictive. These codes include, but are not limited to, the State Building Code, State Energy Code, State Ventilation Code and Indoor Air Quality Code.
- (2) Materials used must be consistent with conventional site-built dwellings.
- (3) Roof pitch must be a minimum three in twelve.
- (4) Minimum width is seventeen feet with a minimum floor area of eight hundred square feet excluding porches, decks, patios or other attached accessory structures.
- (5) A permanent, approved foundation is required for all dwellings. (Ord. 491 §1(part), 1992).

17.16.060 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and structures within this district. (Ord. 491 §1(part), 1992).

Chapter 17.20

RESIDENTIAL TWO DISTRICT (R-2)

Sections:

- 17.20.010 Intent.
- 17.20.020 Uses allowed outright.
- 17.20.025 Home business license required.
- 17.20.030 Uses allowed by conditional use permit.
- 17.20.040 Uses allowed by planned development.
- 17.20.050 Minimum design standards.
- 17.20.060 General standards.

17.20.010 Intent. The intent of the R-2 district is to provide for a mixture of residential types while limiting nonresidential uses. These areas are typically existing residential areas that have had a relatively high buildout. (Ord. 491 §1(part), 1992).

17.20.020 Uses allowed outright. In the R-2 district the following uses and their accessory uses and structures are allowed outright:

- (1) Single-family dwellings;
- (2) Duplexes and triplexes;
- (3) Manufactured homes (see minimum design standards listed in Section 17.20.050 which may exclude some manufactured homes);
- (4) Adult family home;
- (5) Day care facility (family);
- (6) Home businesses meeting the standards set forth in Section 17.68.020 of this title. (Ord. 578 §10, 1996; Ord. 491 §1(part), 1992).

17.20.025 Home business license required. Home businesses that do not qualify as accessory uses according to the criteria in Section 17.68.020 of this title but meet the standards in Section 17.68.030 of this title for a licensed home business may be allowed but are first required to obtain a home business license as set forth in Chapter 17.68 of this title. (Ord. 578 §11, 1996).

17.20.030 Uses allowed by conditional use permit. In the R-2 district the following uses and their accessory

uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Day care facility (mini);
- (2) Public utilities and facilities (supporting intent of district);
- (3) Churches;
- (4) Parks and playgrounds;
- (5) Residential care facilities. (Ord. 578 §12, 1996: Ord. 491 §1(part), 1992).

17.20.040 Uses allowed by planned development. Uses allowed by planned development include:

- (1) Multifamily use;
- (2) Single-family residential development. (Ord. 491 §1(part), 1992).

17.20.050 Minimum design standards. The following standards apply to all residential structures to be placed within this district, both site-built or structures transported to the site to be erected as residential dwellings:

- (1) Construction must be completed, inspected and approved under the building construction and related codes as adopted by the city or as required by state law, whichever is more restrictive. These codes include, but are not limited to, the State Building Code, State Energy Code, State Ventilation Code and Indoor Air Quality Code.
- (2) Materials used must be consistent with conventional site-built dwellings.
- (3) Roof pitch must be a minimum three in twelve.
- (4) Minimum width is fourteen feet with a minimum floor area of eight hundred square feet excluding porches, decks, patios or other attached accessory structures.
- (5) A permanent, approved foundation is required for all dwellings. (Ord. 491 §1(part), 1992).

17.20.060 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and structures within this district. (Ord. 491 §1(part), 1992).

Chapter 17.24

RESIDENTIAL THREE DISTRICT (R-3)

Sections:

- 17.24.010 Intent.
- 17.24.020 Uses allowed outright.
- 17.24.025 Home business license required.
- 17.24.030 Uses allowed by conditional use permit.

Sections: (Continued)

- 17.24.040 Uses allowed by planned development.
- 17.24.050 Minimum design standards.
- 17.24.060 General standards.
- 17.24.070 Exceptions.

17.24.010 Intent. The intent of the R-3 district is to provide areas for a mixture of housing types while still retaining the residential character by limiting uses to those that are compatible with residential areas. These areas are typically residential areas that have had a moderate to low build-out rate or have the potential for redevelopment or being annexed as a new residential area. (Ord. 491 §1(part), 1992).

17.24.020 Uses allowed outright. In the R-3 district the following uses and their accessory uses and structures are allowed outright:

- (1) Adult family home;
- (2) Day care facility (family);
- (3) Day care facility (mini);
- (4) Duplexes and triplexes;
- (5) Manufactured home (see minimum design standards listed in Section 17.24.050 below which may exclude some manufactured homes);
- (6) Single-family dwellings;
- (7) Home Businesses meeting the standards set forth in Section 17.68.020 of this title. (Ord. 578 §14, 1996; Ord. 491 §1(part), 1992).

17.24.025 Home business license required. Home businesses that do not qualify as accessory uses according to the criteria in Section 17.68.020 of this title but meet the standards in Section 17.68.030 of this title for a licensed home business may be allowed but are first required to obtain a home business license as set forth in Chapter 17.68 of this title. (Ord. 578 §15, 1996).

17.24.030 Uses allowed by conditional use permit. In the R-3 district the following uses and their accessory uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Churches;
- (2) Day care centers (agency);
- (3) Parks and playgrounds;
- (4) Public utilities and facilities (supporting intent of district);
- (5) Schools. (Ord. 578 §16, 1996: Ord. 491 §1(part), 1992).

17.24.040 Uses allowed by planned development. Uses allowed by planned development include:

- (1) Mobile home parks;
- (2) Multifamily use;
- (3) Single-family residential developments;
- (4) Mixed residential, commercial and/or light industrial developments where uses are complimentary in nature. All uses must comply, as appropriate, with specific standards if they are provided in this title (e.g., mobile home parks and RV parks). (Ord. 578 §17, 1996; Ord. 491 §1 (part), 1992).

17.24.050 Minimum design standards. The following standards apply to all residential structures to be placed within this district, both site-built or structures transported to the site to be erected as residential dwellings:

- (1) Construction must be completed, inspected and approved under the building construction and related codes as adopted by the city or as required by state law, whichever is more restrictive. These codes include, but are not limited to, the State Building Code, State Energy Code, State Ventilation Code and Indoor Air Quality Code.
- (2) Materials used must be consistent with conventional site-built dwellings.
- (3) Roof pitch must be a minimum three in twelve.
- (4) Minimum width is fourteen feet with a minimum floor area of eight hundred square feet excluding porches, decks, patios or other attached accessory structures.
- (5) A permanent, approved foundation is required for all dwellings. (Ord. 491 §1(part), 1992).

17.24.060 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and structures allowed within this district. (Ord. 491 §1(part), 1992).

17.24.070 Exceptions. Mobile or manufactured homes that do not satisfy minimum standards in Section 17.24.050 are allowed in mobile home parks with planned development only. (Ord. 491 §1(part), 1992).

Chapter 17.28

RESIDENTIAL FOUR DISTRICT (R-4)

Sections:

- 17.28.010 Intent.
- 17.28.020 Uses allowed outright.
- 17.28.025 Home business license required.

Sections: (Continued)

- 17.28.030 Uses allowed by conditional use permit.
- 17.28.040 Uses allowed by planned unit development.
- 17.28.050 Minimum design standards.
- 17.28.060 General standards.
- 17.28.070 Exceptions.

17.28.010 Intent. The intent of the R-4 district is to provide areas for the development of multifamily dwellings where city services such as water, sewer and streets are readily available. This district will typically occur near downtown commercial areas. (Ord. 491 §1(part), 1992).

17.28.020 Uses allowed outright. In the R-4 district the following uses and their accessory uses and structures are allowed outright:

- (1) Boarding houses;
- (2) Day care centers (agency);
- (3) Day care facilities (family);
- (4) Day care facilities (mini);
- (5) Duplexes and triplexes;
- (6) Multifamily use;
- (7) Multifamily dwellings (includes apartments);
- (8) Single-family dwellings;
- (9) Adult family homes;
- (10) Manufactured homes (see minimum design standards listed in Section 17.28.050 which may exclude some manufactured homes);
- (11) Home businesses meeting the standards set forth in Section 17.68.020 of this title. (Ord. 578 §18, 1996; Ord. 491 §1(part), 1992).

17.28.025 Home business license required. Home businesses that do not qualify as accessory uses according to the criteria in Section 17.68.020 of this title but meet the standards in Section 17.68.030 of this title for a licensed home business may be allowed but are first required to obtain a home business license as set forth in Chapter 17.68 of this title. (Ord. 578 §20, 1996).

17.28.030 Uses allowed by conditional use permit. In the R-4 district the following uses and their accessory uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Commercial parking lots;
- (2) Libraries;
- (3) Offices and professional buildings;
- (4) Public utilities and facilities (supporting intent of district). (Ord. 578 §21, 1996: Ord. 491 §1 (part), 1992).

17.28.040 Uses allowed by planned unit development.
 Uses allowed by planned unit development include:
 (1) Single-family dwellings;
 (2) Multifamily use;
 (3) Mixed-uses that include uses that are allowed outright or by conditional use within the district. (Ord. 491 §1(part), 1992).

17.28.050 Minimum design standards. The following standards apply to all residential structures to be placed within this district, both site-built or structures transported to the site to be erected as residential dwellings:
 (1) Construction must be completed, inspected and approved under the building construction and related codes as adopted by the city or as required by state law, whichever is more restrictive. These codes include, but are not limited to, the State Building Code, State Energy Code, State Ventilation Code and Indoor Air Quality Code.
 (2) Materials used must be consistent with conventional site-built dwellings.
 (3) Roof pitch must be a minimum three in twelve.
 (4) Minimum width is seventeen feet with a minimum floor area of eight hundred square feet excluding porches, decks, patios or other attached accessory structures.
 (5) A permanent, approved foundation is required for all dwellings. (Ord. 491 §1(part), 1992).

17.28.060 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and structures within this district. (Ord. 491 §1(part), 1992).

17.28.070 Exceptions. Placement of multifamily dwelling units in the site are subject to the setback, dimensional and design standards outlined in Chapters 17.56 through 17.84, inclusive. (Ord. 491 §1(part), 1992).

Chapter 17.32

COMMERCIAL ONE DISTRICT (C-1)

Sections:

- 17.32.010 Intent.
- 17.32.020 Uses allowed outright.
- 17.32.025 Home businesses allowed.
- 17.32.030 Uses allowed by conditional use permit.
- 17.32.040 General standards.
- 17.32.050 Exceptions.

17.32.010 Intent. The intent of the C-1 district is to provide for commercial uses within the city's central business district. Primary uses in this district are retail sales and services while emphasis is placed on pedestrian access. (Ord. 491 §1(part), 1992).

17.32.020 Uses allowed outright. In the C-1 district the following uses and their accessory uses and structures are allowed outright:

- (1) Bakeries;
- (2) Banks and financial buildings (except with drive-up window service requires conditional use permit for traffic considerations);
- (3) Barber and beauty shops;
- (4) Day care centers (agency);
- (5) Drug stores;
- (6) Eating and drinking establishments (except drive-in);
- (7) Gifts shops;
- (8) Medical buildings;
- (9) Office buildings;
- (10) Pawnshops;
- (11) Printing establishments;
- (12) Produce outlets;
- (13) Professional buildings;
- (14) Retail stores;
- (15) Tourist information centers;
- (16) Day care facility (mini). (Ord. 578 §23, 1996; Ord. 491 §1(part), 1992).

17.32.025 Home businesses allowed. Businesses located in existing residences may be allowed in the commercial one (C-1) district without meeting requirements in Chapter 17.68 of this title pertaining to home businesses, provided, the business is an allowed use in the district and it complies with city, county, state and/or federal regulations applicable to such businesses. (Ord. 578 §24, 1996).

17.32.030 Uses allowed by conditional use permit. In the C-1 district the following uses and their accessory uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Apartments;
- (2) Auto repair shops;
- (3) Drive-up service for uses allowed in the district (subject to standards included in Section 17.84.005);
- (4) Hotels;
- (5) Hazardous waste treatment and storage facility, onsite;
- (6) Laundries and cleaning businesses;
- (7) Microbreweries;
- (8) Motels;

- (9) Parking lots (commercial);
- (10) Parks, open areas, and plazas;
- (11) Pet shops and grooming businesses;
- (12) Private clubs and lodges;
- (13) Public buildings;
- (14) Radio stations;
- (15) Recreational facilities;
- (16) Rental outlets;
- (17) Repair shops;
- (18) Shopping centers and malls;
- (19) Theaters and auditoriums;
- (20) Transportation facilities;
- (21) Utilities and communication structures;
- (22) Vocational schools. (Ord. 616 §3, 1999: Ord. 491 §1(part), 1992).

17.32.040 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and structures allowed within this district. (Ord. 491 §1(part), 1992).

17.32.050 Exceptions. Nonconforming residential and commercial uses existing at the time of the adoption of the ordinance codified in this title can be enlarged, expanded or replaced upon the issuance of a conditional use permit in accordance with Chapter 17.92 of this title. (Ord. 491 §1(part), 1992).

Chapter 17.36

COMMERCIAL TWO DISTRICT (C-2)

Sections:

- 17.36.010 Intent.
- 17.36.020 Uses allowed outright.
- 17.36.025 Home businesses allowed.
- 17.36.030 Uses allowed by conditional use permit.
- 17.36.040 General standards.
- 17.36.050 Exceptions.

17.36.010 Intent. The intent of the C-2 district is to provide an area for service commercial uses. Areas typical of this district are along major arterials and access is auto oriented. (Ord. 491 §1(part), 1992).

17.36.020 Uses allowed outright. In the C-2 district the following uses and their accessory uses and structures are allowed outright:

- (1) Auto rentals;

- (2) Auto repair shops;
- (3) Auto service stations;
- (4) Bakeries;
- (5) Banks and other financial institutions (except with drive-up window service requires conditional use permit);
- (6) Day care centers (agency);
- (7) Eating and drinking establishments (except drive-in which is allowed by conditional use permit);
- (8) Farm supply centers;
- (9) Frozen food lockers;
- (10) Gifts shops;
- (11) Hazardous waste treatment and storage facility, onsite;
- (12) Hotels;
- (13) Laundries and cleaning businesses;
- (14) Medical buildings;
- (15) Mortuaries;
- (16) Motels;
- (17) Nurseries and greenhouses;
- (18) Office buildings;
- (19) Pawnshops;
- (20) Pet shops and grooming businesses;
- (21) Printing establishments;
- (22) Produce outlets;
- (23) Professional buildings;
- (24) Rental outlets;
- (25) Repair shops;
- (26) Retail stores;
- (27) Storage buildings;
- (28) Tourist information centers;
- (29) Transportation facilities;
- (30) Vocational schools. (Ord. 578 §26, 1996: Ord. 491 §1(part), 1992).

17.36.025 Home businesses allowed. Businesses located in existing residences may be allowed in the commercial two (C-2) district without meeting requirements in Chapter 17.68 of this title pertaining to home businesses, provided, the business is an allowed use in the district and it complies with city, county, state and/or federal regulations applicable to such businesses. (Ord. 578 §27, 1996).

17.36.030 Uses allowed by conditional use permit. In the C-2 district the following uses and their accessory uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Multifamily use;
- (2) Car washes;
- (3) Churches;
- (4) Drive-in restaurants;

- (5) Drive-up service for uses allowed in the district (subject to standards included in Section 17.84.005);
- (6) Farm equipment dealerships;
- (7) Lumber and supply stores;
- (8) Hazardous waste treatment and storage facility, onsite;
- (9) Mobile/manufactured home dealers;
- (10) Parks;
- (11) Private clubs and lodges;
- (12) Public buildings;
- (13) Radio stations;
- (14) Recreational facilities;
- (15) Recreational vehicle parks;
- (16) Shopping centers and malls;
- (17) Theaters and auditoriums;
- (18) Utilities and communication centers;
- (19) Veterinarian clinics. (Ord. 616 §4, 1999: Ord. 491 §1(part), 1992).

17.36.040 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and structures within this district. (Ord. 491 §1(part), 1992).

17.36.050 Exceptions. Nonconforming residential uses existing at the time of the adoption of the ordinance codified in this title may be enlarged, expanded or replaced upon the issuance of a conditional use permit in accordance with Chapter 17.92 of this title. (Ord. 491 §1(part), 1992).

Chapter 17.40

COMMERCIAL THREE DISTRICT (C-3)

Sections:

- 17.40.010 Intent.
- 17.40.020 Uses allowed outright.
- 17.40.025 Home businesses allowed.
- 17.40.030 Uses allowed by conditional use permit.
- 17.40.040 General standards.
- 17.40.050 Exceptions.

17.40.010 Intent. The intent of the C-3 district is to provide for areas that have services needed by the traveling public. (Ord. 491 §1(part), 1992).

17.40.020 Uses allowed outright. In the C-3 district the following uses and their accessory uses and structures are allowed outright:

- (1) Auto rental;
- (2) Auto service stations;
- (3) Bakeries;
- (4) Barber and beauty shops;
- (5) Day care centers (agency);

(6) Eating and drinking establishments (except drive-in which are allowed by conditional use permit);
 (7) Gift shops;
 (8) Hazardous waste treatment and storage facility, onsite;
 (9) Hotels;
 (10) Laundries and cleaning businesses;
 (11) Medical buildings;
 (12) Motels;
 (13) Produce outlets;
 (14) Professional buildings;
 (15) Retail stores;
 (16) Tourist information centers;
 (17) Multi-family use as a planned development;
 (18) Banks and financial institutions (except with drive-up window service requires conditional use permit for traffic considerations). (Ord. 578 §29, 1996: Ord. 491 §1(part), 1992).

17.40.025 Home businesses allowed. Businesses located in existing residences may be allowed in the commercial three (C-3) district without meeting requirements in Chapter 17.68 of this title pertaining to home businesses, provided, the business is an allowed use in the district and it complies with city, county, state and/or federal regulations applicable to such businesses. (Ord. 578 §30, 1996).

