TOWN OF SPANGLE

ORDINANCE NO. 348

AN ORDINANCE OF THE TOWN OF SPANGLE, SPOKANE COUNTY, WASHINGTON, ESTABLISHING PROVISIONS FOR ZONING AND STANDARDS RELATED THERETO

WHEREAS, the Town of Spangle has adopted a Comprehensive Plan in accordance with the Growth Management Act of the State of Washington; and

WHEREAS, the State of Washington requires that development regulations be instituted which fulfill the objectives of said Comprehensive Plan; and

WHEREAS, the Town of Spangle finds it necessary to establish zones, and regulations pertinent thereto, in order to insure that future development is compatible with the adopted Comprehensive Plan; NOW, THEREFORE

BE IT ORDAINED by the City Council of the Town of Spangle, Spokane County, Washington:

Sections:

1.0 Title, Purpose, and Interpretation
2.0 Definitions
3.0 General Zoning Provisions
4.0 Comprehensive Plan and Urban Growth Area Amendments
5.0 Zone of Annexed Territory
6.0 Change of Zone and Zoning Text Amendments
7.0 Variances
8.0 Conditional Use Permits
9.0 Mobile, Manufactured, and Modular Structure Requirements
10.0 Residential Zone
11.0 Commercial/Industrial Zone
12.0 Public/Quasi-Public Use Zone
13.0 Off-Street Parking and Loading
14.0 Signage Regulations
15.0 Nonconforming Uses
16.0 Concurrency Management
17.0 Official Zoning Map
18.0 Severability
19.0 Effective Date
Section 1.0. TITLE, PURPOSE, AND INTERPRETATION

Subsections:
1.010 Title
1.020 Purpose
1.030 Interpretation

Subsection 1.010. Title. This ordinance shall consist of this text and the official zoning map and together shall be known and may be cited as the Town of Spangle Zoning Ordinance. The official zoning map will be designated by affixing the date of adoption and the signature of the Mayor and attest of the Clerk-Treasurer. The map will be maintained and kept in the City Hall of the Town of Spangle.

Subsection 1.020. Purpose. The purpose of this Zoning Ordinance is to designate and regulate the location and use of buildings, structures, and land to protect residential, commercial, industrial, and recreation/open space areas alike from harmful encroachment by incompatible uses. To achieve these purposes, the Town is divided in zones of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Such regulations are deemed necessary in order to encourage the most appropriate use of the land; to conserve and enhance the value of property; to maximize the quality of the environment; to provide adequate open spaces for light and air; to provide protection against fires; to provide housing for all economic and social segments of the community; to conserve and improve the condition of the existing affordable housing stock and preserve existing housing and neighborhoods; to regulate and encourage uses and development consistent with the provisions for community utilities and facilities such as transportation, water, sewer, electricity, parks, and other public requirements; all in order to promote and protect the public health, safety, and general welfare and economic viability of the community in accordance with the Comprehensive Plan.

Subsection 1.030. Interpretation.

A. The provisions of this Ordinance shall be held to be minimum requirements for promotion of the health, safety, and general welfare of the public. Therefore, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, ordinances, codes, easements, regulations, or covenants, the provisions of this Ordinance shall control.

B. Nothing in this Ordinance shall be interpreted as permitting violation of or noncompliance with the regulations herein or any change whatsoever which would further violate these regulations or intensity an existing substandard noncompliance condition.

C. The text of this Ordinance shall be administered, interpreted, and enforced in accordance with the official zoning map.
D. Requests for rulings and interpretations as to the meaning, intent, or proper general applications of this Ordinance to development and use of land or structures shall be made in written form by any interested citizen or public official. The City Council shall submit a ruling or interpretation in writing and in a timely fashion to the person submitting the request.

E. In case of any questions as to the location of any boundary line between zoning classifications, a request for interpretation of the official zoning map must be made in writing to the City Council. A determination shall be made by the City Council, and the ruling or interpretation shall be submitted in writing to the person submitting the request.
Section 2.0. DEFINITIONS

Subsections:
2.010 General Interpretation
2.020 Definitions

Subsection 2.010. General Interpretation. For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

A. “Lot” includes the words “plot” or “parcel”.

B. “Person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

C. “Shall” is mandatory; “may” is permissive.

D. “Used” or “occupied” includes the words “intended”, “designated” or “arranged to be used” or “occupied”.

E. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

F. Terms used in this Ordinance, but which are not defined herein, shall be construed as defined in the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), or Webster’s New Collegiate Dictionary.

