

## Chapter 1.08

### Industrial Use Zone

#### Sections:

- 1.08.010 Purpose
- 1.08.020 Permitted uses
- 1.08.030 Conditional uses
- 1.08.040 Lot requirements
- 1.08.050 Limitation on use
- 1.08.060 Performance Standards
- 1.08.070 Schedule of uses

1.08.010 Purpose: Industrial uses are considered to be high impact uses. As such, particular care shall be given to possible impacts these uses can create and the effects of these impacts on adjacent uses and areas.

1.08.020 Permitted uses: The following uses are permitted outright in this zone: heavy industrial enterprises including railroads, grain elevators and stockyards. Refer to Table 1.08.060 of this ordinance for uses permitted outright.

1.08.030 Conditional uses: Refer to Chapter 1.02 of this ordinance for conditional uses when authorized.

1.08.040 Lot requirements: Refer to Table 1.04.010 for general requirements. To modify any of these requirements requires the application for a variance and its approval.

1.08.050 Limitations on uses: In an industrial zone, the following limitations shall apply:

(1) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

(2) All services, processing and storage on property abutting or facing a residential zone shall be within an enclosed building or screened from view from the residential zone by a permanently maintained, sight-obstructing fence at least six feet high.

(3) Access from a public street to properties in an industrial zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.

(4) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect the use or value of the adjacent property.

(5) Signs shall comply with Chapter 1.16.

1.09.060 Environmental standards: No land or structure shall be used or occupied within this zone unless there is compliance with the environmental standards set forth in Chapter 1.15.

1.08.070 Schedule of uses: Any conditional use of land which is described in this chapter, together with any other not mentioned, may be permitted when authorized pursuant to Chapter 1.11 of this ordinance.

**Table 1.08.070**  
**Industrial Use Zone**

"P" -	Permitted uses.
"C" -	Conditional uses which may be permitted with "Conditional Use Permits".

Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard	P
Airports and landing fields	C
Alcoholic beverage packaged retail sales	P
Amateur radio tower or antenna	P
Animal livestock auction on a commercial scale	C
Animal shelter	C
Asphalt manufacture or refining	C
Assembly halls, coliseums, stadiums	C
Assembly of machines and appliances from previously prepared parts	P
Automobiles (new and used) and accessory sales	P
Automobile wash	P
Automobile parking operated in conjunction with permitted uses and in accordance with the requirements of Chapter 1.02 of this ordinance	P
Automobile repair garages	P
Bakeries or baking plants	P
Bakery shops and confectioneries	P
Bed and breakfast	C
Blueprinting and Photostatting establishment	C
Boat building and repair	P
Boat sales, new and used	C
Book bindery	P
Bottling works for soft drinks	P
Bus repair and storage terminals	P
Canvas and burlap products manufacture, sale and storage	P
Carpet cleaning establishments	P
Catering establishments	P
Clothing manufacture	P
Cold storage plants	P

Colleges, business colleges, trade schools, music conservatories, dancing schools and similar organizations, all without students in residence, offering training in specific fields	C
Contractors' plants or storage yards	P
Dairy products processing, bottling and distribution, ice cream manufacture, all on a wholesale basis	P
Eating and drinking establishments	C
Excavations, other than simple foundation	C
Farm machinery assembly, repair and sales	P
Farm feed and seed retail sales	P
Farm fertilizer retail sales	P
Farm seed and feed processing	P
Flocks, chickens, or fowl	C
Food processing in wholesale quantities	C
Food processing for sale at retail on the premises, but excluding the killing dressing of any flesh or fowl	C
Forging plants	P
Foundries or metal fabrication plants using plate and structural shapes	P
Frozen food lockers	C
Fuel oil, gasoline and petroleum products in unpressurized tanks of fifteen-thousand (15,000) gallon or less capacity, storage and sale	C
Fuel oil and kerosene for domestic heating purposes in ground containers not exceeding seven-hundred-fifty (750) gallon capacity	P
Fuel oil and kerosene: the incidental sale at retail of same in cans of not over five gallon capacity	P
Garage, commercial	P
Garage, public	P
Gases or liquefied petroleum gases in approved metal cylinders for storage and sales	C
Gasoline station with at least fifteen off-street parking spaces with no gasoline for oil pump or appliance located with twelve feet of any street line unless within a building	C
Grounds for games or sports, parks, country clubs, recreational and community center buildings, gymnasiums and other similar activities not operated for profit	C
Insulation material manufacture and sales	P
Junkyards and auto wrecking	C
Kennel	P
Kennels, commercial	C
Laboratories for research and testing	C
Laundromat service: where individual family-size laundry equipment is rented for use by the customer	C
Laundry pickup stations	P
Leather goods, manufacture	C
Light manufacturing or processing	C

Locksmiths and gunsmiths	P
Lumberyards, building materials, storage and sales	C
Machine shops	P
Machine tool manufacture	P
Marquee as permitted by building code with sign or signs	C
Microwave relay stations	P
Ministorage warehouses	P
Mixing plants for concrete or paving materials, and manufacture of concrete products	C
Manufactured home parks	C
Motorcycle sales and repair	C
Nursery, landscaping materials	C
Office building	C
Optical and scientific instrument, jewelry and clock, musical instrument manufacturing	P
Pharmaceutical products manufacture	C
Planing mills or saw mills	C
Plastics manufacture	C
Plumbing shop and yard	C
Poultry dressing	C
Printing, publishing and reproduction establishment	C
Printing, publishing and reproduction establishments operated by three persons or fewer	C
Public schools and private schools having curricula approximately the same as ordinarily given in public schools, including gymnasiums and assembly halls in conjunction therewith	C
Public or private college and universities	C
Public transportation shelter stations	C
Public utility installations	C
Public utility service and storage yards	C
Radio and television stations and masts, commercial and professional	C
Railroad rights-of-way	C
Residential uses, nonconforming: any permitted residential use carried on within the commercial or industrial zone provided: (1) That the residential use existed when the commercial or industrial districts affecting it were established; or (2) That the residential use is carried on in a building designed for such use, which building existed when the commercial or industrial districts affected were established	C
Retail stores not otherwise named on this list including those conducting incidental light manufacturing or processing of goods above the first floor or in the basement to be sold exclusively on the premises and employing not more than ten operatives	C
Retail stores similar to those otherwise named in the section	C
Scrap paper or rag storage, sorting or baling, when conducted within a building	P

Sheet metal shops	P
Signs, illuminated or otherwise, as regulated in Chapter 1.16 of this ordinance, but not billboards and church reader boards	P
Signs: a small professional or announcement sign, illuminated, not over three square feet in area, mounted flat to the main wall of the building, and non-illuminated real estate sign not over six square feet in area, mounted or displayed behind the building setback line	P
Sign manufacture, painting and maintenance	P
Sign painting, exclusive of manufacture	P
Sporting goods sale	C
Stone cutting, monument manufacture and sales	P
Storage, private	C
Tailors, dressmakers, milliners	C
Taxi stands	C
Temporary buildings or structures	C
Textile manufacturing	P
Theaters, coliseums and assembly halls housed in a permanent indoor structure	C
Tire recapping and retreading	P
Trailer sales areas	C
Truck terminals, repair shops, hauls and storage yards	P
Upholstery, paperhanging and decorator shops	P
Wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale	P
Woodworking shops, millwork	P

## Chapter 1.09

### Business Park District Zone

#### Sections:

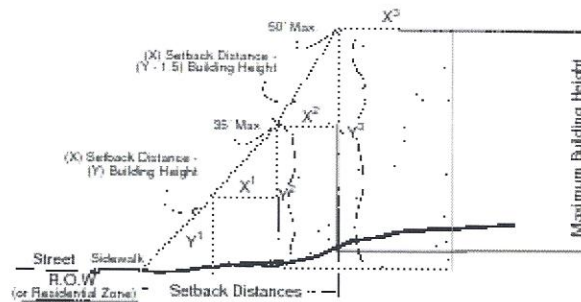
- 1.09.010 Purpose
- 1.09.020 Heights regulations
- 1.09.030 Lot requirements
- 1.09.040 Site requirements
- 1.09.045 Parking requirements
- 1.09.050 Site Landscaping and Design
- 1.09.060 Limitations on uses
- 1.09.070 Environmental standards
- 1.09.080 Administration
- 1.09.090 Schedule of uses

1.09.010 Purpose: The business park district is intended to provide for integrated grouping of small to medium size businesses within an attractive park-like setting. The

business park district allows flexibility in the amount of space within each business dedicated to office use, warehousing, and/or light manufacturing operations. Permitted businesses are intended to support the professional and technical uses. Further, the district is not intended to support the general retail commercial needs of the area.

**1.09.020 Height Regulations:** Structures in a Business Park zones shall be subject to the following building height requirements:

(1) The maximum building height shall be equal to the proposed building setback within the first 35 feet of setback from an adjoining public street or residential zone. The maximum building height may be increased by one and one-half feet for each additional one foot of setback in excess of 35 feet up to the maximum permitted building height set forth in Table 1.04.010.



### Example of Building Height

(2) Building heights within required setbacks shall be measured from the grade of the public sidewalk or centerline of the public street adjoining the site, or from the grade of a property line adjoining a residential zone.

**1.09.030 Lot Requirements:** Refer to Table 1.04.010 for general requirements. To modify any of these requirements requires the application for a variance and its approval.

**1.09.040 Site Requirements:**

(1) **Setback from Residential Zone:** The minimum setback shall be seventy-five feet for any yard abutting a residential zone, unless berms and landscaping approved by the city council or planning commission is provided which will effectively screen and buffer the business park activities from the residential zone which it abuts; in which case, the minimum site setback may be reduced to less than seventy-five feet but no less than twenty-five feet. In all other cases, minimum site setbacks shall be as specified in Table 1.04.010.