17.40.030 Uses allowed by conditional use permit. In the C-3 district the following uses and their accessory uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

(1) Carwashes;
 (2) Drive-in restaurants;
 (3) Hazardous waste treatment and storage facility, onsite;
 (4) Parks;
 (5) Public buildings;
 (6) Public utilities facilities;
 (7) Radio stations;
 (8) Recreational facilities;
 (9) Recreational vehicle parks;
 (10) Shopping centers and malls;
 (11) Theaters and auditoriums;
 (12) Transportation facilities;
 (13) Truck stops. (Ord. 491 §1(part), 1992).

17.40.040 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and structures within this district. (Ord. 491 §1(part), 1992).

17.40.050 Exceptions. Nonconforming residential uses existing at the time of the adoption of the ordinance codified in this title may be enlarged, expanded or replaced upon the issuance of a conditional use permit in accordance with Chapter 17.92 of this title. (Ord. 491 §1(part), 1992).

Chapter 17.44

INDUSTRIAL ONE DISTRICT (I-1)

Sections:

- 17.44.010 Intent.
- 17.44.020 Uses allowed outright.
- 17.44.025 Home businesses allowed.
- 17.44.030 Uses allowed by conditional use permit.
- 17.44.040 Uses allowed by planned development.
- 17.44.050 General standards.

17.44.010 Intent. The intent of the I-1 district is to provide an area for those industrial and commercial uses that do not produce significant noise, air pollution, odor or have other obnoxious features and tend to be consumer oriented. (Ord. 491 §1(part), 1992).

17.44.020 Uses allowed outright. In the I-1 district the following uses and their accessory uses and structures are allowed outright:

- (1) Auto service stations;
- (2) Feed and animal supply stores;
- (3) Eating and drinking establishments (except drive-in which are allowed by conditional use permit);
- (4) Lumber yards and building supply outlets;
- (5) Machinery and heavy equipment dealerships and repair;
- (6) Meatlockers;
- (7) Nurseries;
- (8) Produce and fruit markets;
- (9) Vocational schools. (Ord. 491 §1(part), 1992).

17.44.025 Home businesses allowed. Businesses located in existing residences may be allowed in the industrial one (I-1) district without meeting requirements in Chapter 17.68 of this title pertaining to home businesses, provided, the business is an allowed use in the district and it complies with city, county, state and/or federal regulations applicable to such businesses. (Ord. 578 §32, 1996).

17.44.030 Uses allowed by conditional use permit. In the I-1 district the following uses and their accessory uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Agricultural produce processing and storage;
- (2) Bulk petroleum sales and storage;
- (3) Commercial parking facilities;
- (4) Drive-in movie theaters;
- (5) Drive-in restaurants;
- (6) Hazardous waste treatment and storage facility, offsite;
- (7) Hazardous waste treatment and storage facility, onsite;
- (8) Kennels and boarding establishments;
- (9) Laboratories;
- (10) Nonpolluting manufacturing establishments;
- (11) Nonpolluting product assembling facilities;
- (12) Office parks;
- (13) Public utilities and facilities;
- (14) Storage facilities;
- (15) Warehouses;
- (16) Wholesaling establishments. (Ord. 491 §1(part), 1992).

17.44.040 Uses allowed by planned development. Uses allowed by planned development include: multifamily use. (Ord. 491 §1(part), 1992).

17.44.050 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and accessory uses and structures within this district. (Ord. 491 §1(part), 1992).

Chapter 17.48

INDUSTRIAL TWO DISTRICT (I-2)

Sections:

- 17.48.010 Intent.
- 17.48.020 Uses allowed outright.
- 17.48.025 Home businesses allowed.
- 17.48.030 Uses allowed by conditional use permit.
- 17.48.040 Uses allowed by planned development.
- 17.48.050 General standards.

17.48.010 Intent. The intent of the I-2 district is to provide areas for industrial developments that have characteristics which may result in more intense usage or may generate offensive noise, emissions, smoke, odor or in-

volve heavy equipment operation or other obnoxious features. (Ord. 491 §1(part), 1992).

17.48.020 Uses allowed outright. In the I-2 district the following uses and their accessory uses and structures are allowed outright:

- (1) Auto service stations;
- (2) Agricultural produce processing and storage;
- (3) Bulk petroleum sales and storage;
- (4) Commercial parking and vehicle storage facilities;
- (5) Feed and animal supply stores;
- (6) Freight depots;
- (7) Machinery and heavy equipment dealerships and repair;
- (8) Lumber yards and building supply outlets;
- (9) Nurseries;
- (10) Offices;
- (11) Product assembling facilities;
- (12) Public utilities and facilities;
- (13) Vocational schools. (Ord. 491 §1(part), 1992).

17.48.025 Home businesses allowed. Businesses located in existing residences may be allowed in the industrial two (I-2) district without meeting requirements in Chapter 17.68 of this title pertaining to home businesses, provided, the business is an allowed use in the district and it complies with city, county, state and/or federal regulations applicable to such businesses. (Ord. 578 §34, 1996).

17.48.030 Uses allowed by conditional use permit. In the I-2 district the following uses and their accessory uses and structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title:

- (1) Asphalt batch plants;
- (2) Battery manufacturing facilities;
- (3) Breweries;
- (4) Chemical manufacturing and storage;
- (5) Concrete batch plants;
- (6) Beverage distilleries;
- (7) Distillation of bones;
- (8) Explosive manufacturing and storage;
- (9) Fertilizer sales and storage;
- (10) Grain elevators;
- (11) Hazardous waste treatment and storage facility, offsite;
- (12) Hazardous waste treatment and storage facility, onsite;
- (13) Laboratories;
- (14) Lumber and pulp mills;
- (15) Manufacturing establishments;
- (16) Petroleum refineries;
- (17) Processing establishments;
- (18) Processing of animal hides;
- (19) Refineries;
- (20) Stockyards and livestock markets;
- (21) Storage facilities;
- (22) Slaughter houses;
- (23) Wineries;
- (24) Wrecking yards and salvage businesses. (Ord. 491 §1(part), 1992).

17.48.040 Uses allowed by planned development. Uses allowed by planned development include: office parks. (Ord. 491 §1(part), 1992).

17.48.050 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and accessory uses and structures allowed within this district. (Ord. 491 §1(part), 1992).

Chapter 17.50

AIRPORT DISTRICT

Sections:

- 17.50.010 Intent.
- 17.50.020 Uses allowed outright.

Sections: (Continued)

- 17.50.030 Uses allowed by conditional use permit.
- 17.50.040 Uses allowed by planned development.
- 17.50.050 General standards.

17.50.010 Intent. The intent of the airport district is to provide an area for airport, industrial and commercial uses that do not produce unreasonable dissemination of dust, smoke, visible gas, noxious gas fumes, excess noise and vibration, or odor. (Ord. 491 §1(part), 1992).

17.50.020 Uses allowed outright. In the airport district the following uses and their accessory uses and structures are allowed outright:

- (1) Aircraft repair, maintenance, and prefabrication;
- (2) Aircraft manufacturing and remanufacturing;
- (3) Auto service stations;
- (4) Bulk fuel sales and storage;
- (5) Commercial parking facilities;
- (6) Eating and drinking establishments;
- (7) Freight depots;
- (8) Lumber yards and building supply outlets;
- (9) Machinery and heavy equipment repair;
- (10) Manufacturing establishments;
- (11) Motels;
- (12) Office buildings;
- (13) Parking and storage of aircraft;
- (14) Parks;
- (15) Production assembling facilities;
- (16) Public utilities and facilities;
- (17) Recycling centers;
- (18) Storage facilities;
- (19) Transportation terminals;
- (20) Vocational schools;
- (21) Warehouses;
- (22) Wholesaling establishments. (Ord. 491 §1(part), 1992).

17.50.030 Uses allowed by conditional use permit. In the airport district the following uses and their accessory uses and structures are allowed by conditional use permit issues in accordance with Chapter 17.92 of this title:

- (1) Battery manufacturing facilities;
- (2) Chemical manufacturing and storage;
- (3) Hazardous waste treatment and storage facilities, on-site;
- (4) Laboratories;
- (5) Private clubs and lodges. (Ord. 491 §1(part), 1992).

17.50.040 Uses allowed by planned development. Uses allowed by planned development include:

- (1) Mixed-use development;
- (2) Multifamily uses;
- (3) Recreational vehicle parks;
- (4) Shopping centers and malls. (Ord. 491 §1(part), 1992).

17.50.050 General standards. Chapters 17.56 through 17.84 inclusive, list general standards that apply to uses and accessory uses and structures within this district. (Ord. 491 §1(part), 1992).

Chapter 17.52

CONSERVANCY DISTRICT

Sections:

- 17.52.010 Intent.
- 17.52.020 Uses allowed outright.
- 17.52.030 Uses allowed by conditional use permit.
- 17.52.040 General standards.

17.52.010 Intent. The intent of the conservancy district is to provide for areas that may be unsuitable for residential, commercial or industrial development; city-owned property; and areas particularly vulnerable to one-hundred-year flood levels. (Ord. 491 §1(part), 1992).

17.52.020 Uses allowed outright. In the conservancy district the following uses and their accessory uses and structures are allowed outright:

- (1) Agricultural and horticultural practices;
- (2) Nature trails;
- (3) Parks and playgrounds;
- (4) Public facilities and utilities;
- (5) Wildlife sanctuaries. (Ord. 491 §1(part), 1992).

17.52.030 Uses allowed by conditional use permit. In the conservancy district the following uses and their accessory structures are allowed by conditional use permit issued in accordance with Chapter 17.92 of this title: single-family residences. (Ord. 491 §1(part), 1992).

17.52.040 General standards. Chapters 17.56 through 17.84, inclusive, list general standards that apply to uses and accessory uses and structures allowed within this district. (Ord. 491 §1(part), 1992).

Chapter 17.56

GENERAL REGULATIONS

Sections:

17.56.010 Maintenance of minimum ordinance requirements.

17.56.020 Allowed and conditional uses.

17.56.010 Maintenance of minimum ordinance requirements. No lot area, yard or other open space, or required off-street parking area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension or size below the minimum required by this title, nor shall any lot area, yard or other open space, or off-street parking area which is required by this title for one use, be used as the lot area, yard or other open space or off-street parking requirement for any other use. (Ord. 491 §1(part), 1992).

17.56.020 Allowed and conditional uses. A use specifically mentioned as allowed outright or by conditional use permit in one district is not allowed in another district unless that use is specifically mentioned as the allowed or conditional use in that district. (Ord. 491 §1(part), 1992).

Chapter 17.60

SPATIAL REQUIREMENTS

Sections:

17.60.010 Purpose.

17.60.020 Setback, density and lot dimension requirements.

17.60.030 Height, bulk and coverage requirements.

17.60.010 Purpose. The purpose of this chapter is to establish bulk, density and setback regulations for proper spacing and distribution of development to achieve the goals, objectives and policies of the comprehensive plan. (Ord. 584 § 2(part), 1997).

17.60.020 Setback, density and lot dimension requirements. Building setbacks, lot dimensional requirements and maximum densities shall be as provided in Table 1, below.

Table 1

ZONE	Minimum Lot Size (square feet)	Minimum Width (in feet)	Setbacks (in feet) ¹			Maximum Residential Density (dwelling units per acre) Planned	
			Front ²	Rear	Side	Subdivision	Development
	8000	75	20	15	5	5.4	7.3
R-1							
R-2	5000 ³	50	20	15	5	8.7	11.3
R-3	5000 ³	50	20	15	5	18	23.4
R-4	5000 ³	50	20	15	5	18	23.4
C-1	2500	25	0	0 ⁴	0 ⁴	None	None
C-2	5000	50	20	0 ⁴	0 ⁴	18	23.4
C-3	5000	50	20	0 ⁴	0 ⁴	18	23.4
I-1	5000	50	10	0 ⁴	0 ⁴	n/a	n/a
I-2	5000	50	10	0 ⁴	0 ⁴	n/a	n/a
Airport	5000	50	10	0 ⁴	0 ⁴	n/a	23.4
CON ⁵	5000	50	20	15	5	65	n/a

¹Setbacks measured to nearest projection from structure thirty inches above grade; however, the administrator may grant minor deviations of up to two feet for eaves or similar objects located over eight feet above grade after considering whether a hardship exists, practical alternatives, and potential impacts to adjacent properties.

²In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required for front yards in the district shall be provided on the other frontage.

³When duplexes or triplexes are to be built within subdivisions created prior to Jan. 1, 1993, the minimum lot size shall be increased by not less than two thousand square feet for each unit and maximum densities for PDs and subdivisions shall not apply.

⁴Where commercial and industrial districts abut residential districts, side and rear setbacks shall be at least fifteen feet for the property line of the commercial or industrial property that abuts the residential district. This provision shall not apply if a street or alley separates the districts.

⁵Standards are for single-family residential uses. All other standards shall be established by the administrator on a case-by-case basis where standards shall be applied based on the standards of adjacent uses and districts.

(Ord. 584 §2(part), 1997).

17.60.030 Height, bulk and coverage requirements.

Height, bulk and coverage requirements shall be those provided in Table 2 below.

Table 2

Zone	Maximum Height ¹	Minimum Residential Floor Space	Maximum Lot Coverage	Maximum Building Coverage
R-1	25	800 ²	65%	35%
R-2	25	800 ³	65%	35%
R-3	25	800 ³	65%	35%
R-4	25	800 ³	70%	40%
C1	35	None	None	None
C2	35	None	75%	50%

Table 2 (Continued)

<u>Zone</u>	<u>Maximum Height¹</u>	<u>Minimum Residential Floor Space</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Coverage</u>
C3	35	None	75%	75%
I1	None	None	None	None
I2	None	None	None	None
Airport	None	None	None	75%
Conservancy ⁴	25	800	65%	35%

¹Belfries, chimneys, church spires, fire and hose towers, smoke-stacks, utility transmission towers and similar structures and/or projections that, by their nature, must exceed height limitations shall require a conditional use permit. Applications for such structures shall not be approved unless it is found that the intent of the district is being met and the health, safety and welfare of the public is not at risk. Additionally, consideration shall be given to the effect such structures will have on views of the lake and mountainous areas surrounding the city.

²Minimum width and length of residential structures is 17 feet (see Minimum Design Standards for district).

³Maximum floor space is per structure. Minimum width and length of residential structures is 14 feet except in Mobile Home Parks (see Minimum Design Standards for district).

⁴Standards are for Single-family residential uses. All other standards shall be established by the administrator on a case-by-case basis where standards shall be applied based on the standards of adjacent uses and districts.

(Ord. 584 §2(part), 1997).

Chapter 17.64

ACCESSORY USES AND STRUCTURES

Sections:

- 17.64.010 Generally.
- 17.64.020 Dimensional requirements.
- 17.64.030 Lot coverage.
- 17.64.040 Height.
- 17.64.050 Detached accessory structures.
- 17.64.060 Attached accessory structures.
- 17.64.070 Dish antennas.

17.64.010 Generally. The standards of this chapter apply to accessory uses and structures. (Ord. 491 §1(part), 1992).

17.64.020 Dimensional requirements. An accessory structure shall meet the dimensional requirements of the underlying zoning district with the exception that accessory structures are not subject to the minimum square footage requirements. (Ord. 491 §1(part), 1992).

17.64.030 Lot coverage. An accessory structure shall not cover more than ten percent of the lot area. Accessory uses are included when determining maximum lot coverage. (Ord. 491 §1(part), 1992).

17.64.040 Height. Accessory structures shall not exceed a height of sixteen feet. (Ord. 491 §1(part), 1992).

17.64.050 Detached accessory structures. Detached accessory structures shall have setback requirements of five feet from rear and side lot lines and shall not be located in any required front yard area. (Ord. 491 §1(part), 1992).

17.64.060 Attached accessory structures. Attached accessory structures shall meet the setback requirements for the underlying zoning district. (Ord. 491 §1(part), 1992).

17.64.070 Dish antennas. Dish antennas shall be located in rear yards only and shall be subject to the setback distances as specified for the underlying zoning district. Dishes shall be located and painted in a manner which makes them as unobtrusive as possible. (Ord. 491 §1(part), 1992).

Chapter 17.68

HOME BUSINESSES*

Sections:

- 17.68.010 Purpose.
- 17.68.020 Businesses as accessory uses.
- 17.68.030 Licensed home businesses.
- 17.68.040 Procedures.
- 17.68.050 Voiding of licenses.
- 17.68.060 Exemptions.

17.68.010 Purpose. The purpose of this chapter is to provide a means to allow residents to conduct limited business in residential districts while keeping intact the residential character of neighborhoods. According to their nature, certain businesses are allowed outright as accessory uses to the primarily residential use while others are allowed only when licensed as home businesses. (Ord. 578 §37, 1996).

17.68.020 Businesses as accessory uses. In residential districts, uses that meet the following criteria shall be considered accessory uses and are allowed outright:

- (1) There are no customers or clients visiting the home for the conduct of business;
- (2) There are no retail sales physically conducted on the premises;

* Prior ordinance history: Ords. 491 and 533.

(3) There is no physical manifestation of the fact that a business is being conducted on the premises (including signs);

(4) There are no employees working on the premises; and,

(5) The home occupation is clearly accessory to the residential use and does not occupy more than twenty-five percent of the total floor area of the dwelling or accessory structures, combined, in which the home occupation is conducted. (Ord. 578 §38, 1996).

17.68.030 Licensed home businesses. Home businesses that do not qualify as accessory uses according to the criteria in Section 17.68.020 of this chapter may be allowed as licensed home businesses if they meet the standards listed below:

(1) No more than two employees other than members of the resident's family shall be permitted;

(2) No more than thirty-five percent of the total floor area of the dwelling and accessory structures, combined in which the home occupation is conducted may be used for activities relating to home occupations;

(3) There shall be no change in the outside appearance of the building or other visible evidence of conduct of the home business other than one nonreflective, indirectly illuminated sign of not more than two square feet attached to the side of the residence. No window displays shall be allowed;

(4) In no way shall the home business be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, noise, glare, electrical or audio-visual interference, dust, smoke or vibrations;

(5) No traffic shall be generated by a home business that would disturb or inconvenience nearby residences; and, any need for parking generated by the conduct of a home occupation shall be met off the street and other than in the required front yard. (Ord. 578 §39, 1996).