Subsection 2.020. Definitions. For the purposes of this Ordinance, the following words and terms, and their derivations, shall have the meaning given herein.

Subsec. 2.020.010. Accessory Building or Structure. Means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building(s) or use(s) on the same lot.

Subsec. 2.020.020. Accessory Living Quarters. Means living quarters within an accessory building for the sole use of the family or for persons employed on the premises, or for the temporary use of guests of the occupants of the premises; such accessory living area has no kitchen facilities and is not rented or otherwise used as a separate dwelling unit; the term “accessory living quarters” includes the term “guest house”.

Subsec. 2.020.030. Accessory Use. Means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Subsec. 2.020.040. Alley. Means an unnamed public right-of-way, less than twenty(20) feet wide, that is primarily designed to serve as secondary access to the
rear or side of those properties whose principal means of access is via an abutting public street.

Subsec. 2.020.050. Alteration or Altered. Means any change or modification in the construction of a building or structure, other than for repairs.

Subsec. 2.020.060. Attached. Means any building or structure that has a wall or roof in common with another building or structure.

Subsec. 2.020.070. Auto Wrecking, Junk, and/or Salvage Yards. Means any area, lot, land, parcel, building, structure, or part thereof, where waste, discarded, or salvaged materials are exchanged, handled, bought, sold, baled, packed, stripped, stored, dumped, or disassembled, including, but not limited to, inoperable vehicles, machines, or remnants thereof, and/or metals, paper, rags, tires, and bottles. The following uses shall not be considered to be an “auto wrecking, junk, and/or salvage yard” when all activity, storage, odor, and noise is confined wholly within an enclosed building:

   A. The private, noncommercial storage of inoperable vehicles and remnants thereof;

   B. Pawn shops, secondhand stores, and used furniture stores;

   C. Open sales lots for the sale of new and used vehicles and machinery which are in operable condition; or

   D. Vehicle towing services and auto and/or body repair establishments which do not store inoperable vehicles for more than ninety (90) days.

Subsec. 2.020.080. Bed and Breakfast Inn. Means a residence where sleeping, bathing and toilet accommodations and one (1) or more meals daily for one (1) or more persons, are provided for hire on a daily or weekly basis, and where the living spaces of the residents are shared by the paying guests.

Subsec. 2.020.090. Boardinghouse or Lodging House. Means a dwelling with not more than five (5) guest rooms, with or without lodging and meals for compensation.

Subsec. 2.020.100. Building. Means anything constructed having a roof supported by columns or walls for the purpose of housing, shelter, or enclosure.

Subsec. 2.020.110. Centerline (of Street). Means the center of the public right-of-way as established by the City Council or the Town’s engineer.

Subsec. 2.020.120. Council. Means the duly constituted legislative authority of the Town.
**Subsec. 2.020.130. Coverage.** Means the ground area occupied by any building or structure not completely open to the sky.

**Subsec. 2.020.140. Day Care Center.** Means a facility operated by a person, corporation, or association in which less than twenty-four (24) hour per day nonmedical care and supervision is provided, outside the home, for minor children or elderly persons, provided such facility is licensed by the State.

**Subsec. 2.020.150. Designated Manufactured Home or Structure.** Means a manufactured home or structure, constructed after June 15, 1976, in accordance with State and federal requirements for manufactured homes or structures, which:

A. Is comprised of at least two (2) fully enclosed parallel sections each of which is not less than twelve (12) feet wide by thirty-six (36) feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences or nonresidential structures.

**Subsec. 2.020.160. Detached.** Means any building or structure separated by at least five (5) feet in horizontal distance from any other building or structure.

**Subsec. 2.020.170. Dwelling.** Means a building, or any portion thereof, designed exclusively for residential purposes, including single, duplex, and multiple family residential dwellings, but not including hotels, motels, and other places without individual kitchen facilities.

**Subsec. 2.020.180. Dwelling Unit.** Means a single housekeeping unit providing complete, independent living facilities for one (1) person or household, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Subsec. 2.020.190. Dwelling, Duplex.** Means a building designed for occupancy by two (2) persons or households living independently of each other.