(2) **Site Coverage:** The maximum site coverage by buildings and other structures shall be fifty (50) percent of the total site area.

(3) **Service Roads, Outside Storage:** No service roads or outside storage shall be permitted within required yard areas that abut residential zones.

(4) **Fences, Walls, and Hedges:** Fencing will be allowed inside of a boundary planting screen where it is necessary to protect property of the industry or businesses

concerned; or to protect the public from a dangerous condition. Fences may not be constructed in a required yard adjacent to a public right-of-way.

1.09.045 Parking and loading/unloading area requirements: Off-street parking and loading/unloading areas shall be provided for all Business Park uses in accordance with the following requirements:

- (1) Parking shall be located and designed to comply with the Commercial Parking requirements set forth in Section 1.14.070;
- (2) Parking shall be located outside required setbacks from adjoining streets and required landscape buffers from abutting residential zones;
- (3) Planter islands containing a minimum of three hundred (300) square feet in area shall be provided for every ten (10) parking spaces. The planter islands shall be appropriately spaced throughout the parking lot and landscaped with a mix of trees, shrubs and groundcover. Perimeter landscaping shall not be counted towards meeting this requirement;
- (4) A minimum number of parking spaces shall be provided based on the following requirements:
  - (A) Manufacturing and industrial uses: one space for each 500 square feet of employee work area, plus open space for each 1,000 square feet of floor area devoted exclusively to storage and/or housing of accessory mechanical equipment;
  - (B) Professional offices: one space for each 200 square feet of gross floor area for medical, clinical and dental offices or one space for each 300 square feet of gross floor area for other professional and business office;
  - (C) Public utilities: one space for each two employees on the largest shift;
  - (D) Warehouse and storage facilities: one space for each 2,000 square feet of gross floor area.
    - (i) Establishments having not more than 20,000 square feet of gross floor area, on a single parcel of land and/or within a single development, shall provide one space for each 2,000 square feet of gross floor area.
    - (ii) Establishments having more than 20,000 square feet but not more than 100,000 square feet of gross floor area shall provide one space for each 2,500 square feet of gross floor area.
    - (iii) Establishments having more than 100,000 square feet of gross floor area shall provide one space for each 3,000 square feet of gross floor area.
    - (iv) Mini-warehouse or commercial storage locker establishments shall provide off-street parking to the extent required for office space or other uses accessory to the primary use;
  - (E) Health and physical fitness clubs: one parking space per 200 square feet of gross floor area;

1.09.050 Site Landscaping and Design: Development within this zone shall be subject to review and approval of a site landscape and design plan by the city council or planning commission.

(1) All required landscaping shall be installed prior to occupancy, unless installation is bonded or assured using some other form of surety acceptable to the city. The amount of the bond or other form of surety shall be not less than 150 percent of the cost of materials and installation. Any deferred landscaping, as determined appropriate by the city council or planning commission, shall be installed within six (6) months of occupancy.

(2) Required rear and side yard setback areas abutting a residential zone shall provide and maintain a dense evergreen buffer which attains a mature height of at least eleven feet or other screening measure as may be prescribed by the city council or planning commission.

(3) Required setback areas adjacent to streets and those areas abutting a residential zone shall be planted and continuously maintained with a mix of trees, shrubs and groundcover, in a manner providing a park-like character.

(4) Areas which are to be maintained in their natural setting shall be so designated on a landscape plan, and subject to the review and approval of the city council or planning commission.

(5) All mechanical heating and ventilating equipment, whether on grade or building-mounted, shall be visually screened from adjoining property and public right-of-way.

1.09.060 Limitations on uses: In an Office Park zone, the following limitations shall apply:

(1) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

(2) All services, processing and storage on property abutting or facing a residential zone shall be within an enclosed building or screened from view from the residential zone by a permanently maintained, sight-obstructing fence at least six feet high.

(3) Access from a public street to properties in an industrial zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.

(4) Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect the use or value of the adjacent property.

(5) Signs shall comply with Chapter 1.16.

1.09.070 Environmental standards: No land or structure shall be used or occupied within this zone unless there is compliance with the environmental standards set forth in Chapter 1.15.

1.09.080 Administration: As a condition for the granting of a building permit and/or site plan approval, the applicant shall provide information sufficient to determine the degree of compliance with the standards in this title. Such request may include continuous records of operation, for periodic checks to assure maintenance of standards or for special surveys.

1.09.090 Schedule of uses: The following Table is a list of examples of allowable uses in the business park district. The appropriate review, as listed, is mandatory.

**Table 1.09.090  
Business Park District Use Zone**

“P” -	Permitted uses.
“C” -	Conditional uses which may be permitted with “Conditional Use Permits”.

<b>A.</b>	<b>Light Manufacturing, Warehousing</b>	
1.	Printing, publishing, allied products	P
2.	Signs, advertising display (operated within an enclosed building)	P
3.	Office machine equipment	P
4.	Electrical equipment—electronics	P
5.	Instruments, scientific—photographic control	P
6.	Warehousing, inside storage and services (excluding livestock)	P
<b>B.</b>	<b>Business and Professional Services</b>	
1.	Duplicating, blueprints, printing	P
2.	Stenographic, clerical	P
3.	Credit unions, branch banks – Accessory Use	C
4.	Office supplies/machines	P
5.	Data processing	P
6.	Building maintenance service	P
7.	Research	P
8.	Computers, camera equipment, electronics equipment	P
9.	Legal – Accessory Use	C
10.	Engineering	P
11.	Medical, dental – Accessory Use	P
12.	Architectural, planning	P
13.	Finance, insurance, real estate – Accessory Use	C
<b>C.</b>	<b>Recreational</b>	
1.	Athletic/health club	P
2.	Public and private parks	C
<b>D.</b>	<b>Industrial/Storage</b>	
1.	Utility and communications, substations	C
2.	Mini-storage warehouses	C
<b>E.</b>	<b>Other</b>	
1.	Wireless communication facilities, roof-mounted and less than twenty feet in height	P
2.	Wireless communication facilities exceeding twenty feet in height	C
3.	Government services and public utilities	C
4.	Accessory Retail sales in conjunction with a permitted use (not to exceed twenty-five percent of permitted use’s square footage)	P
5.	Signage, subject to the provisions of Chapter 1.16	P

## Chapter 1.10

### Requirements Exceptions

#### Sections:

- 1.10.010 Projections from buildings
- 1.10.020 Exceptions to lot size requirements
- 1.10.030 Exceptions to front yard requirements
- 1.10.040 Exception to building height limitations

1.10.010 Projections from buildings: Cornices, eaves, canopies, gutters, chimneys, flues, and other similar architectural features shall not project more than twenty-four (24) inches into a required yard.

1.10.020 Exceptions to lot size requirements: If a lot or the aggregate of contiguous lots or parcels platted prior to the time this ordinance was adopted has an area or dimension, which does not meet the requirements of this ordinance, the lot or aggregate holdings may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling.

1.10.030 Exceptions to front yard requirements: The following exceptions to the front yard requirements are authorized for a lot in any zone:

(1) If there is a dwelling on both abutting lots with front yards of less than the required depth for the one, the front yard of the lot need not exceed the average front yard of the abutting lots.

(2) If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard of the lot need not exceed a depth one-half way between the depth of the front yard of the abutting lot and the required front yard depth.

1.10.040 Exception to building height limitations: The following types of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, masts, aerials, cooling towers, elevator shafts, grain elevators, and other similar projections.

## Chapter 1.11

### Conditional Uses

#### Sections:

- 1.11.010 Authorization required
- 1.11.020 Purpose
- 1.11.030 Uses requiring a conditional use permit

1.11.040 Application procedure for a conditional use

1.11.050 Required findings to grant

1.11.010 Authorization required: Any conditional use of land which is described in this title, together with any others not mentioned, may be permitted when authorized pursuant to Chapter 1.11 of this ordinance.

Permitted and conditional uses: In residential zone I and II accessory uses and structures incidental to any permitted residential use, such as garages, greenhouses or workshops; provided, that none shall be rented or occupied for gain, that no accessory building to be used for living quarters shall be constructed upon a plot until the construction of the main building has commenced.

1.11.020 Purpose: The purpose of this chapter is to provide the community the opportunity to add conditions or requirements (1.18.040) so that a proposed use becomes more compatible with other existing or adjoining uses within that zone classification. This permit may not be used to reduce zoning requirements on a use, but a variance must then be requested.

1.11.030 Uses requiring a conditional use permit: A listing of uses requiring a conditional use permit is found in the tables for permitted and conditional uses.

1.11.040 Application procedure for a conditional use: The procedure for applying for a conditional use permit is found on the chart for conditional and unclassified uses, Section 1.18.040.

(1) A property owner may initiate a request for a conditional use or the modification of an existing conditional use by filing an application with the zoning administrator using forms prescribed in Section 1.18.040 of this ordinance.

(2) Detailed plans of any items of information may be required by the planning commission or city council, subsequent to preliminary approval of a conditional use.

(3) No construction related to any conditional use application may be started without first obtaining final approval from the planning commission.

1.11.050 Required findings to grant: Each determination granting a conditional use permit shall be supported by written findings of fact showing specifically wherein all of the following conditions exist:

(1) That the use for which the conditional use permit is applied for is consistent with the description and purpose of the zone district in which the property is located;

(2) That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;

(3) That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and, further, that the use can be

adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;

(4) That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as are needed in the opinion of the planning commission are properly provided to be compatible and harmonious with adjacent and nearby uses;

(5) That the granting of such conditional use permit will not be contrary to the adopted comprehensive plan, or to the objectives of any code, ordinance, regulation, specifications or plan in effect to implement said comprehensive plan.