17.68.040 Procedures. Obtaining a home business license requires that an application be completed and submitted to the city permit administrator (or designee) at City Hall along with a fee as set by resolution of the city council. The administrator (or designee) shall review the application to ensure that standards are met and may issue the license within ten days of its submittal. If the administrator determines that the proposed business is such that standards for operating the home business cannot be met, the license shall not be issued. The applicant may appeal this determination to the city council according to appeal procedures contained in Chapter 17.100 of this title. (Ord. 578 §40, 1996).

17.68.050 Voiding of licenses.

The administrator may void any home license for non-compliance with any of the standards listed in Section 17.68.030 of this chapter. (Ord. 578 §42, 1996).

17.68.060 Exemptions.

The following uses shall be exempt from the provisions of this chapter. Additional exemptions may be established through amendments to this chapter.

(1) Babysitting and family day care facilities for up to twelve children at any one time in addition to those children living in the home, provided, the business meets licensing requirements of the state of Washington;

(2) Adult family homes pursuant to Chapter 70.128 RCW as the same exists now or may hereafter be amended;

(3) Newspaper delivery; and

(4) Two garage and/or yard sales in a given year as long as the sale involves only the sale of household goods, none of which were purchased for the purpose of resale and each sale does not continue for more than three consecutive days and is not in violation of any other provisions of the Oroville municipal code or other city ordinances. (Ord. 578 §44, 1996).

Chapter 17.70SEXUALLY ORIENTED BUSINESSESSections:

- 17.70.010 Purpose.
- 17.70.015 Scope.
- 17.70.020 Prohibited.
- 17.70.030 Regulated uses.
- 17.70.040 Regulations applicable to retail establishments not qualifying as sexually oriented businesses.
- 17.70.050 Exemptions.
- 17.70.060 Administrative review and determination.
- 17.70.070 Dispersal requirement.
- 17.70.080 Buffers from incompatible uses.
- 17.70.090 Measuring required distances.
- 17.70.100 Building facade.

Sections: (Continued)

- 17.70.110 Construction and maintenance.
- 17.70.120 Parking and lighting.
- 17.70.130 Pre-existing sexually oriented businesses.

17.70.010 Purpose.

It is deliberately intended that the contents of this chapter recognize the importance and benefits of freedom of expression to a democratic society. Therefore, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Similarly, this chapter has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Conversely, it is neither the intent nor effect of this chapter to condone or legitimize the distribution of obscene material for child pornography nor the display or distribution of harmful materials to minors. However, the city of Oroville finds that other communities have proven through studies and experience that these businesses, when unregulated, promote illegal activities including obscenity, sexual offenses, and prostitution, as well as creating a variety of secondary impacts on local communities including increase of crime, decline in property values, blighting of neighborhoods, diminution of quality of life, corruption of youth, and depression of business activity. As with many other businesses regulated in this title, this chapter is intended to regulate the location and use of property to promote the health, safety and welfare of the community. (Ord. 668 §3(part), 2003).

17.70.015 Scope.

This chapter specifically governs the location and siting of adult entertainment facilities within the city. The licensing and operation of adult entertainment facilities is governed by Chapter 5.24 of this code. All adult entertainment facilities shall satisfy the requirements of both this title and Chapter 5.24 of this code, and any

other portion of the Oroville Municipal Code that may be applicable. (Ord. 668 §3(part), 2003).

17.70.020 Prohibited.

No person or persons shall use any property or premises for a sexually oriented business within the city of Oroville, except as allowed by this title, Chapter 5.24 of this code, any other portion of the Oroville Municipal Code that may be applicable, and applicable laws of the state of Washington, as they exist or are hereafter amended. (Ord. 668 §3(part), 2003).

17.70.030 Regulated uses.

The provisions of this section shall apply to all sexually oriented businesses, including or similar to adult retail establishments, adult panorama theaters or arcades, adult motion picture theaters, adult cabaret, and adult motels/hotels. (Ord. 668 §3(part), 2003).

17.70.040 Regulations applicable to retail establishments not qualifying as sexually oriented businesses.

Retail establishments, such as video stores, that do not fit the definition of a sexually oriented retail establishment due to their limited "stock in trade" as provided in this chapter but that sell or otherwise distribute such merchandise as books, magazines, posters, cards, pictures, periodicals, or other printed matter; prerecorded video tapes, DVDs, discs, film, or other such medium, instruments, devices, equipment, paraphernalia or other such products distinguished or characterized by the depiction of, description, simulation, or relation to "specified sexual activities" or "specified anatomical areas," shall be subject to Chapter 9.68 RCW and definitions therein, as well as the following:

(1) All such items as are described in this section shall be physically segregated and closed off from other portions of the store such that these items are not visible and/or accessible from other portions of the store.

(2) No advertising for such items shall be posted or otherwise visible, except where such items are authorized by law for display.

(3) Signs, in English and Spanish with letters at least two inches high on a contrasting background and readable at a distance of twenty feet shall be posted at the

entrance to the area where such items are displayed stating that persons under the age of eighteen are not allowed to the area where sexually oriented items are displayed.

(4) The manager or attendant shall take reasonable steps to monitor the area where such sexually oriented items are displayed to ensure that persons under eighteen years of age do not access the age-restricted area.

(5) Rental or sale of obscene material, as defined by this chapter, shall be considered a moral nuisance, and subject to abatement pursuant to this section and RCW 7.48.058.

(6) Employees of such retail establishments shall check identification for the age of all persons renting or purchasing such sexually oriented items. (Ord. 668 §3(part), 2003).

17.70.050 Exemptions.

This section shall not be construed to prohibit or otherwise regulate the following uses and activities:

(1) Plays, operas, musicals, or other dramatic works that are not obscene;

(2) Classes, seminars, and lectures held for serious scientific or educational purposes that are not obscene;

(3) Exhibitions, performances, expressions, or dances that are not obscene;

(4) Persons appearing in a state of nudity or semi-nudity in a nude or seminude model studio operated by:

(A) A proprietary school, licensed by the state of Washington; a college, or junior college supported entirely or partly by taxation,

(B) A private college approved by a national accrediting association, which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation. (Ord. 668 §3(part), 2003).

17.70.060 Administrative review and determination.

The city of Oroville shall not issue a building permit for the establishment or expansion of a sexually oriented business unless and until the requirements of the section have been fully met. The administrator is responsible for ascertaining whether a proposed sexually oriented business for which a building permit is being applied for, complies with all requirements enumerated in

this chapter and all other applicable zoning laws and regulations. Applicants shall submit any and all information deemed necessary by the administrator to determine compliance with this section. Upon receipt and review of this information, the administrator shall prepare a staff report, including findings of fact. Upon completion, such staff report shall be provided for distribution as part of the sexually oriented business license application, as referenced by Section 5.24.080 of this code. (Ord. 668 §3(part), 2003).

17.70.070 Dispersal requirement.

No sexually oriented business shall be located closer than three hundred feet to another sexually oriented business use whether such use is located within or outside the city limits. Such distance shall be measured by following the route of pedestrian travel from the nearest point of public entry into the structure which will house the proposed sexually oriented business to the nearest point of public entry into the structure housing another sexually oriented business. (Ord. 668 §3(part), 2003).

17.70.080 Buffers from incompatible uses.

(a) No sexually oriented business shall be located closer than three hundred feet to any of the following uses whether such use is located within or outside the city limits:

- (1) Public or private preschools, primary or secondary schools, colleges and universities;
- (2) Child day care centers;
- (3) Family child care homes;
- (4) Public libraries;
- (5) Community centers; and
- (6) Religious institutions including places of worship primarily devoted to the teaching or practice of religious beliefs.

(b) No sexually oriented business shall front any street that shares the same zoning district boundary with a residential district. In the case of a through, or double-frontage lot, no sexually oriented business shall be located with public access to a street that is shared with the boundary of a residential district. (Ord. 668 §3(part), 2003).

17.70.090 Measuring required distances.

Required buffers from incompatible uses shall be measured by following the route of pedestrian travel from the nearest point of public entry into the structure which will house the proposed sexually oriented business to the nearest point on the property boundary of the uses identified in Section 17.70.080 of this chapter. (Ord. 668 §3(part), 2003).

17.70.100 Building facade.

All buildings in which sexually oriented businesses are located shall have facades and all other exterior surfaces that are indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of a building or sign used for a sexually oriented business use. (Ord. 668 §3(part), 2003).

17.70.110 Construction and maintenance.

All sexually oriented businesses such as adult motion picture theaters and adult panoramas or arcades that allow customers' viewing of depictions of human nudity and/or sexual conduct of any nature, including specified sexual activities, shall comply with the following regulations:

(1) All viewing areas or booths within sexually oriented businesses shall be visible from a manager's station and shall not be obscured by any curtain, door, wall or other enclosure. Any door, curtain, or other enclosure at the entrance to a viewing area or booth must be transparent. As used in this subsection, "viewing area or booth" means the area where a patron or customer would be positioned while watching a film, video, or other viewing device.

(2) All viewing areas or booths shall be separated by transparent partitions constructed of a nonbreakable material. No openings in such partitions for ventilation or other purposes shall extend higher than twelve inches from the floor or lower than eighty-four inches from the floor.

(3) All viewing areas or booths shall be maintained in a clean and sanitary condition at all times with sufficient lighting so that all objects are plainly visible at all times.

(4) No steps or risers are allowed in any viewing area or booth.

(5) No viewing area or booth shall have more than one permanently affixed stool type seat. In order to prevent obscuring the occupant of a viewing area or booth from view, no stool for seating within a viewing area or booth shall have any seat back or sides.

(6) Only one person may occupy a viewing booth at any given time. (Ord. 668 §3(part), 2003).

17.70.120 Parking and lighting.

On-site parking for sexually oriented businesses shall be required and regulated in accordance with Chapter 17.80 of this code, and in addition shall meet the following requirements:

(1) All on-site parking areas and premises entries shall be illuminated from dusk until one hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surfaces and walkways.

(2) All parking must be visible from the fronting street. Access to the exterior rear of the building shall be denied to any persons other than employees and public officials during the performance of their respective duties and tasks.

(3) All sexually oriented business premises must be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons, members, or customers are permitted access at an illumination of not less than ten foot-candles as measured at the floor level at all times while patrons, members, or customers are permitted within the premises. (Ord. 668 §3(part), 2003).

17.70.130 Pre-existing sexually oriented businesses.

Any sexually oriented businesses operating on the effective date of the ordinance codified in this chapter that, as a result of the enforcement of this section, is in violation of locational or structural configuration requirements described in this chapter shall be deemed a nonconforming use under Chapter 17.104 of this code and shall not be subject to the distance requirements set forth in Sections 17.70.070 and 17.70.080 of this chapter,

but shall be subject to all other provisions of this section. (Ord. 668 §3(part), 2003).

Chapter 17.72

SIGNING

Sections:

- 17.72.010 Intent.
- 17.72.020 Definitions and abbreviations.
- 17.72.030 Prohibited signs.
- 17.72.040 Signs exempt from this code.
- 17.72.050 Signs subject to this code--No permit required.
- 17.72.060 Permits, fees and inspections.
- 17.72.070 Construction materials.
- 17.72.080 Projection and clearance.
- 17.72.090 Sign size.
- 17.72.100 Miscellaneous regulations.
- 17.72.110 Nonconforming signs.
- 17.72.120 Termination of signs.

17.72.010 Intent.

The intent and purpose of this chapter is to accommodate and promote sign placement consistent with the character and intent of individual zoning districts through provision of minimum standards to safeguard life, health, property, public welfare and visual quality of the area. This is accomplished by regulating and controlling the number, size, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building. This chapter is further intended to preserve and improve the appearance of the city as a place to live, and as an attraction to nonresidents who want to visit or trade. It encourages sound signing practices as an aid to business and the general public, but prevents excessive and potentially confusing signing displays. While this chapter is intended to regulate signs in various forms, structural requirements are intended to be addressed by the relative construction codes, as adopted by the city. (Ord. 714 §1(part), 2006).

17.72.020 Definitions and abbreviations.

As used in this chapter:

"Abandoned signs" mean any sign located on property that is vacant and unoccupied for a period of six months or more; or any sign which pertains to any occupant, business or event unrelated to the present occupant or use; or any sign in ill repair for more than thirty days, except real estate signs advertising a property for rent, lease or sale, provided that such property is, in fact, still for rent, sale or lease.

"Building official" means the officer or other designated authority charged with the administration and enforcement of the city building code, as adopted by the city council or his or her duly authorized representative.

"Combination sign" means any sign incorporating any combination of the features of freestanding, projecting and roof signs.

"Directional sign" means, but not necessarily limited to, signs indicating entrances, exits, service areas, loading only, and parking area.

"Directory sign" means a sign that lists the tenants or occupants of a multiple tenant building complex, or commercial district.

"Electric sign" means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

"Freestanding sign" (also "pole sign") means any sign supported by one or more uprights, poles or braces in or upon the ground and that are independent from any building or other structure.

"Illuminated sign" means any electric sign or other sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area.

"Legal setback line" means a line established by ordinance beyond which a building may not be built. A legal setback line may be a property line.

"Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property.

"Monument sign" means a freestanding sign which is attached to the ground by means of a wide base.

"Multiple-building complex" means a group of structures holding two or more retail, office, or commercial

uses sharing the same lot, access and/or parking facilities, or a coordinated site plan.

"Multiple-tenant building" means a single structure housing two or more retail, office, or commercial uses.

"Mural" (also "painted wall signs") means a painting on the side of a building of a landscape and/or scene depicting a scenic view, or a historical or current event along with lettering that identifies the subject of the landscape.

"Noncommercial public service sign" means a noncommercial sign devoted to religious, charitable, cultural, governmental or educational message, including, but not limited to, the advertising of events or services sponsored by the governmental agency, a school, church, civic, or fraternal organizations engaged in activities for profit.

"Nonconforming sign" means a sign which was legally installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this chapter or subsequent revisions, but which is in conflict with the provisions of this chapter.

"Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

"Off-premise sign" means a sign which advertises or promotes merchandise, service, goods, or entertainment which are sold, produced, manufactured or furnished at a place other than on the property on which the sign is located. Directional signs and public service signs shall not be considered off-premise signs.

"Painted sign" means a sign that is painted directly on any face of a building; it does not refer to a sign that is painted on a display surface other than the building itself.

"Portable sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs, balloons used as signs, and/or umbrellas used for advertising.

"Projecting sign" means a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

"Projection" means the distance by which a sign extends over public property or beyond any face of the building.

"Real estate sign" means a sign erected by the owner, or his or her agent, advertising for rent, lease, or sale, a property, or directing interested parties to such property.

"Residential sign" means any sign located in a district zoned for residential uses that contains no commercial message, except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this title.

"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.

"Sign" means any communication device, structure, or fixture, including the supporting structure, that identifies, advertises and/or promotes an activity, product, service place, business, or any other thing.

"Sign area" (also "display area") means the entire area of a sign on which copy or other form of advertising is to be placed, including any background surface, material or color that forms an integral part of the display or is used to differentiate the sign from the backdrop or nearest structure. Sign support structures shall not be included in the calculation of sign area. Sign area shall be based upon one side of a flat two-sided sign only (i.e., angular signs consisting of two distinctly different sign surfaces, and multisided signs shall include all sides in their calculation).

"Sign height" means the vertical distance measured from either the grade below the sign or upper surface of the nearest street curb, whichever permits the greatest sign height, to the highest point of the sign.

"Sign structure" means any structure which supports or is capable of supporting any sign defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Swinging sign" means a sign that hangs by a chain, hinge, or other pivot such that it can move back and forth.

"Temporary sign" means a portable sign, banner, pennant, valance, or advertising display constructed of plastic, cloth, paper, canvas, cardboard, and/or light, non-durable materials that is displayed for a period not more than thirty days. Types of displays included in this category are grand openings, special sales, special events, and garage sale signs.

"IBC standards" mean the International Building Code Standards (also called the "building code"), as adopted by the city of Oroville.

"Up lighting" means lighting that is directed in such a manner as to shine light rays above the horizontal plane.

"Wall sign" (also "flush mounted") means any sign attached to or erected against and parallel to the wall of a building, not projecting more than twelve inches from the wall. (Ord. 714 §1(part), 2006).

17.72.030 Prohibited signs.

The following signs are prohibited within the city of Oroville:

- (1) Signs which imitate, closely resemble, confuse or obstruct the visibility or interpretation of an official traffic sign, signal or similar device;
- (2) Signs attached to utility poles, street lights, and traffic control standard poles, except authorized road signs and temporary banners approved by the owner, or authority controlling such utility devices and the property over which the sign is placed;
- (3) Signs in a dilapidated or hazardous condition;
- (4) Abandoned signs;
- (5) Signs on doors, windows, fire escapes, or pedestrian paths that restrict free ingress, egress, or movement;
- (6) Roof signs that are not integrated into the architecture of the building and/or exceed the maximum building height, as set forth in this title;
- (7) Signs within the clear view triangle, as defined in Section 17.84.040 OMC;
- (8) Vinyl, plastic, paper or similar flexible signage having the appearance of a temporary nature used as permanent signage, which term shall be defined as a period longer than thirty days;
- (9) Video monitor signs in areas where such sign display areas are visible from public streets (excluding alleys), except such monitors that may be located inside a window display with its screen parallel to the street;

(10) Swinging signs larger than twelve inches high by thirty-six inches long;

(11) Signs with loud speakers, excluding drive-up windows designed with the intent of being reasonably audible only to the occupant(s) of a vehicle for the purpose of communicating business transactions;

(12) Beacons, strobe lights, or flashing signs which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the light source is on at any one time so as to create glare, extreme brightness, or reflection of light onto private or public property in the surrounding area;

(13) Up lighting of signage, except in cases where the fixture is shielded by a roof overhang or similar structure shield from the sky. All external lighting of signs shall be downward at such an angle that only the sign is illuminated;

(14) Electric or electronic signs that display text messages that stream across the display area in such a fashion that drivers are distracted attempting to read the entire message. (Ord. 714 §1(part), 2006).