**Subsec. 2.020.200. Dwelling, Multi-Family.** Means a building designed for occupancy by three (3) or more persons or households living independently of each other.

**Subsec. 2.020.210. Dwelling, Single-Family.** Means a building designed for occupancy exclusively by one (1) person or household.

**Subsec. 2.020.220. Enlarged.** Means an increase in floor area or height of a building or structure.
Subsec. 2.020.230. Family. Means one (1) or more persons, but not more than four (4) unrelated persons, whether or not related to each other by blood or marriage, occupying a single dwelling unit and using common cooking facilities.

Subsec. 2.020.240. Fence. Means a barrier composed of posts or piers connected by boards, rails, panels or wire, or a masonry wall, designed for the purpose of enclosing space or separating parcels of land. “Fence” does not include retaining walls.

Subsec. 2.020.250. Frontage. Means that portion of a lot which abuts a public street.

Subsec. 2.020.260. Garage, Private. Means an accessory building or an accessory portion of the main building, designed and/or used for shelter or storage of automobiles, boats, and/or other vehicles owned and operated by the occupants of the main building, and in which no occupation for profit is carried on.

Subsec. 2.020.270. Gross Floor Area. Means the sum of the gross horizontal areas within the surrounding walls of the several floors of a building, including interior balconies and mezzanines, but not including exterior terraces and exterior stairs.

Subsec. 2.020.280. Height. Means the vertical dimension from the lowest point of the building, structure, or fence exposed above the ground surface, to the highest point of the roof, parapet, or other uppermost part. Chimneys, vents, or utility service connections shall not be included in the measurement of height.

Subsec. 2.020.290. Home, Group. Means any home, place, or institution, as defined by State law and licensed by the State of Washington, as a residence and treatment facility for children or adults with mental disabilities, alcoholism, or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis.

Subsec. 2.020.300. Home Occupation. Means an occupation carried on entirely within a residence, which is clearly incidental to the use of the residence as a dwelling, does not change the residential character of the premises, and is conducted in such a manner as to not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which the residential zoning thereof was created and primarily intended.

Subsec. 2.020.310. Hospital. Means an institution receiving in-patients and out-patients and rendering medical, surgical, and/or obstetrical care. This definition includes clinics.

Subsec. 2.020.320. Hotel or Motel. Means a building in which there are six (6) or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provision is made for cooking in any individual room or
suite. A comparable facility containing five (5) or fewer guest rooms shall be construed to be a boardinghouse or lodging house.

**Subsec. 2.020.330. Household.** Means all the persons who occupy a single residential dwelling unit.

**Subsec. 2.020.340. Impervious Surfaces.** Means those areas defined as “coverage” plus those additional areas occupied by driveways, walkways, parking lots, steps and landings, patios, and the like, all such additional surfaces not defined as “coverage” and being uncovered and open to the sky.

**Subsec. 2.020.350. Inoperable.** Means when a vehicle or machine does not function as it was originally designed because an essential component(s) has(have) stopped functioning properly, is(are) missing, or absent.

**Subsec. 2.020.360. Kennel.** Means a place where four (4) or more adult dogs or cats, or any combination thereof, are kept or boarded. An adult dog or cat shall be construed to mean an animal of either sex, altered or unaltered, that has reached the age of six (6) months. Other domesticated animals commonly construed to fall under the generalized term of household pets, shall also be subject to this definition (i.e. ferrets, guinea pigs, and mice). The keeping of large or small farm animals and exotic animals are not included in this definition’s context and the same shall only be allowed where agricultural pursuits are authorized, regardless of their number.

**Subsec. 2.020.370. Lot.** Means a parcel of land containing at least the minimum sufficient size to meet zoning requirements for use, coverage, area, and yards. Such lot shall have frontage on an improved public street. Such lot may consist of: a single lot of record; a portion of a lot of record; a combination of complete and/or partial lots of record; or a parcel of land described by metes and bounds. No division or combination of parcels of land shall be created which do not adhere to the minimum lot area standards of this Ordinance.