## Chapter 1.12

### Nonconforming Uses

#### Sections:

- 1.12.010 Purpose
- 1.12.020 Continuation
- 1.12.030 Discontinuation
- 1.12.040 Improvement of certain nonconforming uses
- 1.12.050 Destruction of a nonconforming structure or use
- 1.12.060 Change of a nonconforming structure
- 1.12.070 Change of a nonconforming use
- 1.12.080 Nonconforming agricultural use

1.12.010 Purpose: Invariably, at the time the zoning ordinance is adopted or amended, certain uses which existed prior to the adoption or amendment will not conform to the regulations of the ordinance. These are known as “nonconforming uses”, and in order to feasibly adopt the ordinance and so as not to cause undue economic hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in the following sections.

1.12.020 Continuation: A nonconforming use or structure may be continued and maintained in reasonable repair but shall not be altered or extended. An exception may be granted to allow extension of a portion of a structure that was provided prior to the time the ordinance was adopted. A structure conforming with respect to use but nonconforming with respect to height, setback or coverage may be altered or extended, if the alteration or extension does not further deviate from the standards of this title.

#### 1.12.030 Discontinuation:

(1) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall conform to this ordinance.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months further use of the property shall conform to this ordinance.

1.12.040 Improvement of certain nonconforming uses: A use which is nonconforming with respect to provision for screening shall provide screening (Section 1.02.430) within a period of three years from the effective date of this ordinance.

1.12.050 Destruction of a nonconforming structure or use: If a nonconforming use structure or a structure containing a nonconforming use is destroyed by any cause, or suffers damage exceeding fifty percent of its assessed value, and is not returned to use or repaired within six months, a future structure or use on the site shall conform to this ordinance, having lost its nonconforming status.

1.12.060 Change of a nonconforming structure: Except for signs, a structure conforming as to use, but nonconforming as to height or lot coverage, may be altered or extended; provided the alteration or extension does not exceed the area, height or coverage requirements of this ordinance.

1.12.070 Change of a nonconforming use: The following shall apply:

(1) If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this ordinance.

(2) If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this ordinance unless the planning commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

1.12.080 Nonconforming agricultural uses: Agricultural uses of property which existed prior to this ordinance shall be allowed to continue provided they meet other city ordinances that may apply.

## Chapter 1.13

### Supplementary Zoning Regulations and Uses (Unlisted and Unclassified Uses)

#### Sections:

#### 1.13.010 Criteria and application

1.13.010 Criteria and application: In creating use zones, consideration is given to uses which are comparable, compatible or similar. It is not possible to list and classify every use to which land may be devoted, whether now or in the future. Therefore, the planning commission may recommend appropriate zoning or rezoning under the procedure outlined in Section 1.18.040, procedure chart for conditional and unclassified uses, when:

- (1) Any use is not listed as a permitted or conditional use in any zone; or
- (2) Any use has come into existence by reason of technical development; or
- (3) Any use already listed in a zone, because of changes, needs to operate under performance standards either more or less restrictive than the current zoning.

## Chapter 1.14

### Specific Standards

#### Sections:

- 1.14.010 Application
- 1.14.020 Apartments
- 1.14.030 Manufactured homes on individual lots
- 1.14.040 Outdoor storage or sales space
- 1.14.050 Automobile service station
- 1.14.060 Churches, meeting and assembly halls
- 1.14.070 Commercial parking lots
- 1.14.080 Drive-in restaurants
- 1.14.090 Veterinary clinics, kennels and animal hospitals
- 1.14.100 Day care facilities
- 1.14.110 Home occupations
- 1.14.120 Public utility structures
- 1.14.130 Parks
- 1.14.140 Temporary hardship units
- 1.14.150 Walk-up apartments
- 1.14.160 Accessory apartment
- 1.14.170 Livestock
- 1.14.180 Accessory buildings and uses
- 1.14.190 Submittal of plans
- 1.14.200 Ingress and egress standards
- 1.14.210 Grading and surfacing standards
- 1.14.220 Loading and service space requirements
- 1.14.230 Access to a lot

1.14.010 Application: The following are specific standards that will apply to one or more land uses. Refer to Tables 1.05.060, 1.07.070, 1.08.060 and 1.09.070 for permitted and conditional land uses. Uses shall meet any specific standards that are so designated.

1.14.020 Apartments: Each apartment or complex of buildings shall provide a minimum of five percent of building area as common use space. Where the total required recreation area is three thousand square feet or less, common use space shall be a continuous piece of land. No part of the area may be used for driveway, parking or other automobile use.

#### 1.14.030 Manufactured Homes on Individual Lots:

(1) Single-wide manufactured homes when placed on individual lots shall conform to the following conditions:

(A) Conform to all requirements for a single-family residence as defined by this title;

(B) Be manufactured after June 15, 1976, and bear a tag or seal of approval of the state of Washington or of The Department of Housing and Urban Development.

(C) Be provided with a foundation base which shall be improved to provide adequate support for the placement of a manufactured home in accordance with the Department of Housing and Urban Development standards. A copy of the approved foundation plans shall be submitted at the time of permit application;

(D) Have the space between the home and the ground fully enclosed with a foundation fascia (skirting) which provides adequate ventilation and access, and which is properly maintained.

(E) Meet the provisions of Section 1.06.020.

(2) Multi-width units shall be:

(A) Assembled on the site in accordance with Department of Housing and Urban Development standards;

(B) Be permanently connected to water, power and sewer utilities. All utilities shall be underground if possible;

(C) Manufactured homes shall meet the minimum width requirements (Section 1.04.010) in the residential, medium density (R-2).

(D) Meet the provisions of Section 1.05.020.

1.14.040 Outdoor storage or sales space: All outdoor storage or sales space shall;

(1) Be adequately landscaped, screened and buffered to reduce visual impacts of stored materials including vehicles and vehicle parts on adjacent properties;

(2) All outdoor lighting on such areas shall not be projected onto adjoining properties.

1.14.050 Automobile service stations: All automobile service sections shall:

(1) Have the leading edge of the base of any pump island no closer than fifteen feet from any property boundary line;

(2) Be adequately landscaped, screened and buffered to reduce visual impacts of stored materials or vehicles on adjacent properties.

1.14.060 Churches, meeting and assembly halls:

(1) When such uses are located within residential areas, the hours of operations of these uses shall be controlled so as not to disrupt surrounding residential areas.

(2) All eating and drinking facilities located within these uses shall be incidental to the primary use of the facility.

1.14.070 Commercial parking lots:

(1) Any party developing an off-street parking area shall submit a plan of the proposed parking area showing adjacent streets and structures, proposed traffic circulations, drainage, lighting, landscaping, fencing and screening to the planning commission to review for compliance with this ordinance.

(2) All entrances and exits to the parking lot or area must be arranged so that no vehicle shall back into a public street or otherwise cause or create unsafe or hazardous

conditions for traffic on adjacent streets or roads. All vehicles exiting a parking lot or area shall have clear vision of all traffic.

(3) Off-street parking areas shall be graded and surfaced to a standard comparable to the street or road which services the parking area. Such standards shall be determined by the planning commission.

1.14.080 Drive-in restaurants: All drive-in restaurants shall:

- (1) Be located on arterial streets;
- (2) Be so designed as to insure that all automobiles waiting for service are contained within the property boundaries.

1.14.090 Veterinary clinics, kennels and animal hospitals: All uses that provide short-term or long-term lodging for animals shall be designed such that all noises, odors and other obtrusive impacts are buffered or screened from adjoining or neighboring properties.

1.14.100 Daycare facilities: All daycare facilities shall:

- (1) Provide at least one hundred square feet of outdoor recreation space per child, and such space shall be maintained in an orderly fashion;
- (2) Provide a sight-obscuring buffer or screen between play areas and adjacent uses.

1.14.110 Home occupations: Home occupations shall:

- (1) Occupy no more than twenty-five percent of the residential structure;
- (2) Not create traffic to and from the residential structure that is disruptive to the residential area in which it is located;
- (3) Have no more than one sign, no larger than eight square feet. If lighted, it will be with shielded lighting of moderate intensity, and shall not interfere with pedestrian or vehicular traffic.
- (4) Have no occupation which creates a nuisance because of noise, smoke, odor, dust or gas.

1.14.120 Public utility structures:

- (1) The proposed site is best located when it serves the intended area with a minimal effect on surrounding property.
- (2) Structures such as towers, tanks, poles, overhead wires, pumping structures and similar equipment shall not be located as to degrade scenic views from a street or private property.
- (3) All equipment storage or material shall be buffered, screened or fenced, or kept within a structure.
- (4) Where it is possible, public utilities shall be located underground.

1.14.130 Parks:

- (1) All outdoor lighting on buildings or recreational areas shall not project onto adjoining properties.

(2) Any building or structure shall maintain a distance not less than fifty feet from any common property line with a residential zoned area.

1.14.140 Temporary hardship units: A manufactured home may be used:

(1) As a temporary residence during construction of a dwelling on the same lot for a period not to exceed twelve months. A temporary permit shall not be issued until a building permit for the new dwelling is issued.

(2) As a temporary use, in addition to the permitted dwelling unit, in a hardship situation. The following conditions must then be met.

(A) A temporary use permit shall be issued by the planning commission for no more than six months, which may be renewed upon showing good cause;

(B) The units shall not be permanently installed, but shall have temporary connections to the utilities;

(C) Minimum setbacks and lot coverage for the use classification shall be met:

(D) Occupancy may be only by the owner of the lot or a family member:

(3) Manufactured home shall be removed from the lot upon expiration of the temporary use permit, occupancy of the permanent dwelling, or daily care is no longer needed, whichever comes first.

1.14.150 Walk-up apartments: Walk-up apartments may be allowed on the second and third floor of commercial buildings provided that:

(1) There is a separate entrance/exit to the floors having apartments:

(2) Parking requirements are met (Section 1.14.070):

(3) Such apartments shall not be allowed on the first or ground floor.