17.72.040 Signs exempt from this code.

The following signs and sign-related activities are exempt from regulation under this code:

(1) Painting, repainting or cleaning of an advertising structure or the changing of the advertising message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made; however, such changes shall conform to the requirements of this code;

(2) Signs of less than four square feet in sign area (for each of two sides) erected to identify name and address of residences and/or identify the address of public, commercial or industrial facilities, provided that they do not project within a city right-of-way;

(3) Official flags, emblems, insignia of the United States, other governmental units, and flags of nationally and internationally recognized organizations;

(4) Official and legal notices by any court, public body, persons, or officer in performance of public duty or in giving any legal notice;

(5) Monuments or other historical markers, including, but not limited to, building plaque, cornerstone, nameplate, or similar building identification or monument;

(6) Structures and vehicles that are primarily used for other purposes such as phone booths, delivery vehicles, trailers, goodwill containers, or other similar structures;

(7) Murals in the form of artistic renditions that do not include advertising of businesses or political statements;

(8) Holiday decorations (temporary not to exceed thirty days total);

(9) Signs not visible: signs not visible from a public street or alley;

(10) Official sign: a sign required, authorized or permitted by law, ordinance, rule or regulation, erected or maintained by the responsible public authority, including, but not limited to, a traffic sign or signal, sign identifying a public building or use or giving directions to a building, structure, use, or area;

(11) Warning sign: a sign erected or maintained on private property warning the public of a danger on or limiting access to the premises. Such sign is limited to a maximum dimension of two feet, a sign area of four square feet, and a height of six feet;

(12) House or building number: house or building number limited to numerals of eight inches in height;

(13) Signs in windows inside building;

(14) Existing signs that encumber the title of a building in such a way that the owner of the building cannot remove the sign. Such signs shall not affect total allowable sign area for the building owner subject to the encumbrance. (Ord. 714 §1(part), 2006).

17.72.050 Signs subject to this code--No permit required.

The following signs are exempt from the application, permit, and fee requirements of this chapter. These signs are required to meet all other applicable sections of this code and are subject to enforcement provisions found in Chapter 17.116 of this code.

(1) Temporary signs, including those for the sale, rent or lease of real estate that are not within or over public property or right-of-way. (Ord. 714 §1(part), 2006).

17.72.060 Permits, fees and inspections.

(a) Permits Required. Unless otherwise described in either Section 17.72.040 or 17.72.050 of this chapter as exempt, no sign shall be erected, re-erected, constructed, or altered, except as provided by any and all applicable provisions of the Oroville Municipal Code, and only after a permit for the same has been issued by the administrator. Permits for directory signs shall be issued to the person or business entity that owns the property on which the directory sign is proposed. In addition, electrical permits shall be obtained for electric signs.

(b) Application for Permit. Application for a sign permit or variance from the regulations contained in this chapter shall be made in writing upon forms furnished by the administrator. Such application shall contain the location by street and number of proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. Applications must be submitted a minimum of fourteen days prior to the date the applicant desires to install or erect a sign. The building official may require the filing of plans or other pertinent information where in his or her opinion such information is necessary to insure compliance with this code. Certain signs, including, but not limited to, signs over eight feet in height and most signs attached to buildings may require a building permit. Standard plans may be filed with the building official.

(c) Fees. A sign permit fee shall be paid in accordance with the applicable fee schedule approved by the city council for all signs governed by this code. If a building permit is required for a sign, applicable fees shall be in addition to a sign permit fee.

(d) Maintenance. All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in repair in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(e) Inspections. All signs for which a permit is required shall be subject to inspection, and re-inspection as may be deemed by the building official and/or administrator.

(f) Electrical. All signs containing electrical wiring shall be subject to the provisions of the governing electrical code, and the electrical components used shall

bear the label accepted by the Washington Department of Labor and Industries. (Ord. 714 §1(part), 2006).

17.72.070 Construction materials.

The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of the applicable building and electrical codes, as adopted by the city. (Ord. 714 §1(part), 2006).

17.72.080 Projection and clearance.

(a) General. Signs shall conform to the clearance and projection requirements of this section and Table 1 of this section:

Table 1
Projection of Signs

<u>Clearance</u>	<u>Maximum Projection</u>
Less than 8'	not permitted
8'	2'
8' to 16'	2', plus 6" for each foot of clearance in excess of 8'
over 16'	5'

(b) Clearance from High Voltage Power Lines. Signs shall be located not less than six feet horizontally or twelve feet vertically from overhead electrical conductors which are energized in excess of seven hundred fifty volts. The term "overhead conductors," as used in this section, means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(c) Clearance from Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

(d) Obstruction of Openings. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by any construction code adopted by the city.

(e) Projection Over Alleys. No sign or sign structure shall project into any public alley below a height of fourteen feet above grade and shall not project more than twelve inches where the sign structure is located fourteen to sixteen feet above grade. The sign or sign structure may project not more than thirty-six inches into the public alley where the sign or sign structure is located more than sixteen feet above grade.

(f) Signs may project over public property or a legal setback line a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in Table 2 of this section:

Table 2
Thickness of Projecting Sign

<u>Projection</u>	<u>Maximum Thickness</u>
5'	2'
4'	2'6"
3'	3'
2'	3'6"
1'	4'

(Ord. 714 §1(part), 2006).

17.72.090 Sign size.

Table 3
Height, Area and Off-Premise Restrictions
for Freestanding, Projecting and Wall Signs
at Property Boundary

<u>Zoning District</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>C-1</u>	<u>C-2</u>	<u>I-1</u>	<u>I-2</u>	<u>Airport</u>	<u>Conservancy</u>
Height	6'	6'	10'	10'	25'	25'	25'	25'	10'	10'
Maximum Area	4 sf ⁽³⁾	4 sf ⁽³⁾	32 sf ⁽³⁾	32 sf ⁽³⁾	64 sf	160 sf	160 sf	100 sf	32 sf	32 sf
Maximum Sign Size	4 sf ⁽³⁾	4 sf ⁽³⁾	32 sf ^{(3) (5)}	32 sf ^{(3) (5)}	32 sf ^{(3) (5)}	64 sf ^{(3) (5)}	64 sf	64 sf	32 sf	32 sf
Off-Premise	None	None	None	None	(1) (5)	(2) (5)	(1) (2) (5)	(1) (2) (5)	(1)	(1) (2) (3)

- (1) Off-premise signs are allowed provided they do not exceed the maximum signage allowed on any given property, and must be located at least two hundred feet or more apart.

- (2) Limited to highway frontage and arterials.
 - (3) Signs up to thirty-two sf are allowed for planned developments, day care, assisted living, or similar facilities.
 - (4) Airport signage necessary for operations is exempt.
 - (5) For commercial properties with fifty feet or less street frontage, area indicated shall be the maximum sign size or shall include the total calculation of all lesser size signs on the property, except that two-sided signs that are constructed at less than a forty-five degree angle shall be calculated based only on one side of the sign. Additional signage may be allowed at a one percent increase of allowed signage per foot of frontage.
- (Ord. 714 §1(part), 2006).

17.72.100 Miscellaneous regulations.

(a) General. All signs and sign support structures shall be subject to conformance with the requirements of this title and construction codes as may be adopted by the city.

(b) All signs and sign supports that are located within the Shoreline area, as defined by the city of Oroville Shoreline master program, must comply with Chapter 5 of the Shoreline master program.

(c) No sign shall project over or within the public right-of-way, except authorized road signs, approved banners, projecting signs, and permitted portable signs.

(d) Political Signs. Signs, which during a campaign, advertise a candidate for public elected office, a political party, or promote a position on a public issue, shall be removed within three days following the general election.

(e) Projecting Signs. All supports of projecting signs shall be placed upon private property and shall be securely built, constructed and erected to conform to the requirements specified in any and all construction codes adopted by the city.

(f) The thickness of that portion of a projecting sign which projects over public property, exclusive of letters and trim, shall not exceed the maximum set in Table 2 of Section 17.72.080 of this chapter.

(g) Sign area height and location shall conform to those standards contained in Table 3 of Section 17.72.090 of this chapter.

(h) All freestanding signs are permitted only on private property in required landscape strips, building setback areas or where they are surrounded by physical barriers so as to prevent vehicles from hitting such signs.

(i) Portable Signs. Portable signs may be erected within private property provided they meet all standards contained within this title. Additionally, portable signs shall be weighted, anchored and or restrained in such a manner to prevent injury or damage.

(j) Portable Signs Within City Street Right-of-Way. Portable signs may be allowed to be placed within city street right-of-way by special permit, and in accordance with the following requirements:

(1) Only one portable sign shall be permitted per business per building side facing a public street. Signs shall be no wider than thirty-six inches and no higher than forty-eight inches; however, no portable sign shall be allowed to consume more than twenty-five percent of the width of a sidewalk, or pathway if no sidewalk exists. Sign size may be limited by the administrator upon consideration of specific characteristics of the desired sign location.

(2) Such signs shall be for commercial use only, and shall be located on the portion of the sidewalk immediately adjacent to the business applying for a permit unless no sidewalk exists, in which case, in that area that may accommodate a future sidewalk, as determined by the administrator.

(3) Portable signs in city right-of-way advertising businesses located off Highway 97 may also be allowed by permit within fifty-feet of an intersection of a street leading to the business provided only one such off-premise sign may be allowed, and that all other provisions contained in this chapter are satisfied.

(4) Portable signs within city right-of-way shall not be located within ten feet of each other. The administrator may invoke provisions of sign permits to reasonably allow room for such advertising; however, preference shall be given in order of application. A sign permit may be denied based on lack of appropriate space to meet the standards stated in this chapter.

(5) Portable signs must meet clear vision requirements, as specified in Section 17.84.040 OMC which allows no site-obscuring obstruction in that area consisting of a triangular arch, two sides of which are the curblines fifteen feet in length and the third side of which is a line across the corner of the sidewalk and/or adjacent lot connecting the ends of the other two sides.

(6) The sign shall be placed in a manner to avoid direct conflict with other permitted obstructions in the right-of-way.

(7) The sign shall be restrained in a manner acceptable to the administrator that will prevent it from being blown over.

(8) The permit shall not be valid without execution of an indemnity, release and hold harmless agreement, as provided by the administrator.

(9) The administrator may add to or modify the requirements in this chapter in order to meet standards promulgated by other ordinances or construction codes of the city.

(10) Any sign located within the right-of-way of the city shall be considered a privilege granted by permit that may be revoked at any time for noncompliance. Any sign that is found to be noncompliant with any provision of the Oroville Municipal Code may be removed from the city right-of-way by the administrator, or any other city official, as may be authorized by the administrator, and the owner shall be notified of the removal within ten days. The owner may retrieve a confiscated sign; however, such sign shall not be relocated unless made compliant, as approved by the administrator. Additionally, as these rules may be changed from time to time, all signs within city right-of-way shall comply with such new rules.

(11) Portable signage shall only be allowed to be placed in city right-of-way during business hours which shall be considered that time that a business is physically open and occupied by persons operating the business.

(12) Permits for portable signage allowed under this subsection shall be valid for only one year, and must be renewed upon expiration of that time period. The administrator shall consider compliance history in deciding whether a permit may be renewed, and may place additional or different conditions on the new permit in order to remedy particular problems with the previous permit.

(k) Wall Signs. No wall sign shall have a projection over public property or beyond a legal setback line greater than the distances specified in Table 1 of Section 17.72.080 of this chapter, nor shall extend above any adjacent parapet or roof of the supporting building.

The thickness of that portion of a wall sign that projects over public property or a legal setback line shall not exceed the maximum, as set forth in Table 2 of Section 17.72.080 of this chapter.

(l) Marquees. Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and meet the requirements for a marquee, as specified in the building code.

(m) Electric Signs. Electric signs shall be constructed of noncombustible material, except as may be provided in applicable construction codes, as determined by the building official.

The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.

Electrical equipment used in connection with display signs shall be installed in accordance with local ordinances regulating electrical installations.

(n) Temporary Signs. No temporary sign shall exceed one hundred square feet in area. Temporary signs of rigid material shall not exceed twenty-four square feet in area, or six feet in height, nor shall any such sign be fastened to the ground.

Temporary signs may remain in place for a period not exceeding thirty days.

Temporary cloth signs shall be supported and attached with wire rope, or material acceptable by the administrator, that shall ensure that they remain secure under windy conditions. Cloth and flexible plastic signs and panels shall be perforated over at least ten percent of their area to reduce wind resistance.

Cloth or similar signs may extend over public property. Such signs, when extended over a public street, shall maintain a minimum height clearance of twenty feet.

Cloth signs may extend across a public street only by permit and shall be subject to all related laws and ordinances.

Temporary signs, other than cloth, when eight feet or more above ground, may project not more than six inches over public property or beyond the legal setback line. (Ord. 714 §1(part), 2006).

17.72.110 Nonconforming signs.

Any sign, unless located within city right-of-way, lawfully existing under all codes and regulations prior to the adoption of this chapter may be continued and maintained as a legal nonconforming sign, provided:

(1) No sign shall be changed in any manner that increases its noncompliance with the provisions of this chapter.

(2) If the sign is structurally altered or moved, its legal nonconforming status shall be void and the sign will be required to conform to the provisions of this chapter.

(3) The sign is not hazardous or abandoned. Any abandoned sign is declared to be a danger to the health, safety and welfare of the citizens of Oroville. Any sign that is partially or wholly obscured by the growth of dry vegetation or weeds, or by the presence of debris or litter also presents a danger to the health, safety and welfare of the citizens of Oroville.

Any signs such as those described in this section are deemed to be a public nuisance. Any such sign shall be removed by the property owner within ten days after notice from the administrator. Legal, conforming structural supports for abandoned signs may remain, if installed with a blank sign face and supporting structures are maintained.

(4) The burden of establishing a sign to be legally nonconforming under this section rests upon the persons, firm, or corporation claiming legal status of a sign. (Ord. 714 §1(part), 2006).

17.72.120 Termination of signs.

The right to maintain any sign shall terminate and cease to exist whenever the sign is:

(1) Damaged or destroyed beyond fifty percent. This determination shall rest with the Oroville Planning and Building Department and shall be based upon actual cost of replacing the sign;

(2) Structurally substandard to the extent that the sign becomes a hazard or a danger to the public health, safety, and welfare;

(3) When conditioned by permit to terminate after a specified time period. (Ord. 714 §1(part), 2006).

Chapter 17.76

LIGHTING

Sections:

- 17.76.010 Intent.
- 17.76.020 Glare.
- 17.76.030 Gas-filled tubes.

17.76.010 Intent.

In or adjacent to residential districts, all lights provided to illuminate any parking area, building, outdoor recreation area, yard or similar area shall be so arranged as to direct light away from any adjoining premises. This shall be done in such a manner as to not allow more than one footcandle of illumination to occur beyond the property line of the property on which the light is erected. (Ord. 491 §1(part), 1992).

17.76.020 Glare.

Any light used to illuminate a premises shall be so arranged to reflect the light away from nearby residential properties, and away from the vision of passing motorists. (Ord. 491 §1(part), 1992).

17.76.030 Gas-filled tubes.

Gas-filled light tubes and incandescent bulbs shall be allowed only when used in such a manner that the tubes and bulbs are not exposed to public view. (Ord. 491 §1(part), 1992).

Chapter 17.80

OFF-STREET PARKING REQUIREMENTS

Sections:

- 17.80.010 Generally.
- 17.80.020 Location of off-street parking.
- 17.80.030 Expansion and enlargement.

Sections: (Continued)

- 17.80.040 Mixed uses.
- 17.80.050 Uses not specified.
- 17.80.060 Joint use.
- 17.80.070 Minimum parking standards table.

17.80.010 Generally. The provisions set out in this chapter contain the requirements for off-street parking within the city. (Ord. 491 §1(part), 1992).

17.80.020 Location of off-street parking. Off-street parking facilities shall be located as specified in this chapter.

(1) For single-family dwellings, off-street parking facilities shall be located on the same lot in which the buildings they are required to serve, but not in any required yard area.

(2) For uses other than single-family dwellings, and for dwellings in conjunction with other uses, parking facilities shall be no more than six hundred feet from the building they are required to serve and not in any required yard area except in residential planned unit developments which require an approved plan for the location of off-street parking facilities. (Ord. 491 §1(part), 1992).

17.80.030 Expansion and enlargement. Whenever any building is enlarged in height or ground coverage, off-street parking shall be provided for the modification in accordance with the requirements of this chapter; provided, however, if the modification does not increase the number of parking spaces required by greater than ten percent, no additional parking spaces need to be provided. (Ord. 491 §1(part), 1992).

17.80.040 Mixed uses. In the case of mixed uses or occupancies, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately. (Ord. 491 §1(part), 1992).

17.80.050 Uses not specified. In the case of a use not specifically mentioned in Sections 17.80.060 and 17.80.070, the requirements for off-street parking shall be determined by the planning commission. The determination shall be based upon the most comparable use listed or the specific needs based upon the number of employees, customers, etc. (Ord. 491 §1(part), 1992).

17.80.060 Joint use. The planning commission may authorize the joint use of parking facilities for the following uses or activities under the conditions specified below:

(1) Up to fifty percent of the parking facilities required by this chapter for a theater, bowling alley, dance hall, bar or restaurant, may be supplied by the off-street parking facilities referred to in this chapter as daytime use. For the purposes of this chapter, daytime uses are: banks, offices, retail outlets, personal services, shops, clothing and furniture stores, etc.