**Subsec. 2.020.380. Lot Area.** Means the total horizontal square footage area within the boundary lines of a lot.

**Subsec. 2.020.390. Lot, Corner.** Means a lot located at the intersection of two (2) or more streets.

**Subsec. 2.020.400. Lot Depth.** Means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear of a lot.

**Subsec. 2.020.410. Lot, Interior.** Means a lot, other than a corner or through lot, with frontage only on one (1) street, other than an alley.
Subsec. 2.020.420. Lot, Through. Means a lot, other than a corner lot or interior lot, with frontage on more than one (1) street, other than an alley, and which may also be referred to as a double frontage lot.

Subsec. 2.020.430. Lot Line. Means any ownership line defining the external limits of a lot, including the street right-of-way line of any street abutting such lot.

Subsec. 2.020.440. Lot Line, Front. Means, for interior lots, the lot line abutting a street. For a corner lot or a through (double frontage) lot, the front lot line shall be determined by the City Council, and shall take into consideration the lengths of the lot lines abutting streets, and the predominant street fronting orientation of surrounding properties.

Subsec. 2.020.450. Lot Line, Rear. Means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, being not less than ten (10) feet long and wholly contained within the lot.

Subsec. 2.020.460. Lot Line, Side. Means any lot line other than a front or rear lot line. In the case of a corner lot, the lot line abutting the side street shall be known as the “flanking street lot line”. All other side lot lines shall be known as the “interior side lot lines”.

Subsec. 2.020.470. Lot of Record. Means a lot which is part of a subdivision recorded in the office of the County Auditor, or a parcel described by metes and bounds, the description of which has been duly recorded with the County Auditor.

Subsec. 2.020.480. Lot Width. Means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear lot lines at each side of the lot, and measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty (80) percent requirement shall not apply.

Subsec. 2.020.490. Manufactured Home or Structure. Means a factory-assembled structure or structures, constructed after June 15, 1976, equipped with built-in utility and service connections, constructed with a permanent chassis which is an integral part of the house or structure, fixed on removable wheels, axles, and tongues. A manufactured home or structure is movable as a unit, requires an external source of power, and is designed to be used without a permanent foundation. A manufactured home or structure may consist of a single section, or of two (2) or more sections, which are joined at the destination site.

Subsec. 2.020.500. Mobile Home or Structure. Means a structure exceeding eight (8) feet in width and twenty-eight (28) feet in length and designed to be movable on
its own running gear and which, when provided with and connected to power, water supply, and sewage disposal facilities, shall be considered a building suitable for residential or nonresidential occupancy. Upon manufacture for sale, such mobile home or structure is provided with axles, wheels, drawbars, or tongues.

**Subsec. 2.020.510. Mobile Home Park.** Means a parcel of land or premises under unified ownership or management which has been planned, designed, and constructed for the placement of owner occupied, leased, or rented independent manufactured homes, mobile homes, or modular homes for use as single-family, detached, one-story residences on individual rented or leased spaces, including any land, buildings, structures, or facilities used by occupants of such premises.

**Subsec. 2.020.520. Modular Home or Structure.** Means any prefabricated unit (constructed off-site), intended to be a dwelling unit or intended to house a nonresidential use, designed to be used with a permanent foundation, has been equipped with built-in utility and service connections, which is movable in two (2) or more parts by a separate mode of transportation.

**Subsec. 2.020.530. Nonconforming.** Means a building, structure, or portion thereof, or use of a building or land which lawfully existed and was not unlawfully used before the effective date of the Zoning Ordinance, and the continued existence and use after the effective date of the Zoning Ordinance does not conform to the regulations of the zone in which it is located.

**Subsec. 2.020.540. Occupancy.** Means the purpose for which a building is used or intended to be used. For the purposes of this Ordinance, a change of occupancy is not intended to include change of tenants or proprietors, but is intended to indicate a change in the type of use.

**Subsec. 2.020.550. Parking Area.** Means an area, other than a street, alley, or right-of-way, used for the parking or storage of one (1) or more vehicles.

**Subsec. 2.020.560. Parking Space.** Means an area accessible and available for the parking of one (1) motor vehicle, other than a vehicle for sale, lease, or rent, exclusive of areas intended for other uses and of physical obstructions.