1.14.160 Accessory apartments: The purpose of this use is to make possible an increase in small living units by utilizing surplus space in single-family residences. These small apartments meet a demand of young couples just getting started, couples without children, and senior citizens. In addition they provide the owner with the additional income so they may continue to meet the cost of keeping a home or of the security or additional occupants, both these being a concern of the so called "empty nesters". This section is not to be used for the conversion of single-family homes to duplexes or apartments by absentee landlords. Accessory apartments may be allowed, provided that:

(1) They are owner-occupied residences only:

(2) The outside appearance of the residence must continue to look like a single-family residence:

(3) The lot must conform with the current minimum lot size and to all setbacks:

(4) On-site parking for three cars must be provided:

(5) Only one additional living unit may be added.

1.14.170 Livestock/Animals/Fowl (excluding household pets):

The keeping of livestock, animals, and fowl, excluding household pets, small livestock and chickens, shall only be permitted outside of the zone defined on the attached map Exhibit B. Permitted animals/livestock and fowl shall not create a nuisance or hazard to

the health, peace, safety and welfare of the neighborhood and shall be subject to the following requirements:

(1) The following requirements and standards relate to the raising and keeping of large livestock.

(A) Limited raising or keeping of large livestock as follows:

- (i) Horses, ponies, mules, donkeys, burros, and similar animals;
- (ii) Dairy cattle, beef cattle, buffalo and similar animals;
- (iii) Sheep, goats, and similar animals;
- (iv) A maximum of two animal units (one animal unit equals approximately 1,000 pounds of animal weight) may be kept per one acre gross pasture area. Gross pasture area is that portion of a lot which is fenced and used solely for the grazing and keeping of large livestock. The following are examples of animal unit usages:

- (a) One horse and one cow per gross pasture acre;
- (b) Two cows or two horses per gross pasture acre;
- (c) Ten sheep or ten goats per gross pasture acre;
- (d) Eight sheep and two goats per gross pasture acre;

(v) If any additional animal(s) born on the premises causes the maximum allowable number of animals to be exceeded, adjustments must be made to bring the total number of animals into compliance with this chapter within the corresponding time limits specified below:

- (a) Horses and similar animals: one year from date of birth;
- (b) Cattle and similar animals: one year from date of birth;
- (c) Sheep, goats, and similar animals: six months from date of birth; and,

(vi) If any additional animal(s) are acquired by any means other than by birth, and cause the maximum allowable number of animals to be exceeded, adjustments must be made to bring the total number of animals into compliance with this chapter within 90 days after placement of the additional animal(s) on the premises. In addition, a fence must be constructed prior to the acquisition of any large livestock to ensure containment of the livestock on the premises.

(2) The following requirements and standards relate to the raising and keeping of small livestock.

(A) Limited raising or keeping of small livestock as follows:

- (i) Rabbits and similar animals;
- (ii) Chickens excluding roosters, ducks, geese, turkeys, and other similar fowl;
- (iii) A maximum of eight (8) animals or fowl, as defined above, may be raised or kept per city lot;
- (iv) An annual permit shall be required for the keeping of small livestock, and the City Council may revoke the permit for failure to comply with the requirements of this section; and,

(v) Any owner or owners of any small livestock will not be permitted to let them remain at large within the corporate limits of the city.

(3) Supplemental requirements.

(A) A permitted structure, pen or building in which large livestock is kept shall be located not less than 25 feet from any lot line and not less than 40 feet from any one-family dwelling;

(B) A pasture for large livestock, including perimeter fencing, shall be located not less than 15 feet from any one-family dwelling located on the same lot;

(C) Uses, structures and buildings shall comply with the applicable yard and area requirements.

(D) A shed, coop, hutch, or similar containment structure must be constructed prior to the acquisition of any small livestock to ensure containment of the livestock on the premises.

(E) Standings under roofed stable must be made of material and which provides for proper drainage so as not to create offensive odors, fly or insect breeding, or other nuisances.

(F) Manure must be collected at least once a week and shall be disposed of in one or more of the following manners:

(i) Placement of manure in a fly-proof container with periodic removal of manure from the lot;

(a) Adequate burying of the manure;

(b) Removal of manure from the lot.

(G) Fences, pens, corrals or similar enclosures must be of sufficient height and strength to retain animals.

1.14.180 Accessory buildings and uses: The following accessory buildings and uses are permitted within the various residential zones (Chapter 1.05 through 1.06) and are subject to the general provisions of this title.

(1) Accessory living quarters;

(2) Noncommercial greenhouses;

(3) Swimming pools, tennis courts and other recreational facilities solely for the use of the occupants of the residence and their guests;

(4) Amateur and citizen band radio and television towers, antennas and dish antennas;

(5) Dog house(s) and run(s) for up to three adult dogs when kept on the same lot as the owner's residence.

1.14.190 Submittal of plans: Any party developing an off-street parking area shall submit a plan of the proposed parking area showing adjacent street and structures and proposed traffic circulations, drainage, lighting, landscaping, fencing and screening to the planning commission to review for compliance within this ordinance.

1.14.200 Ingress and egress standards: All entrances and exits to a parking lot or area, except at a single-family residence, manufactured home or duplex, shall be arranged such

that no vehicle shall back into a public street or otherwise cause or create unsafe or hazardous conditions for traffic and adjacent streets and roads. All vehicles exiting a parking lot or area shall have clear vision of all traffic.

1.14.210 Grading and surfacing standards: All required off-street parking areas shall be graded and surfaced to a standard comparable to the street or road which services that parking area. Such standards shall be determined by the planning commission.

1.14.220 Loading and service space requirements: Each business building requiring service vehicles for deliveries or shipment shall have an off-street loading space with access to a public street. The size of the space shall be large enough to accommodate all servicing vehicles. No servicing vehicles shall extend into the public street when using the loading space.

1.14.230 Access to a lot: All buildings hereafter erected or moved shall be on a lot adjacent to a public street, except within a manufactured (mobile) home park or recreation vehicle park. All buildings shall also be located on the lot to provide safe and convenient access for servicing, fire protection and required off-street parking.

## Chapter 1.15

### Environmental Standards

#### Sections:

- 1.15.005 Environmental standards
- 1.15.010 Air quality standards
- 1.15.020 Noise level standards
- 1.15.030 Flood hazard zone standards
- 1.15.040 Heat, light and glare standards
- 1.15.050 Nuclear radiation standards
- 1.15.060 Toxic chemical storage standards
- 1.15.070 Vibration standard
- 1.15.080 Smoke and particulate matter standards
- 1.15.090 Odor standards

1.15.005 Environmental Standards: No land or structure shall be used or occupied within this zone unless there is compliance with the environmental standards set forth in this chapter.

1.15.010 Air quality standards: The emission of any of the following air pollutants by any use shall be subject to the National Ambient Air Quality Standards:

- (1) Smoke and gas;
- (2) Dust, dirt or fly ash;
- (3) Noxious, hazardous or odorous matter.

1.15.020 Noise level standards: Maximum permissible noise levels: shall be as determined by Chapter 173-60 WAC as amended or by local ordinance, whichever is more restrictive.

1.15.030 Flood hazard zone standards: All uses shall comply with flood hazard standards prescribed in any local ordinances in force.

1.15.040 Heat, light and glare standards: Except for exterior lighting, operations producing heat, light and glare shall be conducted within an enclosed building. Exterior lighting shall be designed, installed, directed and shielded to confine light and glare to the property on which the light source is located, except during periods of construction.

1.15.050 Nuclear radiation standards: The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the provision contained in Rules and Regulations for Radiation Protection issued by the Radiation Control Agency of the Washington State Department of Health and applicable federal requirements.

1.15.060 Toxic chemical storage standards: Any toxic chemical shall be stored in containers and at locations which prevent leakage and spillage and are not hazardous to adjacent or nearby property or persons. Companies shall take immediate action to clear up spills, leakage or release of fumes which may be hazardous to health. Failure to do this shall subject the firm to a minimum fine of three hundred dollars per day plus any legal cost or expenses incurred by the city.

1.15.070 Vibration standards: Vibration other than that caused by highway vehicles and aircraft, which is discernible without instruments at the property line of the property on which the source is located, is prohibited.

1.15.080 Smoke and particulate matter standards: Air emissions must be approved by the City Planning Commission.

1.15.090 Odor standards: The emission of noxious gases or odor in such quantities as to be readily detectable at any point beyond the property line of the property on which the source is located, is prohibited.

## Chapter 1.16

### Aesthetic Standards

#### Sections:

1.16.010 Sign standards

1.16.020 Prohibited signs

1.16.030 On-premises commercial signs or signs placed in or on a building

- 1.16.040 Real estate signs
- 1.16.050 Political campaign signs on public property
- 1.16.060 Historic property standards
- 1.16.070 Buffer zones and screens
- 1.16.080 Landscape standards
- 1.16.090 Junk and abandoned buildings
- 1.16.100 Unlicensed vehicles

1.16.010 Sign standards: The following provisions are instituted to protect the public health, safety and welfare by regulating the use of signs and displays, thus promoting traffic safety, protection of property values, and preservation of natural and aesthetic community assets. In a commercial and industrial zone, the size, location, design, materials and color of a proposed sign shall be approved by the planning commission. The applicant shall fill out a land use application and submit a sketch to the planning commission for review. The planning commission will act upon the application at the next regular meeting following submittal of the completed application.

1.16.020 Prohibited signs: The following signs shall be prohibited:

- (1) Signs which in the opinion of the police department interfere with the view of traffic signs signals or devices and approaching or merging traffic;
- (2) Signs containing flashing, moving, intermittent or intense lights;
- (3) Signs with animated parts;
- (4) Signs erected, maintained or painted upon trees, rocks or other natural features;
- (5) Unsafe or obsolete (business discontinued, etc.) signs;
- (6) Signs which obstruct a view from any adjoining or nearby public or private property.