(2) Up to fifty percent of the off-street parking facilities required by this chapter for any building or uses specified as daytime uses may be supplied by parking facilities provide by uses referred to in this chapter as nighttime uses. For the purposes of this chapter, nighttime uses are: auditoriums incidental to schools, churches, bowling alleys, dance halls, theaters, bars and restaurants.

(3) The building or use which wishes to utilize joint parking shall be within eight hundred feet of the parking facility.

(4) The hours of operation for uses which are utilizing joint use of off-street parking shall not substantially conflict.

(5) A properly drawn legal instrument, executed by the parties participating in joint uses of off-street parking facilities, shall be filed with the planning commission. The instrument shall grant the users the right to use the facilities as may be appropriate and necessary to meet the conditions of this chapter. (Ord. 491 §1(part), 1992).

17.80.070 Minimum parking standards table. The following table establishes the required parking space for specified uses:

Chart 3

Table of Minimum Parking Standards

<u>Use</u>	<u>Parking Spaces</u>
Single-family dwellings	2 per dwelling unit (garage or carport can be included as parking space)
Multifamily dwellings	1.5 per dwelling unit
Motels and roominghouses	1 per sleeping unit
Hotels	1 per sleeping unit
Hospitals and institutions	1 per four beds
Theaters	1 per four seats

<u>Use</u>	<u>Parking Spaces</u>
Churches and auditoriums	1 per six seats or 1 per 50 square feet of floor space
Stadiums and arenas	1 per eight seats or 1 per 100 square feet of assembly space
Libraries	1 per 250 square feet of floor area
Dance halls	1 per 20 square feet of floor area
Bowling alleys	6 per alley
Offices	1 per 200 square feet of floor area
Mortuaries, funeral homes	1 per 75 square feet of assembly area
Warehouses and wholesale buildings	1 per two employees
Eating and drinking places	1 per 200 square feet if over 4000 square feet, then 1 per 100 square feet plus 20 spaces
Retail stores	1 per 200 square feet of floor area
Building supplies, equipment dealers, etc.	1 per 600 square feet of floor area
Manufacturing establishments	1 per 800 square feet of floor area or 1 per employee, whichever is greater
Schools (elementary)	1 per employee
Schools (other than elementary)	1 per 50 students plus 1 per employee

(Ord. 491 §1(part), 1992).

Chapter 17.84

MISCELLANEOUS REGULATIONS

Sections:

- 17.84.005 Drive-up service.
- 17.84.010 Swimming pools.
- 17.84.020 Access.
- 17.84.030 Fences and hedge rows.
- 17.84.040 Clear vision requirements.
- 17.84.050 Uses deemed similar.

17.84.005 Drive-up service. Drive-up service for allowed uses shall conform to the following conditions:

(1) Ingress and egress shall be located on no less than a collector street as designated in the comprehensive plan.

(2) It shall be so designed as to insure that all vehicles waiting for service are contained within the property boundaries; further provided, that a minimum of five vehicles waiting for service at a drive-up window are accommodated without conflicting with required parking or other uses.

(3) If located on the state highway, access shall conform to state highway access standards. Existing non-conforming access may not be used to establish a new drive-up window use.

(4) Consideration shall be given to safety and traffic flow design including but not limited to site distances, congestion potential and crossflow of motorized and nonmotorized traffic. (Ord. 616 §5, 1999).

17.84.010 Swimming pools. With the exception of the industrial districts, a swimming pool is allowed as a conditional use provided that (1) it is not in any required front yard area, (2) it is enclosed by a fence of at least five feet in height, and (3) is at least five feet from all lot lines; except, nonpermanent pools less than eighteen inches in depth are exempt from the conditional use requirement. (Ord. 491 §1(part), 1992).

17.84.020 Access. Except as modified by this section, all lots shall abut upon a street other than an easement unless the planning commission grants approval to secure a building permit upon making a find that the private easement is of adequate width, alignment, grade and restricted length to afford the same degree of safety as a public street. (Ord. 491 §1(part), 1992).

17.84.030 Fences and hedge rows. Fences and hedge rows shall be permitted within or surrounding a lot in all zoning districts; provided, that within residential districts, fences shall not exceed three feet in height in any yard or required setback which abuts on a street other than an alley and six feet in height in any other yard. Fences enclosing swimming pools may exceed the requirements of this section but may not exceed eight feet in height. (Ord. 491 §1(part), 1992).

17.84.040 Clear vision requirements. (a) Intersections--Requirement. A clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets. A clear vision area shall contain no sight-obscuring or obstructing planting, fence or other temporary or permanent obstruction from the top of the curb or, where no curb exists, from the established centerline grade of the street, except that trees exceeding two and one-half feet in height may be permitted if all branches and foliage are removed to a height of eight feet above the top of the curb.

(b) Intersections--Measurement. A clear vision area shall consist of a triangular arch two sides of which are curb lines (or street edge lines) and the third side of which is a line across the corner of the lot connecting the ends of the other two sides. The size of the clear vision area is determined by the distance from the intersection of the two street lines to the third side, measured along the street. The required size is as follows:

(1) In a residential district the distance determining the size of a clear vision area shall be thirty feet.

(2) In all other use districts the distance determining the size of a clear vision area shall be fifteen feet, except that where the angle of intersection between two streets is less than thirty degrees the city may require a greater distance.

(c) General Requirement. Sight-obscuring fences or plantings shall be set back from public roadways when and as necessary to prevent sight obstruction of such roadway from existing roads, alleys or private driveways, provided that such required set back distance shall not exceed fifteen feet from the right-of-way line of such public roadway. (Ord. 491 §1(part), 1992).

17.84.050 Uses deemed similar. The planning commission may rule that a use not specifically named in the allowed uses of a zoning district shall be included among the allowed uses if the use is of the same general type and is similar to the allowed use. However, this section does not authorize the inclusion of a use in a zoning district where it is not listed, when the use is specifically listed in another zoning district. (Ord. 491 §1(part), 1992).

Chapter 17.85

MOBILE HOME PARKS

Sections:

- 17.85.010 Purpose.
- 17.85.020 Development standards.
- 17.85.030 Park administration.

17.85.010 Purpose. The purposes of this chapter are:

- (1) To provide criteria for review of planned development proposals for mobile/manufactured home parks (MHPs) while establishing minimum design standards for MHPs to accomplish the below stated objectives;
 - (2) To provide a suitable living environment within a park-like atmosphere for persons residing in mobile/manufactured homes (MHs), especially those that do not meet the criteria to be sited elsewhere in the city;
 - (3) To encourage variety in housing styles within areas designated for other residential development; and
 - (4) To permit flexibility in the placement of MHs on a site in order to minimize costs associated with development of roads, utilities, walkways and parking facilities, while providing adequate common and private open space.
- (Ord. 578 §45(part), 1996).

17.85.020 Development standards. (a) Density. The number of MHs in a park shall not exceed the maximum allowable density of the underlying district or eight units per acres, whichever is less.

(b) Site Area. The minimum site area of a MHP shall be three acres unless it is a component of a mixed-use planned development of equal or larger size. The maximum site area of a MHP, or combination of adjacent parks, shall be fifteen acres. MHPs shall be considered to be "adjacent" to one another unless they are separated by an unrelated land use, and not merely by a public or private street, easement or buffer strip.

(c) Lot Coverage. All buildings, including accessory buildings and structures, but not including any open space areas used to provide parking spaces or private outdoor recreational uses, shall not cover more than fifty percent of the area of an individual mobile/manufactured home lot.

(d) Yard Requirements. All MHs, together with their additions and appurtenant structures, accessory structures and other structures on the site (excluding fences), shall observe the following setbacks (excluding any hitch or towing fixture) which supersede the standards of the underlying zoning district:

(1) All MHs shall be located at least twenty feet from the property boundary line abutting upon a public street or highway, and at least fifteen feet from other boundary lines of the development.

(2) There shall be a minimum distance of ten feet between any MHs and abutting streets within the boundaries of the park.

(e) Height. No building or structure and no accessory building or structure shall exceed a height of twenty-five feet.

(f) Accessory Structures. Buildings or structures accessory to individual mobile/manufactured homes are permitted, provided that the total developed coverage of the space shall not exceed the maximum lot coverage requirements.

Buildings or structures accessory to the MHP as a whole, and intended for the use of park occupants, are permitted, provided the building area does not exceed fifty percent of the common open space.

(g) Structure Separations. A minimum fifteen-foot separation shall be maintained between all MHs, together with any projections or additions, including but not limited to, carports, porches, and decks, and other MHs or structures; except, accessory structures may be located within six feet of the MH to which they are accessory.

(h) Access and Circulation. All MHPs shall be provided with safe and convenient vehicular access from abutting public streets or roads to each MH lot. Such access shall be provided by streets, driveways or other means. No

major arterial or minor arterial streets shall be within a MHP. The layout and general development plan for major and minor access streets and driveways within the MHP, together with the location and dimensions of access junctions with existing public streets and rights-of-way, shall be approved by the director of public works.

(1) Finished Street Surface Widths.

- (A) One-way road, no parking--twelve feet.
- (B) One-way road, parking on one side--eighteen feet.
- (C) Two-way road, no parking--twenty-two feet.
- (D) Two-way road, parking on one side--twenty-eight feet.
- (E) Two-way road, parking on both sides--thirty-six feet.
- (F) Cul-de-sac turnarounds shall have a minimum diameter of one hundred feet.

(2) Public/Private Streets. If the transportation/circulation element of the city's comprehensive plan indicates that a public street is necessary or if a street is proposed that is intended to allow through traffic, a dedicated public street that is constructed to the city's standards may be required.

(3) Roadway Surfaces. All access roadway and drive surfaces shall be finished to a category III roadway standard as set forth in the Okanogan County Road and Street Standards and Guidelines for Developments, as adopted November 1992, unless otherwise specified herein. Roadways shall be maintained in a manner that will suppress dust, mud and deterioration.

(i) Parking Requirements.

(1) At least two off-street parking spaces, located adjacent to each respective mobile/manufactured home, shall be provided for each unit.

(2) In addition to occupant parking, guest and service parking shall be provided within the boundaries of the park at a ration of one parking space for each four mobile/manufactured lots, and shall be distributed for convenient access to all lots. Improvement standards shall be as specified in subdivision (h)(3) of this section (roadway surfaces). Clubhouse and community building parking facilities may account for up to fifty percent of this requirement.

(3) The front and side yard setbacks for MH units shall not be calculated for purposes of meeting the minimum parking requirements. All off-street parking spaces shall have a minimum dimension of nine feet by nineteen feet.

(j) Utility Requirements. All MHPs shall provide permanent electrical, water and sewage disposal connections to each mobile/manufactured home in accordance with applicable state and local rules and regulations.

All sewage and wastewater from toilets, urinals, slop sinks, bathtubs, showers, lavatories, laundries and all other sanitary fixtures in a park shall be drained into a public sewage collection system.

All water, sewer, electrical and communication service lines shall be underground and shall be approved by the city. Gas shutoff valves, meters and regulators shall not be located beneath MHs.

(k) Open Space/Recreational Facilities. A minimum of ten percent of the overall development shall be set aside and maintained as open space for the recreational use of park occupants. In MHPs of ten to fifteen acres, recreation facilities can be decentralized with at least one area large enough for team games (two-thirds of acre). Such space and location shall be accessible and usable by all residents of the park for passive or active recreation. Recreation areas may include space for community buildings and community use facilities, such as indoor service buildings. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space.

The area shall be exclusive of the required perimeter buffer, centrally located, and of such grade and surface to be suitable for active recreation.

(l) Sidewalks/Walkways. The MHP shall contain pedestrian walkways to and from all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the roadway surface may be reserved for walkways, provided that the same are marked and/or striped, and provided that the roadway width is widened accordingly. Walkways shall be a minimum of four feet in width.

(m) Lighting. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

(n) Storm Drainage. Stormwater runoff shall be contained on site. Storm drainage control facilities shall meet the requirements of appropriate local and state regulations.

(o) Landscaping/Screening. The MHP shall provide visual screening and landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable groundcover, shrubs and trees, and are of such species and size (minimum of six feet in height), as would normally fulfill a screening function. Site development shall be sensitive to the preservation of existing vegetation.

All trees, flowers, lawns and other landscaping features shall be maintained by the park management in a healthy, growing condition at all times.

The following minimum requirements for landscaping and screening shall apply:

(1) All MHPs shall be screened by fences and/or natural growth along all property boundary lines. For vegetative buffers, a minimum ten-foot-wide planting strip of evergreen trees and shrubs shall encompass the site. Fences shall provide solid screening and shall be six feet in height. Screening operations shall be commenced before thirty days prior to occupancy of the mobile/manufactured home park, and planting shall be completed no more than nine months after occupancy, unless a phased landscaping plan is approved as a component of planned development approval.

(2) Where abutting a major arterial, the planting strip shall be a minimum of twenty feet wide; provided, that a minimum ten-foot strip may be considered sufficient when it can be demonstrated that with earth sculpturing and recontouring, or a sight-obscuring fence, the development is buffered sufficiently.

(3) Perimeters of common parking areas and bulk storage areas shall be landscaped to provide visual screening.

(p) Signs. Signs and advertising devices shall be prohibited in a mobile/manufactured home park except as regulated in Chapter 17.72 of this title.

(q) Storage.

(1) The owner of a MHP shall provide one hundred square feet of indoor tenant storage facilities which are conveniently located near each MH lot for the storage of household items and equipment. There shall be no outside storage of such items and equipment.

(2) Bulk storage and parking areas for boats, campers, travel trailers, recreational vehicles, trucks, snowmobiles, motorcycles or other seldom or seasonally used recreational equipment shall be provided within the MHP. A minimum of three hundred square feet space, exclusive of driveways, shall be provided for every ten MHs. Bulk storage and parking areas shall be separated from other parking facilities and shall be provided with some means of security. The requirements of this subsection may be waived by the city when the MHP developer agrees to prohibit the storage of such items within the park. All bulk storage and parking areas shall be finished and maintained in a manner which will suppress dust, mud and surface deterioration. (Ord. 578 §45(part), 1996).

17.85.030 Park administration. (a) The owner(s) of a MHP shall be responsible for the development and maintenance of the park in strict conformity with the approved site plan and all applicable laws and ordinances.

(b) A MHP shall have internal rules and regulations governing, at a minimum, the following:

(1) A requirement that all tenants comply with city inspection codes at the time a mobile/manufactured home is installed or modified;

(2) A requirement that all tenants comply with the city zoning code restrictions relating to the use of their mobile/manufactured home and lot;

(3) A requirement that all landscaping, buffer areas, recreational areas and facilities, storage areas, streets, walkways and other common areas and facilities be continuously maintained to at least the minimum standards required by the city and approved by the building official at the time of initial occupancy.

(c) A MHP shall have a resident manager who shall be the agent of the owner with authority to communicate directly with the city officials regarding compliance with city codes and requirements, and who shall be responsible for the enforcement of park rules and regulations. (Ord. 578 §45(part), 1996).

Chapter 17.86

RECREATIONAL VEHICLE PARKS

Sections:

- 17.86.010 Purpose.
- 17.86.020 General requirements.
- 17.86.030 Criteria for locating a recreational vehicle park.
- 17.86.040 Health district approval.
- 17.86.050 Completion prior to occupancy--Phasing.
- 17.86.060 Design standards.
- 17.86.070 Accessory uses.
- 17.86.080 Recreational vehicle park administration.
- 17.86.090 Additional requirements.

17.86.010 Purpose. The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the occupants of such parks and the citizens of the city. (Ord. 578 §46(part), 1996).

17.86.020 General requirements. (a) No recreational vehicle (RV) shall be used as a permanent place of abode, or dwelling, for indefinite periods of time. Occupancy in a recreational vehicle park shall be limited to thirty consecutive days.

(b) Any action toward removal of wheels of an RV, except for temporary purposes of repair, or placements of the unit on a foundation, is prohibited.

(c) RV parks shall be maintained in a tidy manner. The accumulation of debris, outdoor storage of equipment not directly related to recreational use, or derelict vehicles shall not be tolerated.

(d) No external appurtenances, such as carports, cabanas or patios, (excluding retractable awnings and table tarps) may be attached to any RV while it is in an RV park.

(e) No space within an RV park shall be rented for any purpose other than those expressly allowed by this chapter. Recreational vehicles shall only be located in appropriate areas within designated recreational vehicle sites, and not in buffer or open space areas.

(f) No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter. (Ord. 578 §46(part), 1996).

17.86.030 Criteria for locating a recreational vehicle park. Privately owned RV parks may only be established on property within the city which meets the following criteria:

(1) Recreational vehicle parks shall be permitted only by planned development in the service commercial (C-2) district, or as a component of a mixed-use planned development in the R-3 district where there is a residential component with which the RV park could operate in a complementary fashion.

(2) The minimum site area of an RV park shall be one and one-half acres, which size requirement may be waived in a mixed-use planned development.

(3) Appropriate frontage must be available to permit appropriate design of entrances and exits. No entrance or exit from a RV park shall be permitted through a residential district nor require movement of traffic from the RV park through a residential zoning district unless designed as park of a mixed-use planned development where the residential district is a component of the planned development.

(4) The city council shall approve an RV park planned development if the proposed project will likely not result in unreasonable impacts to a particular neighborhood because of the cumulative size and number of RV parks in the neighborhood, taking into consideration the RV park development for which application is made, or if the council finds other unreasonable impacts which cannot be reasonably mitigated by applying the standards and provisions of this title. (Ord. 578 §46(part), 1996).

17.86.040 Health district approval. Prior to occupancy of an RV park, the owner shall obtain any permits that may be required from the Okanogan County health district and shall comply with all rules, regulations and requirements of said district. Any required permits must be kept current at all times, or the park will be closed. The rules, regulations and requirements of the health district shall be construed as being in addition to the provisions of this chapter. (Ord. 578 §46(part), 1996).

17.86.050 Completion prior to occupancy--Phasing. All required site improvements and other conditions of a planned development shall be met prior to occupancy of any site by an RV; provided that completion may be accomplished by phases if such phases are identified and approved in the planned development. (Ord. 578 §46(part), 1996).