**Subsec. 2.020.570. Portable School Classroom.** Means a structure, transportable in one (1) or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

**Subsec. 2.020.580. Public Use.** Means any use of land by a federal, state, county, or local government agency, including a special purpose district.
Subsec. 2.020.590. Public or Quasi-Public Utility. Means any use of land by a governmental agency, or by any person, firm, or corporation licensed or franchised by such a government agency, involving the transportation or transmission of materials, signals, or electrical energy by vehicle or through conduit, wire, pipe, or similar device. Typical examples include water systems, sanitary sewer systems, electricity and natural gas services, television or telephone systems, refuse collection, and public transportation services.

Subsec. 2.020.600. Repair. Means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Subsec. 2.020.610. Roof. Means a part of a building completely covering any portion of such building and permanently attached, but excluding chimneys, antennas, vents, and mechanical equipment.

Subsec. 2.020.620. Sign. Means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

Subsec. 2.020.630. Street. Means a thoroughfare, not less than twenty (20) feet in width, which has been dedicated to the public and designated for public use as a street, and which affords a primary means of access to abutting property.

Subsec. 2.020.640. Structure. Means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. “Structures” include buildings, manufactured and mobile homes, walls and fences, billboards and poster panels.

Subsec. 2.020.650. Variance. Means an authorized relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structures, or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconforming uses in a zone.

Subsec. 2.020.660. Yard. Means a required open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, that fences may be permitted in yards subject to the limitations set forth in this Ordinance.

Subsec. 2.020.670. Yard, Front. Means a yard extending between side lot lines across the front of the lot and abutting the front property line. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded
property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. In the case of through lots, the front yard shall apply to both street frontages. In the case of corner lots, the front yard shall apply to both the fronting and flanking street frontages.

**Subsec. 2.020.680. Yard, Rear.** Means a yard extending across the rear of the lot between side lot lines. In the case of through lots, there will be no rear yard. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

**Subsec. 2.020.690. Yard, Side.** Means a yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of a corner lot, the side yard will apply only to the interior side property line. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.
Section 3.0. GENERAL ZONING PROVISIONS

Subsections:
3.010 Zoning Provisions -- General
3.020 Compliance and Penalties
3.030 Zone Classifications
3.040 Building Permit -- Application
3.050 Building Permits -- Approval of Application by City Council
3.060 Design Review

Subsection 3.010. Zoning Provisions -- General. All new construction, building improvements, alterations, or enlargements, and all new or altered uses of land, undertaken after the effective date of this Ordinance, and all new uses or occupancy of premises within the Town, shall conform with the requirements, character, and conditions as to use, height, and area for each of the several zones as described in this Ordinance. No person shall design, erect, construct, establish, move into, alter, enlarge, or use, or cause or permit to be erected, constructed, established, moved into, altered, enlarged, or used, any building, structure, improvement, or use of premises located in any zone described in this Ordinance in any manner contrary to the provisions herein.

Subsection 3.020. Compliance and Penalties. Any condition which does not conform to the provisions of this Ordinance is a misdemeanor and a violation thereof is a public nuisance subject to abatement by the Town. No such license for uses, buildings, or purposes, where the same would be in conflict with the provisions of this Ordinance, shall be issued. Any such license or permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.

Subsection 3.030. Zone Classifications. In order to carry out the purposes and provisions of this Ordinance, the Town of Spangle is divided into several zones, known and designated as follows:

A. Residential (R) Zone;

B. Commercial/Industrial (CI) Zone; and

C. Public/Quasi-Public (P/QP) Zone.

Subsection 3.040. Building Permit -- Application. No person shall erect a building or structure of any kind, alter any building or structure already erected when said alteration is intended for the changing of purpose or use of occupancy, or institute or change property use within the incorporated limits of the Town of Spangle, without first making application for a building permit.

Application for a building permit shall be obtained from the Town and it shall be completed in full. The applicant shall secure all other necessary permits, variances, environmental review, rezones, and any other required review prior to applying for a
building permit. Applications must be submitted with a plot/site plan drawn to scale and clearly showing all streets, alleys, easements, and setbacks, and including a copy of the plans for new construction. The City Council reserves the right to refer any such plans to staff or contract consultants for review and comment during the application review process, with the costs of such review to be borne by the applicant.