1.16.030 On-premises commercial signs or signs placed in or on a building: An on-premises commercial sign shall mean any exterior sign or device conveying a message advertising or attracting the attention of prospective patrons and which either is attached, lettered on a structure, or erected freestanding on a property on which the advertised activity is located. Such signs shall conform to the following standards;

- (1) The maximum size of any on-premises sign for any individual use shall not exceed thirty-six square feet. In the case of the two-sided sign, only one side shall be used in calculating the area.
- (2) Signs shall not project more than six feet from the side of a building or be placed on the top of a building. These signs shall not interfere with pedestrian or vehicular traffic.
- (3) The maximum height limit of signs placed on separate poles or supports shall be thirty feet and the sign area shall be limited to eighty-four square feet.
- (4) Home occupations shall have no more than one sign, no larger than eight square feet, with shielded lighting of moderate intensity, and shall not interfere with pedestrian or vehicular traffic.

(5) The number of on-premises commercial signs shall not exceed one sign per each street frontage; thus, a corner building would then be allowed two signs; one on each street.

(6) The maximum size of commercial signs which protrude from the building shall be thirty-six square feet.

(7) Signs printed on awnings are permitted if the awning meets the requirements of Section 1.10.010.

1.16.040 Real estate signs: The area of real estate signs which advertise the sale or lease of property on which they are located shall not exceed eight square feet.

1.16.050 Political campaign signs on public property: Political campaign signs may be displayed thirty days prior to an election and must be removed not later than seven days after the election. For a successful candidate in a primary election, the sign may remain between the primary and final election. The candidate for whom the sign is displayed is responsible for its removal.

1.16.060 Historic property standards: Any property, structure, object or district that has been designated as historic by being placed on a local, state or national register of historic places shall be subject to the following provisions.

(1) All permits for remodeling or demolition of historic properties shall be reviewed by the planning commission.

(2) Any remodeling of the exterior appearance of an historic property shall be so constructed as to maintain the style of architecture represented by the original building.

(3) No historic property shall be demolished without a concerted effort by the owner and the planning commission to secure an alternative owner at fair market value for the property who would agree to maintain the historic character of the property. If after forty days no such prospective buyer is located, a demolition permit may be issued.

1.16.070 Buffer zones and screens:

(1) This ordinance allows uses which may create impacts upon adjacent uses. To reduce these impacts the planning commission may require buffers and/or screens between adjacent uses. Buffers or screens shall be required where the planning commission finds that the proposed use creates impacts which could be mitigated by these features.

(2) The planning commission shall require buffers and screens only in locations and dimensions necessary to perform a stated function. The width of buffers may be adjusted to account for natural features, traffic volumes, proposed setbacks in design, or other factors. The general criteria is the more intensive the proposed use and its potential for impact, the greater the buffer or screen requirement.

(3) Buffers and screens may be required along the boundary line between residential uses and commercial, industrial or public uses. The planning commission shall determine the requirements on an individual basis.

(4) Any planted screens shall be sufficient to obscure the proposed use within two years. Walls, fences or earth berms shall be required where noise or glare reduction

is necessary. All screens shall be of sufficient height to insure that the impacts of the proposed use are mitigated.

1.16.080 Landscape standards: Plans for all proposed uses except single-family residences shall include areas that are designed for landscaping using natural materials. All parking lots incidental to the use shall include a landscaped area adjoining the sidewalks and adjacent properties. All landscaping shall be of natural materials indigenous to the local environment and shall be continuously maintained. No planting shall be allowed that may restrict clear vision at intersection or entrances and exits of parking areas.

1.16.090 Junk and abandoned buildings: In no zone will there be permitted a collection of junk, scrap, unlicensed cars or parts of cars, unlicensed recreational vehicles, or travel trailers, equipment, abandoned or unsafe sheds or buildings which are a menace to the health, safety and general welfare of the neighborhood, except where specific provisions are made concerning such items in this ordinance. This does not apply to an automobile which is being actively repaired or worked on by the owner or where properly screened or indoor storage is provided.

1.16.100 Unlicensed vehicles: Automobiles, recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any street, right-of-way or alley.

## Chapter 1.17

### Child Day Care Facilities

#### Sections:

- 1.17.010 Purpose
- 1.17.020 Definitions
- 1.17.030 Family Day Care Home
- 1.17.040 Child Mini-Day Care Center
- 1.17.050 Child Day Care Center
- 1.17.060 Registration
- 1.17.070 Contradictions

1.17.010 Purpose: The council finds that affordable, good quality, and licensed child day care within the city is critical to the well-being of parents and children in the community and is a needed community service. Further, it is the purpose of this chapter to facilitate the siting of licensed child day care facilities in the City of Sprague in a manner which simplifies the review and approval process while ensuring conformance with the surrounding land uses.

1.17.020 Definitions: For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(1) “Child day care” means the provision of supplemental parental care and supervision:

- (A) For a nonrelated child or children;
- (B) On a regular basis;
- (C) For less than twenty-four hours a day; and
- (D) Under license by the Washington State Department of Social and

Health Services.

As used in this chapter, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child’s own home. Likewise, the term is not intended to include cooperative, reciprocate child care by a group of parents in their respective homes.

(2) “Child day care facility” means a building or structure in which an agency, person, or persons regularly provide care for a group of children for periods of less than twenty-four hours a day. Child day care facilities include family day care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended (RCW 74.15, WAC 388-73-422).

1.17.030 Family day care home: A family day care home shall be permitted by right in all zoning districts permitting residences and shall be subject to the following requirements;

- (1) Meet Washington State child day care licensing requirements;
- (2) Comply with all building, fire safety, health code and business licensing requirements;
- (3) Lot size, building size setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;
- (4) A safe passenger loading area must be provided;
- (5) Signage, if any, will conform to Chapter 1.16 of this ordinance;
- (6) Filing of a child day care registration form with the city as provided for in Section 1.17.060;
- (7) No structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted.

1.17.040 Child mini-day care center: A child mini-day care center not located in residence of the care provider is allowed in the designated zoning districts as follows;

(1) Zoning Districts R-1 and R-2: A child mini-day care center not located in the residence of the care provider shall be permitted by the planning commission.

- (A) Notice of the proposal shall be given as provided below;
  - (i) The notices shall be posted on site and in two other conspicuous locations in the vicinity of the site at least ten calendar days prior to final action on the application;

(ii) The notice shall include a description of the proposal, site location, deadline for submitting written comments, and the address and phone number of the planning department of the city;

(B) Administrative review requirements. The planning commission shall review applications for a mini-day care center not located in the residence of the care provider in a zone which allows for single-family and two-family residential structures and may approve, modify, or deny the application subject to the following requirements;

- (i) Meet Washington State child care licensing requirements;
- (ii) Comply with all building, fire safety, health code, and business licensing requirements;
- (iii) Signage, if any, will conform to the requirements of Chapter 1.16 of this ordinance;
- (iv) Filing of a child day care registration form with the city, as provided for in Section 1.17.060;
- (v) Parking requirements shall conform to the zoning code of the city;
- (vi) The site must be landscaped in a manner compatible with adjacent residences;
- (vii) No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child mini-day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;
- (viii) The child mini-day care center shall not be located within three hundred feet of another child mini-day care center or child day care center. Any child day care center which is an accessory use pursuant to Section 1.17.050 (4) shall be excluded;
- (ix) The planning commission may attach conditions to the permit in order to reduce conflicts between the child mini-day care center and surrounding neighborhood; i.e., noise, attenuation, special parking needs, and hours of operation;
- (x) If the planning commission finds that there is just cause for a public hearing, final approval shall be determined through the conditional use permit process and shall be subject to the requirements of Section 1.17.050 (1) (a) and Chapter 1.18 of this title.

(2) All other Zoning Districts: A child mini-day care center not located in the residence of the care provider is permitted by right in all other zoning districts provided the condition set forth in subsection (1) (B), parts (i) through (vii) of this section are met.

1.17.050 Child Day Care Center: A child day care center may be allowed in the designated zoning districts as follows;

(1) Zoning Districts R-1 and R-2: A child day care center may be allowed in these zoning districts only upon issuance of a conditional use permit pursuant to Section 1.18.040 of this title.

(A) Conditional Use Permit Requirements.

- (i) Meet Washington State child day care licensing requirements;

(ii) Comply with all building, fire safety health code, and business licensing requirements;

(iii) Lot size, building size, setbacks and lot coverage conform to those applicable to the zoning district;

(iv) Signage, if any, will conform to the requirements for the applicable zoning district;

(v) Filing of a child day care registration form with the city as provided for in Section 1.17.060;

(vi) Parking requirements shall conform to the Sprague Municipal Code;

(vii) A fence at least four feet high must be installed around the play yard;

(viii) The site must be landscaped in a manner compatible with adjacent residences;

(ix) No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;

(x) The child day care center shall not be located within three hundred feet of another child day care center or child mini-day care center, excluding any child day care center which is an accessory use pursuant to subsection (4) of this section.

(2) All Other Zoning Districts: A child day care center is permitted by right in all other zoning districts subject to the following requirements:

(A) Meet Washington State child day care licensing requirements;

(B) Comply with all building, fire safety, traffic safety, health code, and business licensing requirements;

(C) Setbacks, screening, landscaping, lot size, building size, and lot coverage shall conform to the pertinent portions of the zoning code;

(D) Parking requirements shall conform to the Sprague Municipal Code;

(E) Filing of a child day care registration form with the city as provided for in Section 1.17.060.

(3) Limitation in Use of a Family Residence. No child day care 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.

(4) Accessory Use. A child day care center, if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.

1.17.060 Registration: Each child day care service provider must register with the city planning commission by completing a child day care registration form as provided by the department prior to initiation of the use. Upon registration, the child day care provider must be able to demonstrate compliance with the applicable conditions of this chapter.