17.86.060 Design standards. The purpose of this section is to establish minimum design standards for recreational vehicle parks.

(1) Density. The number of RVs permitted in an RV park shall not exceed a density of twenty-two units per gross acre. The city council may limit density further to insure compatibility with the surrounding areas.

(2) RV Site Size. Each individual RV site shall be no less than eight hundred square feet in size. Open space and buffer areas shall not be included in calculating allowed RV site size.

(3) Access Points. Entrances and exits to the RV park shall be designed for safe and convenient movement of traffic into and out of the RV park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the RV park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of approaching driver in the right lane of the street within one hundred feet of the intersection with the RV park entrance.

(4) Parking. At least one off-street parking space shall be provided on each RV site. At least one off-street parking space for each fifteen sites shall be provided for visitor parking in the RV park.

(5) Internal Park Roads. All internal RV park roads shall be privately owned and maintained. They shall be constructed to standards for a category III roadway provided in the Okanogan County Road and Street Standards and Guidelines for Developments (November, 1992). Park roads shall have minimum finished surface widths as follows:

- (A) One-way road, no parking--twelve feet.
- (B) One-way road, parking on one side--eighteen feet.
- (C) Two-way road, no parking--twenty-two feet.
- (D) Two-way road, parking on one side--twenty-eight feet.
- (E) Two-way road, parking on both sides--thirty-six feet.

(6) Open Space/Recreational Facilities. A minimum of ten percent of the RV park shall be set aside and maintained as open space for the recreational use of RV park occupants. Such spaces and location shall be accessible and usable by all residents of the RV park for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space.

(7) Setbacks. No recreational vehicle site shall be closer than twenty feet from any exterior RV park property line abutting upon a major arterial, shoreline, or residential zone, or fifteen feet from any other exterior park property line. Permanent structures within an RV park shall have minimum front and rear property line setbacks of twenty feet each, and minimum side yard setbacks of ten feet each.

(8) Landscaping/Screening. The RV park shall provide visual screening and landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable groundcover, shrubs and trees, provided that they are installed prior to the first occupancy of the park and are of such species and size as would normally fulfill a screening function within five years of being planted. Site development shall be sensitive to the preservation of existing vegetation. All trees, flowers, lawns and other landscaping features shall be maintained by the RV park management in a healthy growing condition at all times. The landscaped area shall include a designated pet exercise area.

(9) Signs. RV parks shall be limited to one park entrance sign and such interior directional or informative signs as may be needed for the convenience of guests. All signs are subject to provisions for accessory uses in the use district for which they are located and, in the case that the RV park is within the jurisdiction of the Oroville shoreline master program, the most restrictive provisions shall apply. All RV sites shall be marked by numbered sign posts.

(10) Utilities. Water, sewer and electricity shall be provided to each RV site. All utility lines in the RV park shall be underground and shall be approved by the agency responsible for inspection.

(11) Storm Drainage. Storm drainage control facilities shall be installed in accordance with local and applicable state laws.

(12) Public Facilities. Recreational vehicle parks shall provide the following facilities in such quantity, size and location as is approved by the city council:

(A) A water distribution system connected to the city's water utility. Fire hydrants, in number and location, shall be required as specified by the fire chief and the city public works superintendent.

(B) A water station for filling recreational vehicle water storage tanks.

(C) Restroom facilities containing showers and toilets connected to the city's sewer utility, the minimum number of which shall be one commode and one shower for each gender for each twenty-two RV sites.

(D) A sanitary waste station for emptying sewage holding tanks of RVs.

(E) Refuse containers for solid waste in adequate quantity shall be placed in approved locations and picked up by the city's garbage collection service. Garbage can and/or dumpster locations shall be screened from view by a fence or landscaped enclosure, as specified in the approved planned development.

(13) Walkways. When required, pedestrian walkways shall have a three-foot minimum tread width.

(14) American Disabilities Act. RV parks shall be designed to comply with the American Disabilities Act. (Ord. 578 §46(part), 1996).

17.86.070 Accessory uses. Management headquarters, recreational facilities, restrooms, dumping stations, showers, coin operated laundry facilities, and other uses and structures customarily incidental to operation of an RV park are permitted as accessory uses to the RV park. In addition, grocery stores and convenience shops shall be permitted as accessory uses in the discretion of the city council, subject to the following restrictions:

(1) Such establishments and parking areas primarily related to their operations shall not occupy more than five percent of the gross area of the park.

(2) Such establishments shall present no visible evidence from any street outside the RV park of their commercial character which would attract customers other than occupants of the RV park.

(3) The structures housing such facilities shall not be located closer than fifty feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the RV park.

The above standards may be exceeded if proposed as an element of a mixed-use planned development. (Ord. 578 §46(part), 1996).

17.86.080 Recreational vehicle park administration. The owner of an RV park shall be responsible for the development and maintenance of the RV park in strict conformity with the approved planned development, and all applicable laws and ordinances.

A written management plan shall be submitted for approval as part of the planned development application process. It shall include, at a minimum, the proposed management structure, proposed park rules and regulations, including quiet hours, and proposed methods to enforce occupancy limitations and other requirements of this chapter. Quiet hours shall, at a minimum, be from ten p.m. to seven a.m., or as otherwise provided by state regulations, whichever is more restrictive. (Ord. 578 §46(part), 1996).

17.86.090 Additional requirements. In addition to the above listed minimum standards and requirements, the city council may adopt other requirements which may be deemed appropriate for specific RV park developments. (Ord. 578 §46(part), 1996).

Chapter 17.88

PLANNED DEVELOPMENT

Sections:

- 17.88.010 Purpose.
- 17.88.020 Single-use planned development.
- 17.88.030 Mixed-use planned development.
- 17.88.040 Procedures.
- 17.88.050 Application--Form and content.
- 17.88.060 General design and location standards.
- 17.88.070 Modification, incentives and bonuses.
- 17.88.080 Planning commission action.
- 17.88.090 Recording of final planned development.

17.88.010 Purpose. (a) The purpose of the planned development is to encourage the total planning of developments consistent with comprehensive planning policies by achieving flexibility from customary platting and zoning standards. The intent is to avoid rigidity associated with traditional approaches to land use and permit applicant and zoning authority to tailor specific desirable development design to a particular tract of land. It is intended that planned unit developments be used on projects of a residential, commercial, industrial or institutional nature.

(b) Planned development procedures are available for both single-use and mixed-use projects. Hence, criteria for two types of planned developments have been provided. Both are subject to the performance standards of this chapter. (Ord. 491 §1(part), 1992).

17.88.020 Single-use planned development. The purpose of this category is to provide a planned development procedure for single-use development within the city. A "single-use PD" is defined as one that does not allow a mixture of uses other than those allowed or conditionally allowed in the underlying zoning district. Except that, additional accessory uses may be allowed where, in the opinion of the planning commission, they better serve the intent of the comprehensive plan and the purpose of the zoning district. (Ord. 491 §1(part), 1992).

17.88.030 Mixed-use planned development. The purpose of this category is to provide a PD procedure for developments that require a mixture of uses and where the size of the project and the resulting needed range of services cannot be effectively provided by traditional single-use zoning districts and other land use regulations. (Ord. 491 §1(part), 1992).

17.88.040 Procedures. An application for a planned unit development, as described in this chapter, may be initiated by the owner(s) of all property proposed for the planned development. The application shall be processed in accordance with Chapter 17.100. (Ord. 491 §1(part), 1992).

17.88.050 Application--Form and content. This section outlines the requirements for the complete application for a planned development. For preliminary approval, the map required in subsection (2) of this section may be presented in a conceptual form which presents the general detail of the project; provided, however, that before final approval can be received a map must be prepared that conforms to the requirements of this section.

(1) Written Description Required. Each application shall include a written narrative explaining general concept and intent for the usage of land within the planned unit development; how the design is consistent with the comprehensive planning goals; and, any other pertinent information not readily identifiable in map form.

(2) Map Required. An accurately drawn map that has a scale of not less than two hundred feet to the inch shall be required. The map shall contain at least the following information: the boundaries of the site; names and dimensions of all streets bounding or touching the site; the

proposed locations and dimensions of all open space; proposed public dedications; location and design of off-street parking facilities showing points of ingress to and egress from the site; the location, direction and bearing of any major physiographic features such as railroads, drainage canals, streams and other shorelines; and, existing topographic contours at intervals of not less than five feet together with any proposed plans for grading, drainage and landscaping. Should such plans be for a residential planned unit development, the requirements of a preliminary plan as described in the city's platting regulations shall be required in addition to the above information. (Ord. 491 §1(part), 1992).

17.88.060 General design and location standards. The following standards shall apply to single-use and mixed-use planned developments:

(1) Soils and Surface Geology. Planned unit development applications shall show where lands within the site have high frost heave potential or are subject to slippage as determined by the soil conservation service soils capability rating and that the project has been planned so that the improvements will not be subject to geologic hazards or soil conditions that would damage such improvements or cause environmental degradation.

(2) Drainage. Planned development applications shall show how grading and contouring will affect drainage and runoff patterns. Disposal of stormwater onto adjacent facilities shall be limited to no more than those facilities will accommodate. The administrator may require that the application show that the development has been designed to accommodate runoff amounts equivalent to a fifty-year design storm or a one-hundred-year flood event based on an engineering design analysis including existing flows. Such amount and determination shall be on the basis of full development of the affected properties. Accommodation of runoff, both on and off the development site, shall be to preserve natural patterns and facilities to the greatest extent feasible.

(3) Architectural Considerations. Planned development applications shall describe what steps are being taken to maintain architectural compatibility with the surrounding area.

(4) Plan for Extension of Utilities Required. Applications shall include a plan and program for the extension of such utilities as power, telephone, water and sewer that are required by the development. Evidence shall be provided that there exists sufficient demand for utility extensions.

(5) Transportation. Applications shall include an on-site and off-site traffic engineering analysis; an evaluation of the likely impacts upon the affected sections of

adjacent road systems including the nature and amount of traffic likely to be generated by the development; and, the effect this traffic would have on the physical conditions or level of services and safety on existing and proposed roadways and highways. The applications shall also show how parking areas have been designed to maximize efficient utilization of land.

(6) Consistency of Location, Use and Design with Comprehensive Plan. The application shall show how the proposed project design and location meets the goals and objectives of the comprehensive plan. Provisions and uses described in the comprehensive plan which apply to the area in which the PD is proposal shall be considered by the planning commission and city council and may be a basis for the imposition of additional requirements or for the denial of the application.

(7) Reference to Underlying Zoning District. Single-use planned developments are permitted only when allowed in the underlying zoning district. Approval of the single-use PD does not nullify the use requirements of the underlying zoning district.

(8) Approval of Proposed Uses Within a Mixed-Use PD Required. While a full range of uses may be allowed within a mixed-use PD, the uses must be approved by the city council and must be consistent with the comprehensive planning policies for that area. Mixed-use planned developments are permitted only when allowed in the underlying zoning district.

(9) Mobile/Manufactured Home Parks by PD. Mobile/manufactured home parks developed by PD shall be designed according to standards contained in Chapter 17.85 of this title. (Ord. 578 §47, 1996: Ord. 491 §1(part), 1992).

17.88.070 Modification, incentives and bonuses. In considering a planned development project, the approval thereof may involve modifications to the regulations, requirements and standards of subdivision regulations and zoning requirements of the zone in which the project is located. In modifications of such regulations and standards, the following limitations shall apply:

(1) Yards. The requirements for yard setbacks in the underlying zoning district in which the PD is proposed shall apply to all exterior boundary lines of the site. Interior yard setback requirements may vary upon approval of the planning commission.

(2) Open Space. Residential planned developments shall have a minimum of thirty percent of the total area of

the planned development dedicated or reserved as common open space land. The open space shall be permanently restricted as to use and size. The planning commission shall assure that adequate measures are provided to manage the open space.

(3) Height of Buildings. Heights for buildings or structures in the underlying zoning district in which the PD is proposed shall apply.

(4) Densities. The number of dwelling units in residential planned developments shall not exceed the number derived by dividing the total area of the number of dwelling units per acre permitted in the underlying zoning district multiplied by a factor of 1.30.

(5) Permitted Building Coverage. Permitted building coverage may not exceed forty percent of the total area for the planned unit development. (Ord. 491 §1(part), 1992).

17.88.080 Planning commission action. After holding a public hearing in accordance with Chapter 17.100 and considering the project in light of the standards set out in Section 17.88.050, the commission shall recommend that the city council approve, conditionally approve or reject the application; and, shall cause to be prepared a findings of fact outlining the reasons for such action. (Ord. 491 §1(part), 1992).

17.88.090 Recording of final planned development. Upon approval of the planned development application, the applicant shall prepare a map in accordance with subsection (2) of Section 17.88.050, of the final development plan which shall include any conditions imposed by the commission and shall record the PD with the Okanogan County auditor. This document shall include all appurtenant documents that may be required. (Ord. 491 §1(part), 1992).

Chapter 17.90

RECYCLING COLLECTION BOXES

Sections:

- 17.90.005 Applicability.
- 17.90.010 Definitions.
- 17.90.020 Application.
- 17.90.030 Approval.
- 17.90.040 Maintenance.
- 17.90.050 Notice of violation.
- 17.90.060 Appeal.
- 17.90.070 No vested right.
- 17.90.080 Penalties.

17.90.005 Applicability. The provisions of this chapter shall apply only to property zoned nonresidential, excluding parks, designated or used as a public use site, or zoned as residential when the recycling collection box is proposed to be located at a church or community facility as a permitted secondary use, upon approval of the administrator. The recycling collection boxes may be located within such zones or uses with a permit to be issued without charge by the administrator. Failure to obtain such a permit or to locate or maintain a recycling collection box without a permit shall be a civil infraction punishable as provided in Chapter 17.116 of this code. The property owner and/or the person responsible for maintaining the recycling collection box shall obtain the permit. Additionally, a street use permit shall be required if the recycling box is to be located in a public right-of-way, (Ord. 613 §5, 1999: Ord. 491 §1(part), 1992).

17.90.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the following meanings:

"Recycling collection boxes" means those receptacles used to collect reusable items, including used paper goods, used glass items and used aluminum items suitable for recycling, for which no fee is collected from the person depositing recyclable materials. Offal, unsanitary waste and hazardous waste are specifically excluded from this definition. (Ord. 491 §1(part), 1992).

17.90.020 Application. The administrator shall provide necessary application forms for permitting the location of recycling collection boxes. The form shall provide, but not be limited to the following information:

(1) Name, address, phone number and signature of the applicant;

(2) Name, address, telephone number and signature of the owner(s) of the site where the recycling collection box is to be located;

(3) Name, address, and telephone number of the party or parties responsible for the care and maintenance of the box;

(4) Name and address of party or parties who are economically benefitting from the box;

(5) Type of materials accepted by the box;

(6) Description and scale drawing of the box.

Note: The box must meet the guidelines of the general design standards;

(7) Site plan of the area where the box is to be located. The plan shall show the location of the box at the site and describe access to the box;

(8) Physical location (address) of the site where the box is to be located;

(9) Zoning designation of the site where the box is to be located. (Ord. 491 §1(part), 1992).

17.90.030 Approval. The city staff will take general design standards and revisions thereof to the planning commission for approval. Once the planning commission establishes general standards, recycling collection boxes which meet general standards and comply with the provisions of this chapter may be approved by the administrator without further review. Any decision made by the administrator is appealable as provided in Chapter 17.100. Boxes which do not meet general standards shall not be approved. (Ord. 491 §1(part), 1992).

17.90.040 Maintenance. (a) All deposited material shall be contained wholly within the recycling collection box. No litter or recyclable material shall be allowed to accumulate outside the recycling collection box. The recycling collection box shall be kept clean, free of odors, pest and/or public nuisance and shall be maintained to meet the conditions of the permit. Failure to properly maintain the recycling collection box shall be a violation and may result in either the issuance of a notice of violation from the city or appropriate criminal sanction as provided by Section 17.90.070 of this chapter, or both.

(b) All recycling collection boxes shall provide the following identification on each box or a marker in close proximity to the box:

(1) Name, address and telephone number of the property owner(s);

(2) Name, address and telephone number of the party or parties responsible for the care and maintenance of the box, if different from the property owner(s);

(3) Name and address of party or parties who are economically benefiting from the box;

(4) Type of materials accepted by the box;

(5) Reference to city permit number. (Ord. 491 §1(part), 1992).

17.90.050 Notice of violation. (a) Whenever the city becomes aware that the property owner and/or person responsible for maintaining the recycling boxes are not complying with the provisions of this chapter, a notice of violation shall be sent. The notice shall specify:

(1) The location of the recycling collection box;

(2) The specific manner in which the recycling collection box does not meet the general standard or is not being properly maintained;

(3) The deficiency be corrected within forty-eight hours.

(b) After the second notice of violation within a six-month period, city approval of the recycling collection box shall automatically lapse and the particular box in violation shall be removed. The property owner, owner of the box, and parties responsible for maintenance of the box shall be jointly and severally liable for removal of the box.

(c) Criminal penalties may result from failure to comply. If the recycling collection box is not upgraded to correct the designated deficiencies within the time period established in the notice, the city shall refer the matter to the city attorney for institution of appropriate legal action. (Ord. 491 §1(part), 1992).

17.90.060 Appeal. Any person cited with a notice of violation shall have ten calendar days from the date of mailing thereof to appeal from the findings of the notice. Such appeal shall create a presumption of violation in accordance with the provisions of the notice of violation. (Ord. 491 §1(part), 1992).

17.90.070 No vested right. The permit herein provided for shall be revocable at the will of the city and shall create no vested right with respect to the use of the subject site. The city council may repeal this section, revoking all permits at its option. (Ord. 491 §1(part), 1992).