Subsection 3.050. Building Permit -- Approval of Application by City Council. In accordance with all requirements and procedures of the Town’s Integrated Project Review Ordinance, any building permit issued under the provisions of this Zoning Ordinance shall be processed as either a Type I (ministerial) or Type II (administrative) application, depending upon whether or not the application is subject to SEPA evaluation. All permits shall be subject to review and approval by the City Council. Where a building permit is in direct and immediate association with a Type III (quasi-judicial) application, the Town may, at its discretion, process the associated building permit concurrently with the quasi-judicial application sought, in compliance with all type III requirements and procedures set forth in this Ordinance and in the Town’s Integrated Project Review Ordinance.

A. All permits for accessory buildings including, but not limited to, garages, carports, and storage facilities; new structure dwelling units including, but not limited to, apartments, hotels, motels, single-family and multifamily residences, designated manufactured homes, manufactured homes, mobile homes, and modular homes; business and professional buildings (site-built, mobile, designated manufactured, manufactured, or modular) including, but not limited to, hospitals, utilities, and supermarkets, shall not be issued nor deemed valid until reviewed by the City Council at a Council meeting. Early starts will not be granted prior to review of these permits.

B. In making its decision, the City Council may require that additional information, if deemed reasonable and proper, be furnished by the applicant. The City Council reserves the right to impose reasonable and special conditions on a permit to protect the health, safety, morals, and general welfare of the Town. Upon City Council determination that the plans and intended use of the building or property conform in all respects with the provisions of this Ordinance, and with all other applicable regulations currently in force (i.e., building and fire regulations), a building permit shall be granted and shall be issued by the City Council or its designee, upon payment of all applicable fees as prescribed by resolution of the City Council.

Subsection 3.060. Design Review.

A. Intent. The intent of design review is to promote the general welfare of the community by achieving the following purposes:

1. To protect the community from the adverse effects of poor design and to encourage good professional design practices;
2. To enhance the beauty, livability, and prosperity of the community;

3. To encourage high quality development;

4. To discourage poor exterior design, appearance, and inferior quality which is likely to have a depreciating effect on the local environment and surrounding area; and

5. To encourage originality, creativity, and diversity in design and to avoid monotony.

B. Applicability. The provisions of the design review Subsections of this Section shall apply to new buildings and structures, exterior remodeling and exterior changes of or to existing buildings for which a building permit is required. Upon approval by the City Council and issuance of a building permit, no changes to approved plans which affect the exterior of a project shall be permitted unless approved by the City Council. Notwithstanding the above provisions, the following activities are exempt from the design review provisions of this Section:

1. Interior design and interior modifications to buildings or structures; and

2. Minor remodeling projects, provided that such remodeling does not involve a change in the architectural style of the building or structure, and does alter exterior site features such as landscaping, driveways, and walkways.

C. Standards. When considering site development applications, the City Council shall be guided by the standards set forth in this Subsection. The City Council may impose conditions related to site planning, design, general layout, and appearance. The Council shall approve, approve with conditions, or deny the design of the project.

1. The following standards and criteria may be used by the City Council which may require changes in materials, general design and layout, and other design changes as may be necessary.

   a. In addition to the height and minimum setback requirements set forth for the zone in which the property is located, changes in material, height, projections in the vertical or horizontal plane, or similar facade changes should be encouraged on visible exterior building walls. Primary attention shall be given to those sides visible from the public right-of-way.

   b. The appropriateness of a new or remodeled building to the zoning and area within which it is located, surrounding architectural design, scale, and streetscape appearance should be considered. Integrated and harmonious design themes are encouraged, including the use of consistent materials, colors, textures, and signs on exposed building walls. New development or
remodeling should be designed in such a way as to upgrade the appearance and quality of the area and be harmonious with existing improvements.

c. Conflicting relationships to adjacent buildings, structures, improvements, and uses should be avoided as appropriate to the zone and area.

d. To the extent practical, boundary and other walls and fences should be complementary in color, texture, and materials to the development as a whole.

e. To the extent practical, walkways, patios, court yards, driveways, and parking areas should be complementary in design to the development as a whole.

f. Landscaping shall be integrated into the architectural scheme so as to accent and enhance the appearance of the development. Existing mature trees over eight inches in diameter on the site and within the public right-of-way, as well as trees on adjacent property within twenty (20) feet of the common property line, should be considered for preservation in the site planning.

g. Rooftop equipment shall be incorporated into the design of the project in such a manner that it is completely enclosed on all sides or concealed from view by screening, roofing, or parapets at least six (6) inches higher than the height of the uppermost part of such equipment.