1.17.070 Contradictions: In the event of conflict between this chapter and any other ordinance or zoning provision of this city, the most restrictive provision shall apply.

## Chapter 1.18

### Building Permits and Occupancy Permits

#### Sections:

- 1.18.010 Building permits
- 1.18.020 Occupancy permit
- 1.18.030 Mitigation of impacts
- 1.18.040 Procedural chart for conditional and unclassified uses

1.18.010 Building permits: No manufactured home (on an individual lot or in a manufactured home park), building or other structure shall be erected, moved, added to, wired or rewired, or structurally altered without a permit issued by the building official. Construction shall meet with all of the requirements of the city's Uniform Building Code and other applicable ordinances.

1.18.020 Occupancy permit: No one may permanently occupy a building, manufactured home or structure for which a building permit has been issued, unless all required inspections are made and signed off by the building official per the city's building code. Upon completion of construction and after final inspections are completed, signing off by the building official shall constitute an occupancy permit, at which time permanent occupancy shall be permitted. This provision does not apply to permits issued for repair or remodeling which does not impair the living spaces in the remainder of the dwelling.

1.18.030 Mitigation of impacts: The planning commission may recommend, and the city council may require, the mitigation of any of the following impacts which could result from a proposed use:

- (1) Erosion potential;
- (2) Excessive water runoff;
- (3) Environmental hazards and/or pollution;
- (4) Fiscal impacts upon the city;
- (5) Traffic hazards and/or congestion;
- (6) Sight and sound impacts;
- (7) Visual blight;
- (8) Any other unusual impacts associated with the proposed use.

1.18.040 Procedural chart for conditional and unclassified uses: The procedural chart for conditional and unclassified uses is as set forth in Table 1.18.040.

Table 1.18.040

Procedural Chart for Conditional and Unclassified Uses

Application made to the City Clerk	Applicant provides; 1. Application, filled out 2. Payment of fee 3. Required information
Application reviewed for completeness	
Date for public hearing set, city clerk handles public notification	
Public hearing held by the planning commission	Public input received
Planning commission reviews application, makes written recommendations including condition or restrictions	Unclassified Use Criteria: 1.13.010
City council reviews recommendations at regular meeting, makes decisions including conditions or restrictions	
Conditional use permit:	
Issued	Returned to applicant, action terminated
Rejected	Returned to applicant who may appeal To Circuit Court
If building permit is not applied for within six months the conditional use permit is revoked	Permit may be renewed for up to one year by action of city council

## Chapter 1.19

### Administration

#### Sections:

#### Article I. General Administration, Responsibilities and Enforcement

- 1.19.010 City clerk-treasurer's responsibility
- 1.19.020 Building official's responsibility
- 1.19.030 Planning commissions' responsibility
- 1.19.040 City council's responsibility
- 1.19.050 City attorney's responsibility

#### Article II. Land Use Application—Responsibilities and Enforcement

- 1.19.060 Purpose
- 1.19.070 Land use application form
- 1.19.080 Information required for land use application

#### Article III. Land Use Application Process

- 1.19.090 Authority
- 1.19.100 Application procedure
- 1.19.110 Planning commission review and action
- 1.19.120 City council review and action
- 1.19.130 Time limit
- 1.19.140 Land use application procedure chart

#### Article I. General Administration, Responsibilities and Enforcement

1.19.010 City clerk-treasurer's responsibility: The city clerk-treasurer is responsible for accepting land use applications; to insure that all information is present from the applicant; to schedule public hearings; and to make all required notifications of proposed action and public hearings. Consider also; documenting all proceedings.

1.19.020 Building official's responsibility: The zoning inspector and building inspector will add their input where necessary and transmit pertinent information to the planning commission. They shall also issue building permits per the building ordinance currently in effect, verify that all work performed per permit is in compliance to applicable to applicable codes and maintain surveillance of the city to assure that building activity is not being done without a permit.

1.19.030 Planning commission's responsibility: The planning commission shall;

(1) Conduct public hearings, when required, which may be scheduled on the date of a regular planning commission meeting;

(2) Review applications, at regular public meetings take testimony, discuss and make recommendations for action and conditions to the city council;

(3) Periodically review the zoning ordinance and comprehensive plan for correctness and timeliness and to recommend appropriate changes to the city council.

1.19.040 City council's responsibility: The city council, upon recommendation of the planning commission, shall be responsible for making all final decisions and establishing conditions on any land use application or other application under this title.

1.19.050 City attorney's responsibility: The city attorney shall be responsible for taking any action necessary to enforce this ordinance at the direction of the city council. He/she should also advise on the legality of planning commission or city council actions as appropriate.

## Article II. Land Use Application—Purpose and Requirements

1.19.060 Purpose: The purpose of this article is to provide a standardized application form for proposed land uses and other requests and to set the information requirements necessary for the planning commission and the city council to evaluate a proposed request and to take necessary action.

1.19.070 Land use application form:

(1) The land use application form shall contain the following information:

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

(B) Legal owner of the lot or parcel on which the use is proposed;

(C) Assessor's parcel number(s) of the lot parcel(s);

(D) A written description of the proposed use;

(E) The nature of the proposed request (i.e. permitted use, conditional use, variance, amendment to the ordinance, rezone, etc.)

(2) A land use application form shall be available from the city clerk-treasurer.

1.19.080 Information required for land use application:

(1) This land use application form shall be used to apply for land use projects or requests. It is the applicant's responsibility to provide such additional mapped and written information as is necessary to evaluate a proposed project or request. Such information requirements will generally be stated in the sections or ordinances shown under "reference" below. The applicant may also request a preliminary discussion with the planning commission to determine exactly what information shall be required with the application.

(A) A land use application form shall be used to apply for;

(i) All permitted/conditional land uses, Chapter 1.09;

- (ii) Accessory building and uses, Section 1.14.180;
- (iii) Building permits, Building permit ordinance;
- (iv) Variances, Chapter 1.21;
- (v) Amendments and rezones, Chapter 1.23;
- (vi) Binding site plans, Subdivision Ordinance;
- (vii) Annexation request, RCW 35.13;
- (viii) Short Subdivision, Subdivision Ordinance;
- (ix) Subdivision, Subdivision Ordinance.

### Article III. Land Use Application Process

1.19.090 Authority: The city clerk-treasurer is responsible for receiving the land use application, ensuring that all required information is present and transmitting the application and appended information to the planning commission. The planning commission is responsible for reviewing land use application, approving certain applications (Section 1.19.140), holding public hearings where required, and making recommendations to the city council. The city council is responsible for making final decisions on land use permits (except see Chapter 1.09).

1.19.100 Application procedure: The applicant shall present a completed land use application together with necessary information to the city clerk-treasurer. The application will be reviewed for completeness and will be forwarded to the planning commission. The city clerk-treasurer shall also review the SEPA checklist (if applicable) and make a threshold determination according to the guidelines of the local SEPA ordinance. "SEPA" is the State Environmental Protection Agency.

1.19.110 Planning commission review and action: The planning commission will review all land use applications. If the application is for a permitted use, either an individual single-family dwelling unit, manufactured home, duplex or an apartment building with four or less dwelling units, the planning commission shall review the application for compliance with this ordinance and any other applicable ordinance. If the planning commission finds that the application is in compliance with this ordinance, the planning commission shall then authorize the issuance of a building permit to the applicant. If the planning commission finds that the proposed use is not in compliance with the ordinance, the application is returned to the applicant with a written explanation of the reason for denying the permit. An applicant may resubmit the proposal if the proposed use is modified to insure compliance with this title.

If the application is for a permitted use other than a single-family dwelling unit, a manufactured home, a duplex or apartment with four or less dwelling units, or if the application is for a variance, amendment, a conditional use or other use requested, the planning commission shall transmit the application along with their recommendations to the city council for a final decision.

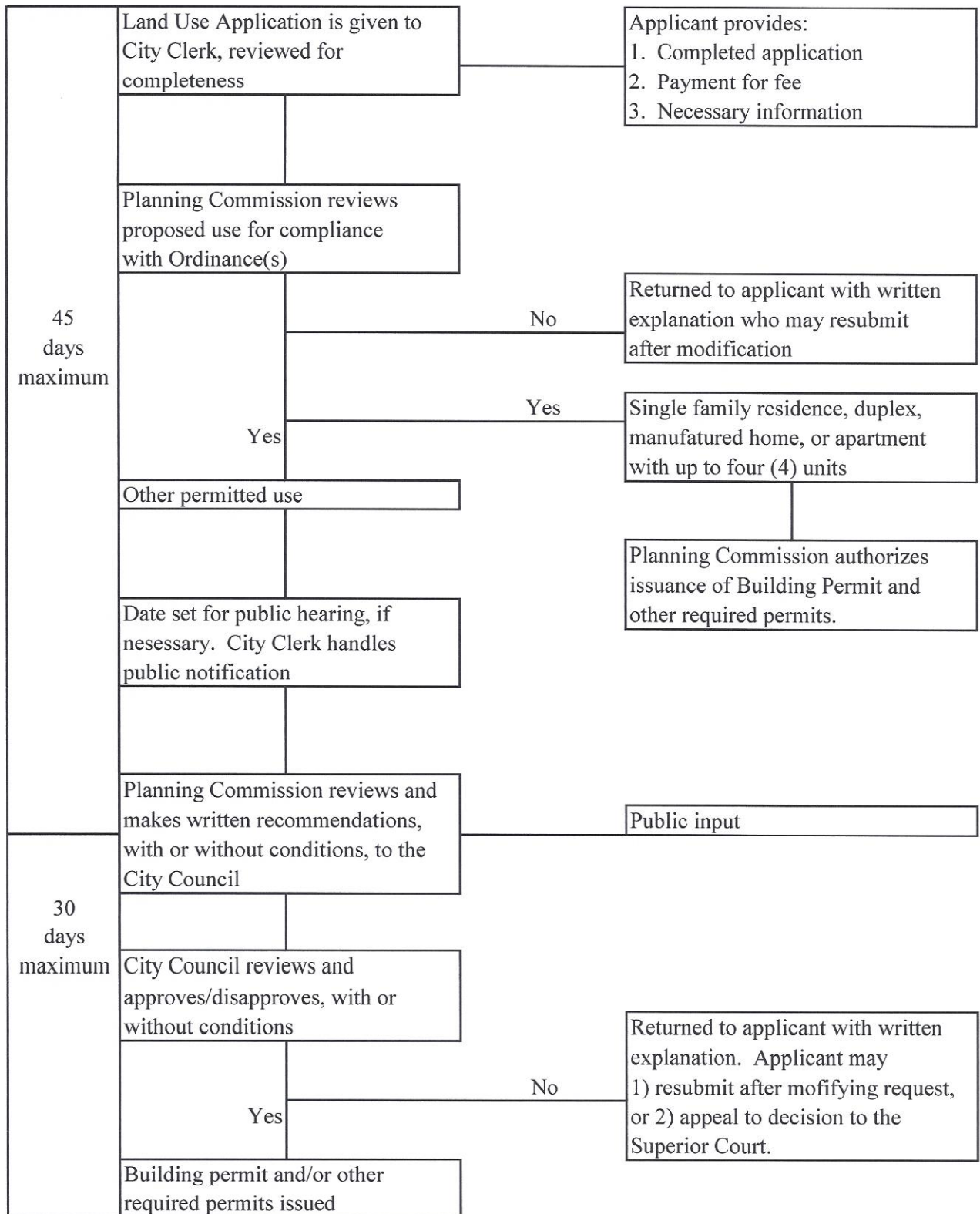
1.19.120 City council review and action:

The city council shall at public meeting review all land use applications forwarded by the planning commission, accept additional public input and shall make a final decision. Written findings of fact shall be prepared for each decision.

1.19.130 Time limits: If substantial construction of such use is not started within one year from the date of issuance of the permit, the applicant must submit a request for a maximum one year extension of the permit. See Chapter 1.09 for requirements for a building permit and an occupancy permit.

1.19.140 Land use application procedure chart: The land use application procedure chart, Table 1.19.140, illustrates the proper procedures for an application to follow on a request for a permitted use.

Table 1.19.140  
Land Use Application Procedure Cart: Permitted Uses



## Chapter 1.20

### Clear Vision Areas

#### Sections:

##### 1.20.010 Requirement

1.20.010 Requirement: A clear vision area shall be an area maintained at the corners of street intersections or driveways which has no obstructions to vision from thirty inches to ninety-six inches above the curb for a distance of thirty feet from the corner, to allow approaching vehicles to see each other.

## Chapter 1.21

### Variances

#### Sections:

- 1.21.010 Purpose
- 1.21.020 Criteria
- 1.21.030 Prohibited variances
- 1.21.040 Conditions or restrictions
- 1.21.050 Variance procedure
- 1.21.060 Public hearing
- 1.21.070 Notification of action
- 1.21.080 Variance procedure chart

##### 1.21.010 Purpose:

(1) The purpose of a variance is to provide relief only when a strict application of the zoning requirements would impose unusual difficulties and unnecessary hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other conditions on the site or in the immediate vicinity.

(2) In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this ordinance.

1.21.020 Criteria: Variances to a requirement of this ordinance with respect to lot area, lot coverage, height of structures, vision clearance, buffering, screening and other quantitative requirements may be granted only if, on the basis of application investigation and evidence submitted by the applicant, all of the following are shown:

(1) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms or ordinance; and

(2) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zone; and

(3) The conditions or situations giving rise to the variance application have not been created or caused by the applicant or recent owner of the subject property; and

(4) That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity; and

(5) The granting of the variance would support goals and policies contained within the comprehensive plan; and

(6) That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free and safe flow of traffic on the streets and walks.

1.21.030 Prohibited variances: Under no circumstances shall the city council grant a variance to allow a use not generally or conditionally permitted in the zone, or any use expressly or by implication would constitute a grant of special privilege to the subject property.

1.21.040 Conditions or restrictions: Reasonable conditions (Section 1.21.020) may be imposed in connection with a variance as deemed necessary to protect the best interest of the surrounding property or neighborhood and otherwise secure the purpose and requirement of this title. Guarantees and evidence may be required that such conditions will be and are being carried out.

1.21.050 Variance procedures:

(1) The applicant shall present a completed land use application and other information together with the fee (Section 1.21.020) to the city clerk-treasurer. The application shall be forwarded to the zoning administrator, who shall review the application, make sure it is complete, add his input, and shall then forward it to the planning commission together with his written comments.

(2) Upon receipt of an application for a variance from the zoning administrator, the planning commission shall set a date for the public hearing on the application following the statutory requirement for public notifications. At this hearing the planning commission shall review the application and take public testimony.

(3) At a later public meeting the planning commission shall issue its written recommendation on the application. In making its recommendation the planning commission shall base its recommendation on written findings of fact guided by the criteria in Section 1.21.020. The recommendation shall then be forwarded to the city council.

(4) Upon receipt of the recommendation from the planning commission, the city council shall set a date for the public meeting at which they will consider the variance application. At this meeting the city council shall review the application and

recommendation of the planning commission, and issue a decision for acceptance or denial of this application. The decision shall be based upon the criteria (Section 1.21.020) and written findings of fact shall accompany the decision. The planning commission shall provide the applicant with written notice within five days.

(5) Upon denial of a variance request by the planning commission, the city clerk-treasurer shall return the application to the applicant. All decisions may be appealed to the city council.

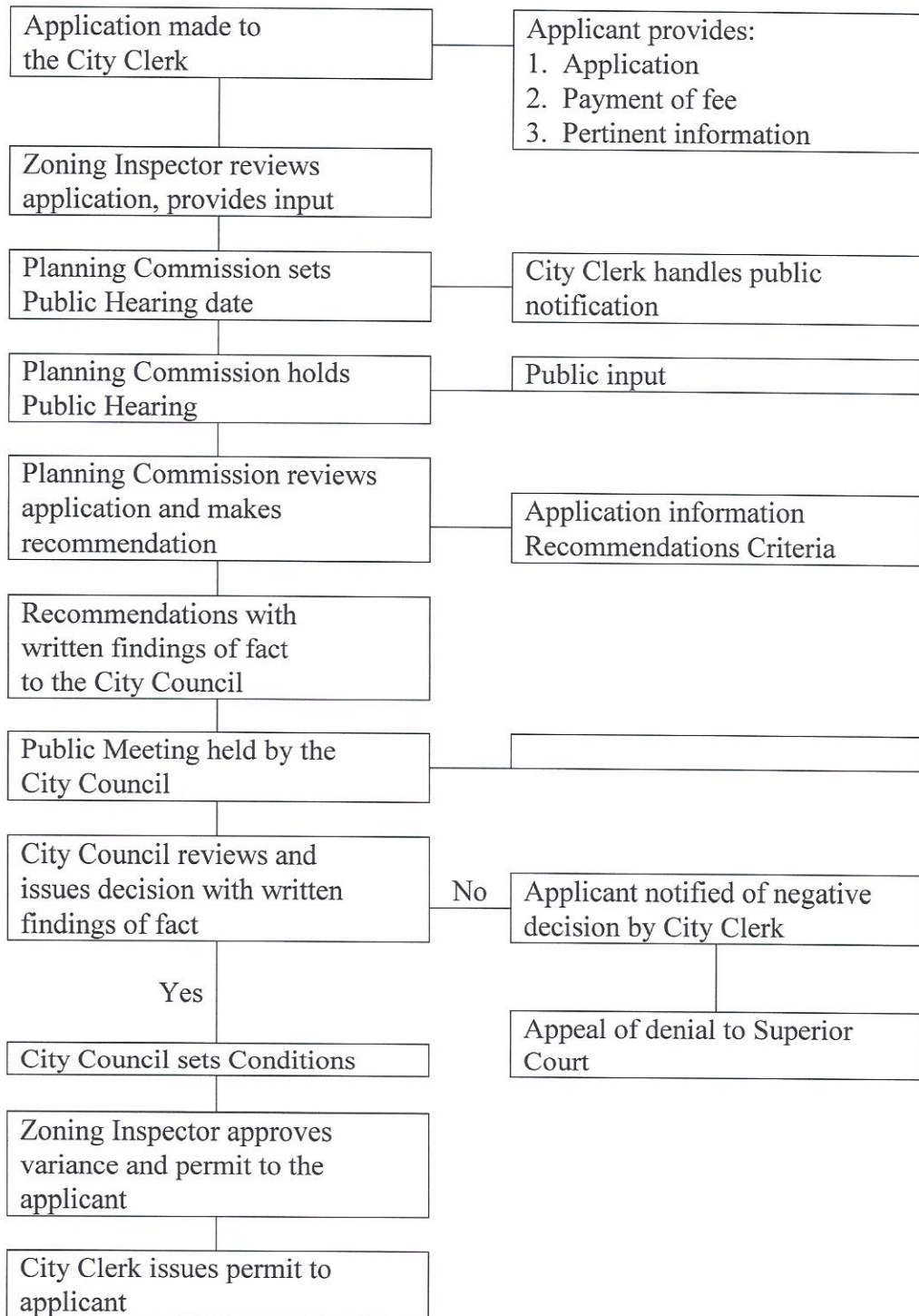
(6) If the city council approves the variance request, the city clerk-treasurer shall be directed to issue a variance. The city council in directing the issuance of a permit may attach any condition(s) to the permit which it deems necessary to reduce possible impacts created by the proposed use (Section 1.21.020).