17.90.080 Penalties. Any person failing to comply with any of the provisions of this chapter other than as provided in Section 17.90.060 shall be guilty of a civil infraction and upon conviction thereof be punished as provided in Chapter 17.116 of this code. (Ord. 613 §6, 1999: Ord. 491 §1(part), 1992).

Chapter 17.92

CONDITIONAL USE PERMITS

Sections:

- 17.92.010 Intent.
- 17.92.020 Procedures.
- 17.92.030 Application requirements.
- 17.92.040 Imposition of conditions by the city council.
- 17.92.050 Basis for denial.

17.92.010 Intent. Conditional use permits (CUPs) are intended to provide a detailed review of proposed uses and/or developments that have the potential to result in

greater or less predictable impacts in a particular district than those uses that are allowed outright. Conditions may be required to mitigate any impacts identified in the review process. Since a public hearing and completion of State Environmental Policy Act (SEPA) review are both required for CUPs, a greater opportunity is provided for public involvement. (Ord. 613 §8(part), 1999).

17.92.020 Procedures. CUPs shall be processed according to permit processing procedures outlined in Chapter 17.100 of this title, as now exists or may hereafter be amended. The planning commission reviews the CUP application in light of comments and recommendations provided by staff and public agencies and holds a public hearing to hear public testimony on the proposal. The planning commission then provides a recommendation to the city council including written findings of fact that provides the basis for the recommendation. The council makes their final decision after consideration at their regular council meeting. Appeals of the council's final decision occur in Okanogan County Superior Court. (Ord. 613 §8(part), 1999).

17.92.030 Application requirements. A complete application shall be submitted as prescribed in Section 17.100.030, as now exists or may hereafter be amended. (Ord. 613 §8(part), 1999).

17.92.040 Imposition of conditions by the city council. (a) The commission and/or council shall base their determination to impose conditions upon provisions of the comprehensive plan which are applicable to the geographic area or proposed use in question and upon pertinent purposes of the zoning ordinance.

(b) The following conditions shall apply to all CUPs:

(1) Mitigation measures proposed and accepted by the SEPA administrator shall automatically become conditions of the CUP.

(2) If construction pursuant to a CUP is not initiated within one year of issuance of the permit it shall be invalid and the applicant must reapply. If an applicant is able to show delays have occurred beyond the applicant's control, an extension for up to one year may be allowed by the planning commission provided the applicant files for the extension within one year of the issuance of the CUP.

(3) If a use is not initiated within one year of issuance of a CUP according to the applicable conditions or within one year of completion of construction, whichever is applicable, the permit shall be invalid and an application must be resubmitted. Initiation of a use shall mean that the proposed use has commenced consistent with the entire scope of the application and all applied conditions.

(4) Unless otherwise approved (i.e., if project phasing is allowed), all construction activities shall be completed and approved by the administrator prior to initiation of the conditional use. If phasing of a project is approved, a development agreement specifically identifying the components and timing of each phase shall be executed between the city and the applicant. If a construction activity is required by an applied condition, the use shall not be allowed to be initiated until the required work is completed and approved by the administrator.

(c) The council may impose any additional conditions upon granting the conditional use permit subject to the following limitations:

(1) That the conditions imposed are reasonably calculated to achieve the intent identified in Section 17.92.010, as now exists or may hereafter be amended;

(2) That such conditions are not unnecessarily burdensome;

(3) That a conditional use permit is required and appropriate to the circumstances;

(4) That the proposed conditions imposed will be in harmony with the purposes of the comprehensive plan as it relates to the circumstances;

(5) That the proposed conditions will protect the public health, safety, morals and general welfare; and

(6) That the use with conditions imposed will be in compliance with the purposes and requirements set out in this title for the zoning district where the use is located.

(d) The following are examples of the types of conditions which the council may impose:

(1) Require a performance bond or acceptable surety in an amount and with conditions satisfactory to the commission, providing for and securing to the city the performance of conditions imposed on the construction of improvements;

(2) Specify a time limit within which action for which the conditional use permit is required shall be begun or completed, or both;

(3) Require an annual review of the issued permit to assure compliance with any implied conditions;

(4) Increase the required lot size or yard dimension;

(5) Limit the height or total lot space coverage of buildings;

(6) Impose conditions on all matters relating to automobile and pedestrian traffic control and design;

(7) Require suitable landscaping including screening;

(8) Control signing;

(9) Stipulate the exact location of activities or structures as means of minimizing hazards to life, limb, property, erosion, landslide, traffic, etc.;

(10) Require structural features or equipment essential to serve the same purpose set forth in subsection (d) (13);

(11) Control nuisance-generating features in matters of noise, color, air pollution, wastes, vibration, traffic, physical hazards, etc.;

(12) Control hours of operation; and

(13) Insure against imposing excessive demands upon public services and facilities.

(e) In permitting a conditional use, the planning commission may recommend that the city council impose, in addition to the regulations and standards expressly specified in this title, other conditions found necessary to protect the best interest of the surrounding property, the neighborhood or the city as a whole.

(f) In addition to the conditions which may be imposed by the city council, a conditional use permit shall at least comply with the standards of the zoning district in which it is located as described in Chapters 17.56 through 17.84 of this title, as they exist now or may hereafter be amended.

(g) The commission and/or council shall identify and state the purpose or purposes sought to be achieved by imposing conditions in connection with the permit and shall include this information in their respective findings of facts. (Ord. 613 §8(part), 1999).

17.92.050 Basis for denial. (a) The planning commission may recommend denial, and the city council may deny an application for conditional uses for the following reasons, provided, that the imposition of conditions cannot satisfactorily address the issue:

(1) The use is not consistent with the comprehensive plan goals and objectives for the particular location but denial cannot be made solely for this reason if the use is explicitly allowed in the district by CUP;

(2) Circumstances in the particular location of the proposed use will pose a potential threat to public health, safety and/or welfare which cannot be addressed by conditions; and

(3) Controversy exists as to the meaning of a particular provision of this title and such provision is construed liberally in the favor of the general public interest in accordance with Section 17.12.020 of this title, as that section now exists or may hereafter be amended regarding the interpretation of this title.

(b) The planning commission and city council shall cause the preparation of findings of fact that clearly

reveal their basis for the denial of a CUP. (Ord. 613 §8(part), 1999).

Chapter 17.96

VARIANCES

Sections:

- 17.96.010 Intent.
- 17.96.020 Procedures and criteria.
- 17.96.030 Application contents.
- 17.96.040 Basis for decision.

17.96.010 Intent. The purpose of this section is to provide a process and criteria to allow the city council to waive the bulk, setback and/or density requirements of this title under certain circumstances. (Ord. 613 §8(part), 1999).

17.96.020 Procedures and criteria. Variances shall be processed according to permit processing procedures outlined in Chapter 17.100 of this title. The city council shall hold public hearings and decide on all applications for variances from the terms of the zoning ordinance after consideration and recommendation by the planning commission, provided that no variance shall be granted unless the city council finds that each of the following criteria are met, or may be met as a result of conditioning the permit:

(1) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located. If the requested variance does not somehow compensate for a deprived right or privilege as provided in subsection (2) the variance would constitute a special privilege.

(2) The variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located. An example of such circumstances may be that a lot was established in a subdivision of which a portion may be unbuildable because of steep slopes; or, an adjacent property has a nonconforming side yard setback, in which case a fence taller than the allowable height or a setback on another portion of the property may need to be varied to allow the applicant the privacy or

buildable space commensurate to that enjoyed by other lot owners in the district.

(3) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. For instance, a building proposed to be taller than the allowable height may block views or natural light to adjacent buildings; or increasing the allowable lot coverage may contribute to runoff from storm events. Cumulative impacts shall be considered.

(4) Economic benefit shall not be considered grounds for granting a variance. For example, if the applicant asserts that the variance is necessary to enhance the value of a building for resale value, or increase the city's tax base; this information shall not be used to qualify the variance.

(5) That the hardship asserted by the applicant is not the result of the applicant's or owner's action. For instance, in a case where an addition is made to a building where the applicant did not comply with the required setback, the fact that the addition would have to be demolished shall not be considered a hardship. Another example may be that an applicant ordered a manufactured home that does not meet setbacks or minimum lot size; in which case, the applicant caused the hardship. An exception to this may be in the case that the applicant can provide evidence that the availability of manufactured home sizes is severely limited, or a protrusion of a particular manufactured home makes a minor penetration of the setback or height area which is a characteristic over which the applicant may have little control. (Ord. 613 §8(part), 1999).

17.96.030 Application contents. (a) In addition to the requirements for a completed application listed in Chapter 17.100 of this title, the applicant shall provide a description of how the proposal meets each of the variance criteria listed herein.

(b) Variances are generally exempt from SEPA review; therefore, a SEPA checklist shall not be required unless the application pertains to special circumstances that are not exempt or the application is consolidated with other approvals that are not exempt. (Ord. 613 §8(part), 1999).

17.96.040 Basis for decision. (a) The planning commission and city council shall each develop and cause the preparation of written findings of fact that provide the basis for their recommendations or decisions on variances that includes their interpretation of how each variance criteria is or is not satisfied by the project proposal or by conditions of the approval, or both.

(b) The basis for decisions on variances shall be filed as records of decisions for variances and shall be considered by each decision-making or recommending body in determining whether future variances should be approved. An effort shall be made to be consistent with historical decisions on variances unless it is found that earlier decisions are found to be inconsistent with the provisions of this title, as it presently exists or may hereafter be amended. (Ord. 613 §8(part), 1999).

Chapter 17.100

PROCEDURES--PROCESSING OF APPLICATIONS

Sections:

- 17.100.010 Intent.
- 17.100.020 Pre-application conference.
- 17.100.030 Development permit applications.
- 17.100.040 Application--Initial processing.
- 17.100.050 Notice of application and SEPA review.
- 17.100.060 Joint hearings.
- 17.100.070 Hearing procedures.
- 17.100.080 Order of proceedings.
- 17.100.090 Findings and decision.
- 17.100.100 Closed record decision.
- 17.100.110 Notice of final decision.

17.100.010 Intent. This chapter is intended to provide procedures for the processing of zoning related permit applications including variances, planned developments (PDs), and conditional use permits (CUPs). Home business licenses are administrative and are processed according to procedures in Chapter 17.68. Recycling collections boxes are also administrative and are processed according to Chapter 17.90. (Ord. 613 §8(part), 1999).

17.100.020 Pre-application conference. (a) Applicants for variances, CUPs and PDs are encouraged to request and attend a pre-application conference. The purpose of the pre-application conference is to:

(1) Acquaint the applicant with the requirements of the Oroville Municipal Code and project review procedures; and

(2) For city staff to become acquainted with the proposed application for purposes of:

(A) Determining appropriate review procedures, and

(B) Facilitating the application and project review process.

(b) The conference shall be held no more than fifteen calendar days following such a request.

(c) At the conference or within five working days of the conference, the applicant may request that the following information be provided:

(1) A form which lists the requirements for a completed application and all relevant fees;

(2) A general summary of the procedures and timelines to be used to process the application;

(3) The references to the relevant code provisions or development standards which may apply to the approval of the application, as preliminarily identified at the preapplication conference;

(4) The city's design guidelines.

(d) It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the information sent by the city to the applicant under subsection (c) of this section, shall not bind or prohibit the city's future application or enforcement of all applicable laws. (Ord. 613 §8(part), 1999).

17.100.030 Development permit applications. (a) Permit applications shall be made to the planning agency clerk on forms made available by the planning agency.

(b) An applicant may elect to consolidate the permit review process with other applicable permit applications, in which case, hearings and other aspects of review shall be consolidated and conducted simultaneously, whenever possible. The required submittals for all permits to be consolidated must be submitted before the applications can be processed.

(c) A complete application shall consist of all materials required by the applicable development regulations and shall include the following general information if not already identified in such regulations:

(1) A completed application form;

(2) A property and/or legal description of the site for all applications, as required by the applicable development regulations;

(3) A legible, scaled site plan indicating:

(A) The location of all lot lines of the subject property,

(B) Size of the lot(s) and proposed development including pertinent dimensions and area,

(C) Existing and proposed easements,

(D) Existing buildings on the property and adjacent properties, and their current uses,

(E) Location of adjacent streets including their names,

(F) Existing and proposed utilities,

(G) Setback distances from streets, both existing and proposed, and

(H) Any additional details demonstrating compliance with standards and regulations pertinent to the project;

(4) All applicable application fees as set by resolution of the city council;

(5) A sworn statement made before a notary public and under penalty of perjury by the applicant(s) that the property affected by the application is in the exclusive ownership of the applicant(s), or a sworn statement made before a notary public and under penalty of perjury executed by all owners of the affected property that the application has been submitted with their consent;

(6) Designation by name, street and mailing address, telephone number, and relationship to the applicant, of the person to receive all determinations and notices required by this title;

(7) A SEPA checklist for CUPs, PDs, and variances when applicable;

(8) If applicable, evidence of adequate water supply as required by ROW 19.27.097, as now exists or as may be hereafter amended;

(9) If applicable, evidence of ability to comply with water and sewer requirements of Title 13 OMC, as now exists or as may be hereafter amended;

(10) If applicable, information on the capacity of existing stormwater conveyance and control facilities and a plan on how stormwater will be managed. (Ord. 613 §8(part), 1999).

17.100.040 Application--Initial processing. (a) Project permit applications shall be date stamped upon receipt by the city. Applications received after four p.m. shall be date stamped the next business day.

(b) Upon receipt of an application, the planning agency clerk shall forward the application to the administrator who shall, within twenty-eight calendar days after actual receipt of a project permit application as evidenced by the date stamped on the face thereof by the clerk, mail or personally provide a written determination to the applicant which states either:

(1) That the application is complete; or

(2) That the application is incomplete and what is necessary to make the application complete.

(c) Applications consolidated for review will be covered under a single determination of completeness. If the application for any of such applications is incomplete, a determination that the application is incomplete shall be issued to the applicant.

(d) The city's determination of completeness shall not preclude the city from requesting additional informa-

tion or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

(e) If the applicant is issued a written determination from the city that an application is not complete, the applicant shall have ninety calendar days from date of personal delivery or date of mailing by the city to submit the required information to the city. Within fourteen calendar days after an applicant has submitted the requested additional information, the city shall remake the determination as to completeness in the manner described in subsection (b) of this section. If the applicant again receives a determination of incompleteness, the procedure described in this subsection shall be repeated and may be repeated as required by subsequent determination of incompleteness until a determination that the application is complete is issued in the manner described in subsection (b) of this section.

(f) A project permit application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection (b) or (e) of this section.

(g) To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by subsection (a) of this section.

(h) When the project permit application is complete the administrator shall note the date of completeness on the application form. (Ord. 613 §8(part), 1999).

17.100.050 Notice of application and SEPA review.

(a) Within fourteen days of issuance of a determination of completeness, a notice of application, in the manner provided in subsection (e) of this section, shall be issued for all CUP, variance and PD applications submitted pursuant to this title. The notice of application shall be provided to the public, planning agency staff and all city department directors at least fourteen days prior to the open record predecision hearing which shall be the minimum comment period for the permit application.

(b) The comment period for a notice of application shall officially begin on the date of publication in the city's official newspaper and shall be extended if mailed notices are postmarked, or postings are made, later than the date of publication.

(c) Environmental review under Chapter 43.21C RCW and Chapter 8.24 of the Oroville Municipal Code shall be integrated with the procedures described in this section as follows:

(1) The SEPA administrator may wait to issue a threshold determination until the end of the comment period for a notice of application. In this case, a completed SEPA checklist shall be circulated with the notice of application to agencies with jurisdiction and made available to the public at the time a notice of application is issued. The notice of application shall indicate that a threshold determination will not be made until the end of the fourteen-day comment period. Comments received shall then be considered by the SEPA administrator in making a threshold determination. If the SEPA determination requires public notice under WAC 197-11-340 (2) or (3), additional notice shall be published according to subsection (f) of this section.

(2) If the city's threshold determination requires public notice under Chapter 43.21C RCW and Chapter 8.24 of the Oroville Municipal Code, the city shall issue its threshold determination at least fourteen calendar days prior to the open record predecision hearing and may combine it with the notice of application. Comments received on the notice of application and comments received by agencies in response to the threshold determination shall then be considered in developing all recommendations and decisions.

(3) Comments shall be as specific as possible.

(d) If the city has made a determination of significance under Chapter 43.21C RCW and Chapter 8.24 of the Oroville Municipal Code, as now exists or may hereafter be amended, it may give notice concurrently with the notice of application. In this case, the notice of application shall be combined with the determination of significance and scoping notice. However, nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

(e) The notice of application shall include:

(1) The name and address of the applicant or the applicant's representative;

(2) The date of application, the date of the notice of completion for the application and the date of the notice of application;

(3) A description of the proposed project action, a list of the project permits included in the application and, if applicable, a list of any studies or other additional information requested by the city as allowed by RCW 36.70B.070 and included in Section 17.100.040(d);

(4) A description of the subject property reasonably sufficient to inform the public of its location, including, but not limited to, the use of a map or postal address and a subdivision lot and block designation;

(5) The identification of other permits not included in the application, to the extent known by the city;

(6) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed;

(7) A statement of the limits of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

(8) The date, time, place and type of hearing, if a hearing is scheduled at the date of notice of the application, the following additional information:

(A) Date, time, place and type of hearing,

(B) A statement that all interested persons may appear and provide testimony,

(C) The sections of the code that are pertinent to the hearing procedure,

(D) When information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted,

(E) The name of the city representative to contact and the telephone number where additional information may be obtained,

(F) That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at Oroville City Hall;

(9) The SEPA threshold determination if being combined with the notice of application including procedure and timeline for appeal of such determination;

(10) Information regarding how to attain parties of record status with respect to the application in order to ensure notification of subsequent action; and

(11) Any other information determined appropriate by the city.

(f) Methods for Notice. The notice of application shall be given to the public and to agencies with jurisdiction as follows:

(1) By posting of the property for site specific proposals consisting of one or more notice boards eighteen by twenty-four inches in size as follows:

(A) A single notice board shall be placed by the administrator:

i. At the midpoint of the site street frontage or as otherwise determined by the administrator for maximum visibility;

ii. Five feet inside the street property line, except when the board is structurally attached to an existing building, provided that no notice board shall be placed

more than five feet from the street property without approval of the administrator;

iii. So that the top of the notice board is five feet above grade; and

iv. Where it is completely visible to pedestrians.

(B) Additional notice boards may be required when:

i. The site does not abut a public road;

ii. A large site abuts more than one public road; or

iii. The administrator determines that additional notice boards are necessary to provide adequate public notice.

(C) Notice boards shall be:

i. Provided by the city and installed by the administrator;

ii. Eighteen by twenty-four inches in size with "Public Notice" in large letters across the top leaving space for a letter size notice underneath;

iii. Maintained in good condition by the applicant during the notice period;

iv. In place at least fourteen calendar days prior to the end of any required comment period and public hearing;

v. Removed and returned to the city within ten calendar days after the end of the notice period.

(D) Failure to maintain a legible notice board to the end of the notice period may be cause for discontinuance of the administrator's review until the notice board is replaced and remains in place for the specified time period.

(2) Published Notice. Notice shall be published in the city's official newspaper of general circulation in the general area where the proposal is located.

(3) Notice to Adjacent Property Owners. Owners of property within two hundred feet of the boundary of the property to be developed shall be notified by mail. The applicant shall be responsible for obtaining the names and addresses of the property owners from the Okanogan County assessor's records.

(4) Optional Public Notice. In addition to the required methods of notice, and as optional methods of providing public notice of any project permits, the city may:

(A) Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(B) Notify the news media;

(C) Place notices in appropriate regional or neighborhood newspapers or trade journals; and

(D) Publish notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas.

The city's failure to provide the optional notice as described in this subsection shall not be grounds for invalidation of any permit decision. (Ord. 613 §8(part), 1999).

17.100.060 Joint hearings. (a) The administrator may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as:

- (1) The hearing is held within the city limits; and
- (2) The requirements of subsection (c) of this section are met.

(b) The applicant may request that the public hearing on a permit application(s) be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to combine the hearings.

(c) A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:

- (1) The other agency is not expressly prohibited by statute from doing so;
- (2) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
- (3) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing. (Ord. 613 §8(part), 1999).

17.100.070 Hearing procedures. (a) The Responsibility of the Administrator for Public Hearings. The administrator shall:

- (1) Schedule an application for review and public hearing;
- (2) Ensure the notice of public hearing is included as a part of the notice of application;
- (3) Coordinate with planning agency staff and prepare the staff report on the application. The report shall be a single report that includes:
 - (A) Background narrative generally describing the project, permits required and sequence of events that led to the hearing,
 - (B) Comprehensive plan land use designation,
 - (C) Zoning designation,
 - (D) Floodplain designation, if applicable,
 - (E) Shoreline designation, if applicable,

- (F) All comments received as attachments,
- (G) Findings of fact which shall include reference to all information considered that provide the basis of the staff's recommendation(s),
- (H) Conclusions made by the administrator,
- (I) Recommended action including recommendations, on project permits in the consolidated permit process that do not require an open record predecision hearing,
- (J) Any mitigation required or proposed under the development regulations or the city's authority under SEPA, and

(K) Relative SEPA documentation including the SEPA checklist, if applicable;

(4) Forward a complete copy of the application and staff report to the appropriate hearing body at least seven days prior to the scheduled hearing;

(5) Prepare the notice of decision or recommendation to the city council, and forward copies of the notice of decision to all parties of record.

(b) Conflict of Interest. The hearing body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or as may be hereafter amended.

(c) Ex-parte Communications.

(1) Quasi-judicial land use decisions of the hearing body shall be subject to Chapter 42.36 RCW, Appearance of Fairness, as the same now exists or as may be hereafter amended.

(2) No member of the hearing body may be disqualified by the appearance of fairness doctrine for conducting the business of his or her office with any constituent on any matter other than a quasi-judicial action then pending before the hearing body.

(3) Prior to declaring as a candidate for public office or while campaigning for public office as defined by RCW Sections 42.17.020(5) and (25), as now exists or as may be hereafter amended, no public discussion or expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

(4) During the pendency of any quasi-judicial proceeding, no member of a decision making body may engage in ex-parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person:

(A) Places on the record the substance of any written or oral ex parte communications concerning the decision or action;

(B) Provides that a public announcement of the content of the communication and of the parties' rights to

rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication is related. This prohibition does not preclude a member of a decision making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding.

(C) Anyone seeking to rely on the appearance of fairness doctrine to disqualify a member of a decision-making body from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual. Where the basis is known or should reasonably have been known prior to the issuance of a decision and is not raised, it may not be relied upon to invalidate the decision.

(D) In the event of a challenge to a member or members of the hearing body which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

(E) A member absent during the presentation of evidence in a quasi-judicial hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

(d) Burden and Nature of Proof. The burden of proof for demonstrating compliance with development regulations and consistency with SEPA is on the applicant. The project permit application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed. (Ord. 613 §8(part), 1999).

17.100.080 Order of proceedings. (a) Before receiving information on the issue, the following shall be determined:

(1) Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate;

(2) Any abstentions or disqualifications shall be determined.

(b) The presiding officer may take official notice of known information related to the issue, such as:

(1) A provision of any ordinance, resolution, rule, officially adopted development standard or state law;

(2) Other public records and facts judicially noticeable by law.

(c) Matters officially noticed need not be established by evidence and may be considered by the hearing body in its determination. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection (b) of this section if stated for the record. Any matter given official notice may be rebutted.

(d) The hearing body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record.

(e) Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

(f) When the presiding officer has closed the public hearing portion of the hearing, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided. (Ord. 613 §8(part), 1999).

17.100.090 Findings and decision. (a) Following the hearing procedure described in Sections 17.100.070 and 17.100.080, the hearing body shall recommend that the decision-making body approve, conditionally approve, or deny the application.

(b) The hearing body may recess any hearing in order to obtain additional information. Upon recessing for this purpose, the hearing body shall announce the time and date when the hearing will be resumed.

(c) The hearing body's recommendation or written decision, whichever is applicable, shall be issued to all parties of record as a notice of decision within seven days after such decision is made and shall include findings of fact for each action it takes that sets forth a basis of its decision or recommendation. The findings of fact may be any or all those presented in the staff report or they may be completely different and separate findings that support the hearing body's recommendation or decision. If the hearing body is the planning commission, its recommendation shall be forwarded to the city council for a final decision. (Ord. 613 §8(part), 1999).

17.100.100 Closed record decision. When the council is the final decision-maker on a project permit application

where the planning commission holds an open record hearing and makes a recommendation, the council shall not hear further testimony and shall base its decisions on the record developed as a result of the open record public hearing. (Ord. 613 §8(part), 1999).

17.100.110 Notice of final decision. (a) Written notice of final decision shall be provided to all parties of record within ten workings days of the decision.

(b) The notice of final decision shall be sent via regular mail, postage prepaid, addressed to the party of record as noted on the filed document indicating the desire to possess party of record status. Date of giving such notice shall suffice with the issuance of an affidavit of mailing.

(c) Notice of final decision shall include the following information:

- (1) The name of the project and identification number;
- (2) The decision maker and decision that was made;
- (3) Date the notice of final decision was prepared and the date of the decision;
- (4) The threshold determination made under SEPA (Chapter 43.21C RCW and Chapter 8.24 Oroville Municipal Code), if applicable, and the procedures for SEPA administrative appeal, if any;
- (5) The procedures for appealing the permit decision; and
- (6) Where and when the written decision and related documentation may be inspected, and how copies may be purchased. (Ord. 613 §8(part), 1999).

Chapter 17.104

NONCONFORMANCE

Sections:

- 17.104.010 Nonconforming lots.
- 17.104.020 Nonconforming use of land.
- 17.104.030 Nonconforming structures.
- 17.104.040 Nonconforming signs.

17.104.010 Nonconforming lots. A structure and its customary accessory buildings may be erected on any lot created before the effective date of the ordinance codified in this chapter. This provision shall apply even though such lot fails to meet the dimensional requirements of the underlying zoning district; provided, that such structure

is allowed within that zoning district. (Ord. 613 §8(part), 1999).

17.104.020 Nonconforming use of land. Where lawful use of the land exists on the effective date of the ordinance codified in this chapter, which is not permissible under the terms of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the ordinance codified in this chapter without the issuance of a conditional use permit subject to the following criteria that must be satisfied for approval:

(A) It is found that expansion of such use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

(B) Expansion of such a use shall not include new uses that are not allowed in the district; and

(C) Expansion of such a use shall conform to all other standards of this title unless special circumstances should allow a variance to be issued in strict accordance with Chapter 17.88 of this title.

(2) No such use shall be changed in any manner which will increase its nonconformity to the requirements of the zoning district in which it is located;

(3) If a nonconforming use is discontinued or inactive for a period of two years, it shall be deemed a discontinued nonconforming use. A discontinued nonconforming use cannot be reestablished. Further use of the property must conform to the provisions of this title. (Ord. 613 §8(part), 1999).

17.104.030 Nonconforming structures. Where a lawful structure exists on the effective date of the ordinance codified in this chapter, which structure could not be built under the terms of this chapter, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) No structure shall be enlarged or altered in a way which increases its nonconformity without the issuance of variance;

(2) Nothing in this chapter shall require any change in plans, construction, alteration or designated use of a structure for which a valid building permit has been legally issued and construction commenced prior to the adoption of this chapter and subsequent amendments to this chapter, except that if the designated use will be nonconforming it shall be discontinued if not in operation within two years of the date of issuance of the building permit;

(3) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety and health upon the order of such official. (Ord. 613 §8(part), 1999).

17.104.040 Nonconforming signs. Within three years of the effective date of the ordinance codified in this chapter, all signs in residential zoning districts which do not conform to those standards set out in Chapter 17.72 shall either be removed or relocated or rearranged so as to eliminate any conflict with that chapter. (Ord. 613 §8(part), 1999).

Chapter 17.108

AMENDMENTS

Sections:

- 17.108.010 Initiation of amendment.
- 17.108.020 Application or petition.
- 17.108.030 Planning commission action.
- 17.108.040 City council action.
- 17.108.050 Zoning of annexations.

17.108.010 Initiation of amendment. An amendment to the text of this title or the official zoning map may be initiated by the planning commission or city council upon proper petition. (Ord. 613 §8(part), 1999).

17.108.020 Application or petition. Applications or petitions for amendments to the text of this title or the official zoning map shall be made in accordance with Chapter 17.100. (Ord. 613 §8(part), 1999).

17.108.030 Planning commission action. Prior to taking action, the commission shall hold at least one public hearing in accordance with the procedures described in Chapter 17.100. Following the termination of the hearing, the commission shall transmit its recommendation to the city council together with findings of fact stating the reasons for the action. (Ord. 613 §8(part), 1999).

17.108.040 City council action. After holding a public hearing to consider the findings and recommendations of the planning commission, the council shall have the authority to confirm, reject or alter any of the commission's recommendations. (Ord. 613 §8(part), 1999).

17.108.050 Zoning of annexations. At such time that the city council receives a letter of intent for an annexation the city council shall solicit a recommendation from the planning commission as to the comprehensive plan and zoning designation for the area to be annexed in accordance with RCW Chapter 35A.14, as now exists or may hereafter be amended. The city council shall stipulate the exact zoning classification for the area to be annexed as a part of the annexation ordinance. Such zoning designation shall be consistent with the comprehensive plan of the city. (Ord. 613 §8(part), 1999).

Chapter 17.112

APPEALS

Sections:

- 17.112.010 Appeals of administrator actions.
- 17.112.020 Appeal of planning commission actions.
- 17.112.030 Appeal of city council decisions.
- 17.112.040 Consolidated appeals.

17.112.010 Appeals of administrator actions. (a) Decisions of the administrator may be appealed to the city council. Such appeals must be submitted to the city clerk/treasurer in writing within ten days for the action in question, and shall contain the following:

- (1) A heading in the words, "Before the city council of the city of Oroville, Washington";
- (2) A caption reading, "Appeal of..." giving the names of all appellants participating in the appeal;
- (3) A brief statement setting forth the legal interest of each of the appellants in the land involved in the action;
- (4) A brief statement in ordinary and concise language indicating the specific action protested, together with any material facts claimed to support the contentions of the appellant;
- (5) A brief statement in ordinary and concise language indicating the relief sought, the basis of the appeal and the section(s) of this title which support(s) the appeal argument;
- (6) The signatures of all parties named as appellants and their official mailing addresses;
- (7) A declaration under penalty of perjury in accordance with the laws of the state of Washington of at least one of the appellants as to the truth of the matters stated in the appeal.

(b) A public hearing shall be held for such appeals and the same hearing procedures for an open record pre-decision hearing shall be used as described in Chapter 17.100 to conduct the hearing.

(c) Public notice for the appeal hearing shall consist of mailing of notice to all parties of record at least ten days prior to the hearing and a newspaper publication in the city's official newspaper at least ten days prior to the hearing. The notices shall include the action of the administrator being appealed, the relevant sections of this title, and the date and time of the hearing.

(d) The appellant(s) shall pay the actual costs of publication and mailing associated with the appeal prior to the hearing. (Ord. 613 §8(part), 1999).

17.112.020 Appeal of planning commission actions. Decisions of the planning commission are recommendations and are not appealable. (Ord. 613 §8(part), 1999).

17.112.030 Appeal of city council decisions. City council decisions are final. The city council's final decision on an application may be appealed by a party of record with standing to file a land use petition in Okanogan County Superior Court. Such petition must be filed within twenty-one days of issuance of the decision, as provided in Chapter 36.70C RCW, as it now exists or as may be hereafter amended. (Ord. 613 §8(part), 1999).

17.112.040 Consolidated appeals. (a) All appeals of project permit application decisions, other than an appeal of determination of significance ("DS"), shall be considered together in a consolidated appeal.

(b) Appeals of environmental determinations under SEPA, Chapter 8.24 OMC, shall proceed as provided in that chapter. (Ord. 613 §8(part), 1999).

Chapter 17.116

ENFORCEMENT

Sections:

- 17.116.010 Compliance with ordinance provisions.
- 17.116.020 Enforcement officer.
- 17.116.030 Issuance of permits.
- 17.116.040 Civil infraction.
- 17.116.050 Abatement.
- 17.116.060 Investigation.
- 17.116.070 Additional enforcement.
- 17.116.080 Recovery of cost of abatement.
- 17.116.090 Cost of enforcement action.

17.116.010 Compliance with ordinance provisions. No structure, lot or area of land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of this title. (Ord. 613 §8(part), 1999).

17.116.020 Enforcement officer. An administrative official(s) appointed by the mayor with the consent of the city council shall have the power and duty to enforce the provisions of this title. He shall approve no plans and shall issue no permits for the construction, alteration or repair of any structure or part thereof unless plans and intended use of such structure conform in all respects with the provisions of this title. (Ord. 613 §8(part), 1999).

17.116.030 Issuance of permits. No city official(s) or employee shall issue a permit for a conditional use or a variance, or give authorization for any use that would not be in full compliance with this title. Any permit or other authorization in violation of this title shall be void without the necessity of the proceedings for revocation or nullification, and any work pursuant to any such permit or other authorization is unlawful and no action taken by any elected or appointed official of the city shall validate any such work, permit or other authorization. (Ord. 613 §8(part), 1999).

17.116.040 Civil infraction. It is unlawful for any person, firm, corporation or other organization, whether as owner, lessee, sublessee or occupant to allow, use or maintain any building, structure, premises, land or portion thereof contrary to or in violation of any provision of this title or its amendments. Each and every violation or contrary act shall constitute a civil infraction. Each civil infraction may be punished by a fine up to five hundred dollars. There shall be an additional civil infraction for each thirty-day period during which the violation continues. (Ord. 613 §8(part), 1999).

17.116.050 Abatement. All violations of this title are determined and declared to be detrimental to the public health, safety and welfare and be a public nuisance. All conditions which render any building, structure, premises, land use or portion thereof to be used or maintained in violation of this title shall be abated if provisions for their continuance made pursuant to this title are not satisfied. For the purposes of this title, "abatement of a zoning violation" is defined as the termination of any zoning violation by reasonable and lawful means in order that a building, structure, premises, land use or portion

thereof shall be made to comply with this title. (Ord. 613 §8(part), 1999).

17.116.060 Investigation. (a) Whenever any work and/or use for which a permit is required under this title has commenced without first obtaining such permit, an investigation shall be made by the administrator before a permit may be issued for such work and/or use.

(b) Within thirty days after conducting an investigation, the administrator shall forward a report containing all relevant facts to the owner of the property and file a copy in the records of the city.

(c) An investigation fee shall be collected, in addition to any required permit fees, whether or not a permit is subsequently approved and issued. The investigation fee shall include all costs incurred by the city in its investigation and preparation of the investigation report, or the same as the fee for any required permits as described in subsection (a) of this section, whichever is the greater amount. (Ord. 613 §8(part), 1999).

17.116.070 Additional enforcement. Notwithstanding the existence or use of any remedy, the city attorney may seek legal or equitable relief to enjoin any acts or practices and abate any conditions which may constitute or will constitute a violation of this title or any amendment to it. (Ord. 613 §8(part), 1999).

17.116.080 Recovery of cost of abatement. The cost of abatement shall be a personal obligation by virtue of the person or entity liable for such obligation by virtue of Section 17.116.010. The city attorney, on behalf of the city of Oroville, may collect the abatement work costs by use of all appropriate legal remedies. (Ord. 613 §8(part), 1999).

17.116.090 Cost of enforcement action. In addition to costs and disbursements provided for by statute, the prevailing party in any action or collection action under this title may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The city attorney shall seek such costs, interest and the reasonable fees on behalf of the city when the city is the prevailing party. (Ord. 613 §8(part), 1999).