1.21.060 Public hearing: Before the planning commission may act on a request for a variance, it shall hold a public hearing in accordance with the provisions of Section 1.19.140 of this ordinance.

1.21.070 Notification of action: Within five working days after a decision has been rendered on a request for a variance, the city clerk-treasurer shall provide the applicant with written notice of the city's action.

1.21.080 Variance procedure chart: The variance procedure chart set out in Table 1.21.080 is made a part of the section.

Table 1.21.080  
Variance Procedure Chart



## Chapter 1.22

### Amendments

#### Sections:

- 1.22.010 Purpose
- 1.22.020 Initiation of an amendment
- 1.22.030 Application by landowner(s)
- 1.22.040 Public notification
- 1.22.050 Criteria
- 1.22.060 Planning commission review
- 1.22.070 City council review
- 1.22.080 Re-submittal of application
- 1.22.090 Appeal
- 1.22.100 Fees
- 1.22.110 Invalidation of an amendment
- 1.22.120 Procedure chart

1.22.010 Purpose: Whenever public necessity, convenience and general welfare require, the boundaries of the zone established on the map of this ordinance may be amended as follows:

- (1) By the adoption of an amendment (rezone) to the existing zoning map: or
- (2) By amending the text of this ordinance.

1.22.020 Initiation of an amendment: Amendments to this ordinance and zoning map may be initiated by:

- (1) The verified application of one or more owners of property within the corporate boundaries of Sprague: or
- (2) The adoption of a motion of the city council requesting the planning commission to set the matter for hearing and recommendations: or
- (3) A motion of the planning commission.

1.22.030 Application by a landowner(s): Application for an amendment or rezone by a landowner(s) shall be made on a land use application form (Section 1.19.140). Written and mapped information, which explains the petition, shall be submitted by the applicant. This shall include a list of names and addresses of all property owners of record within three hundred feet of the property for use by the city clerk-treasurer for required notification.

1.22.040 Public notification: An amendment of change in use, zone boundaries or a reclassification of property shall require public hearings. Public notification shall include:

- (1) All property owners of record within three hundred feet of the property; and
- (2) Notice of time and place of public hearings by publication in the local newspaper at least seven days in advance of the public hearings; and

(3) A posting of a notice on the property at least seven days in advance of the public hearing. Notice shall include the nature of the petition and the date, time and place of the public hearings;

(4) The applicant shall bear the cost of public notification.

1.22.050 Criteria: The planning commission and the city council shall be guided by the following in granting an amendment:

(1) The amendment requested shall be in conformance with the comprehensive plan:

(2) The provisions of this ordinance; and

(3) The public interest.

1.22.060 Planning commission review: Upon receipt of an application of motion for amendment the planning commission shall set the date, time and place for a public hearing on the action. Prior to the hearing the planning commission shall conduct an investigation on the matters involved in the amendment. At the public hearing the planning commission shall review the proposed amendment and take public testimony; and then at the public meeting prepare written recommendations with findings of fact on the proposed amendment. These recommendations shall be forwarded to the council within sixty days after receipt of the application by the city clerk-treasurer.

1.22.070 City council review: Upon receipt of the planning commission's recommendations the city council shall set a date, time and place for a public meeting on the amendment. At the public meeting the city council shall review the proposed amendment and planning commission recommendations decision. The city council may decide to:

(1) Deny the amendment; or

(2) Refer the matter back to the planning commission for further review to be returned to the city council within sixty days; or

(3) Approve by making a motion to adopt the amendment or rezone.

1.22.080 Re-submittal of application: An application which has been disapproved by the city council cannot be re-submitted to the planning commission for a period of six months from the date of disapproval.

1.22.090 Appeal: An applicant whose amendment application has been disapproved by the city council may appeal to the Superior Court.

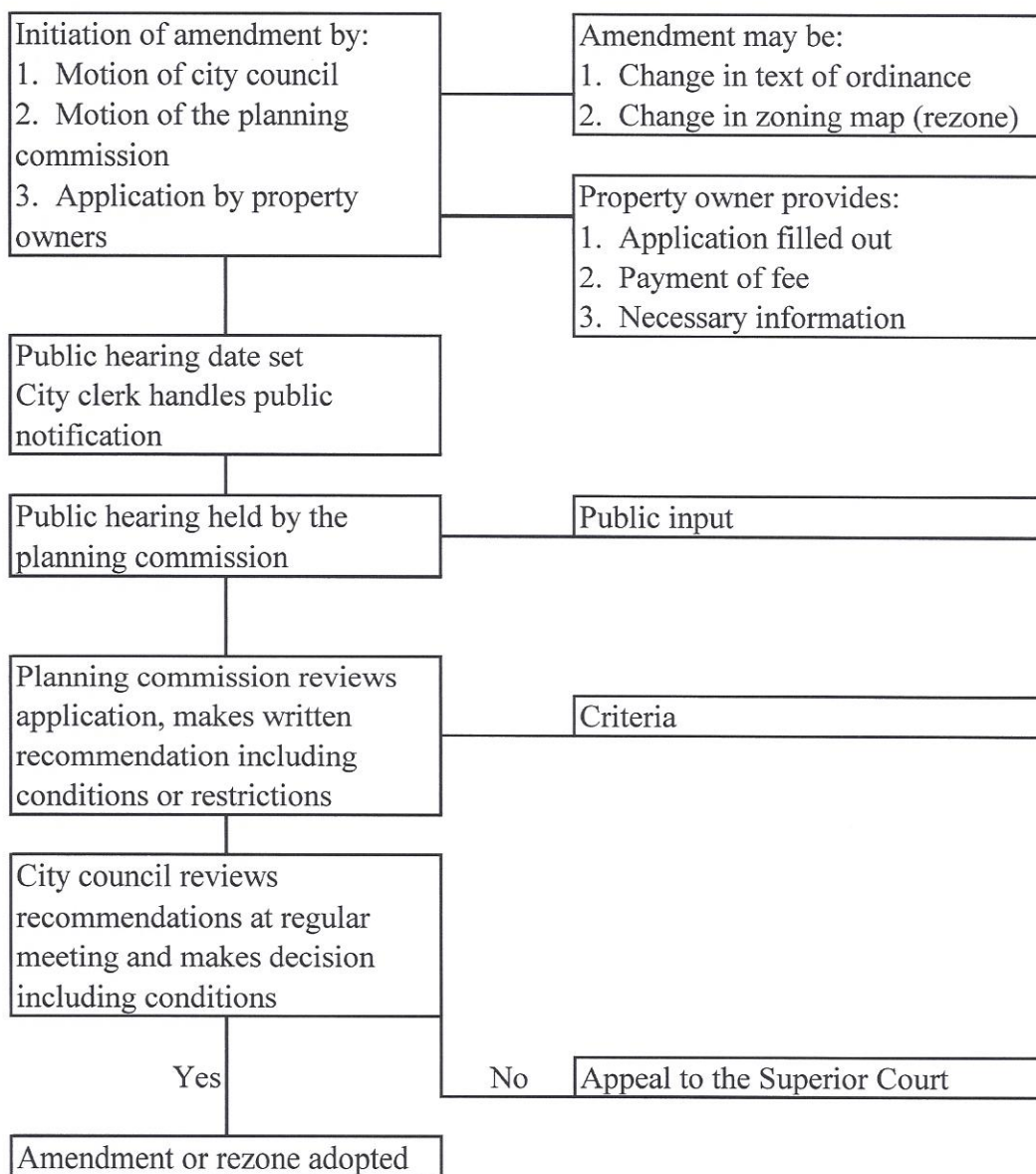
1.22.100 Fees: Fees shall be established by action of the city council and shall be posted at the city clerk-treasurer's office. A fee for action under this ordinance shall be paid by the applicant at the time of application. Applicant shall also be responsible for payment of all direct costs of hearing notifications incurred by the city as result of his/her application.

1.22.110 Invalidation of an amendment: In the event that a rezone has been granted, the rezone shall be declared invalid unless substantial progress, as judged by the planning

commission, toward implementing the proposed development within one year of the effective date of the amendment is shown. A one year extension may be granted by the planning commission upon written application citing reasons for the delay.

1.22.120 Procedure chart: The procedure chart for an amendment (including a rezone request) to the zoning ordinance (Table 1.22.120) is made a part of this section.

### Procedure Chart for an Amendment



Note: In case of a rezoning, the land use map of the comprehensive plan must be changed first, by city council action.

1.24.040 Violation-Penalty: Violation of the provision of this Ordinance or failure to comply with any of the requirements shall upon conviction result in a fine of three hundred dollars for the violator, who shall also pay all costs and expenses involved in the case. Each day that such a violation continues shall be considered a separate offense. In cases where the fines are not paid after thirty days from billing, the city reserves the right to place a lien on the property to recover the costs associated with the violator.

#### Chapter 1.25

##### Validity

If any section, subsection, or other portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion shall be deemed a separate portion of this ordinance and such holding shall not affect the validity of the remaining section of this ordinance.

#### Chapter 1.26

##### Conflict

All rules, regulation, ordinances or resolutions of the City of Sprague in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

#### Chapter 1.27

##### Repeal

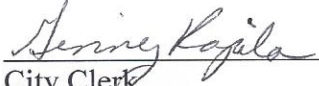
Ordinance # 693, 713, and 714 are hereby repealed.

#### Chapter 1.28

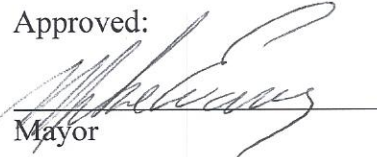
##### Effective Date

This ordinance will be in full force effective upon passage. Passed by the City Council on this 17<sup>th</sup> day of October, 2012.

Attest:

  
City Clerk

Approved:

  
Mayor