2. The City Council shall ensure the compatible design of all multi-family and nonresidential projects which abut properties in the Residential ("R") Zone or which abut properties development with single family or two-family improvements in other zones. To accomplish this goal, the City Council shall have the authority to impose more restrictive development standards than the provisions of the zone in which the proposed development is located. The City Council shall review each multi-family and nonresidential project in terms of its impact on the adjoining residential neighborhood, including but not limited to such design elements as window location, balconies, location of recreational facilities, entryways, and garage or parking locations. The City Council may require transitional height increases in order to promote a visual transition between the multi-family or nonresidential project and the adjoining residential neighborhood and to ensure that adequate landscape buffering is provided and permanently maintained. The City Council shall also consider building facades, roof designs, and use of materials and colors to ensure compatibility with the architectural design elements generally found in the adjoining residential neighborhood.

D. Application Submittal. Applications for design review shall be made on forms prescribed by the Town. Said application and accompanying materials shall be filed with the Clerk-Treasurer, who shall promptly refer the application materials to the City Council for determining whether the application and materials are complete.
prior to formal review by the City Council in accordance with the determination of completeness requirements of the Town’s Integrated Project Review Ordinance. Information to be supplied with the application shall include: a dimensioned site plan; building floor plans; isometric sketch perspective for each elevation; building elevation views; descriptions of the type, color and texture of primary building materials to be used; a landscape plan indicating the type, size, number, and location of all existing and proposed plantings; as well as the materials and textures of all walks, drives, walls, fences, and other features. Other information as necessary to demonstrate the extent to which the proposed development is in keeping with the intent and standards of design review must also be provided.

E. Filing Fees. Filing fees in an amount as specified by resolution of the City Council shall be paid upon the filing of each application for design review for the purpose of defraying the cost of labor and materials incidental to the proceedings prescribed in the design review Subsections of this Section.

F. Implementation. No certificate of occupancy will be issued for any project until all aspects of the approved design review application have been satisfactorily implemented, including but not limited to building completion, installation of all landscaping and irrigation, completion of walkways and walls or fences, completion of parking garages or areas, and completion of driveway improvements to the roadway within the public right-of-way. In the event that winter weather precludes timely completion of certain site improvements in accordance with the approved design review application, the City Council may allow occupancy to proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions allow. In no event shall such guarantee be allowed if the incomplete improvements would result in damage to the development or to other improvements in the vicinity, whether public or private.
Subsection 4.010. Purpose. The purpose of the Comprehensive Plan is to set forth the Town’s goals, policies, and programs and to direct and designate the desired general distribution, location, and extent of the significant uses of the land toward the achievement of the Town’s goals. The Comprehensive Plan is a dynamic document based upon community values and existing and projected conditions and needs which are in a constant state of change. The purpose of this Section is to set forth procedures for the amendment of the Comprehensive Plan so that it may be updated and modified as necessary in response to changing circumstances.

Subsection 4.020. Authority. The Comprehensive Plan, including its text or maps, may be amended by resolution passed by the City Council pursuant to the provisions of Revised Code of Washington Sections 36.70A.130 and 36.70A.140.

Subsection 4.030. Authorization for Initiation. Applications or requests for a Comprehensive Plan amendment may be initiated by either:

A. The verified application of the record owner or owners of the affected property or authorized agent thereof; or

B. The City Council through its own motion.

Subsection 4.040. Coordination with Related Municipal Activities. To the maximum extent practical or necessary, amendments to the Comprehensive Plan shall be coordinated, procedurally and substantively, with amendments to municipal development regulations under this and other ordinances, as well as with adoption of related Town legislation such as the Transportation Improvement Program, the Capital Improvement Program, annexations of Urban Growth Area lands, etc. Amendments to the Town’s development regulations that require amendments to the Comprehensive Plan, shall not proceed until such associated amendments are made to the Comprehensive Plan. Upon
annexation of Urban Growth Area lands, development review and approval for parcels that require amendments to the Comprehensive Plan, shall not proceed until such associated amendments are made to the Comprehensive Plan.

**Subsection 4.050. Concurrency and Timing.** All proposed amendments shall be considered by the City Council concurrently so that their cumulative effect can be ascertained. Amendment cycles shall be no less frequent than once every five (5) years, and no more frequent than one (1) time per year, except that amendments may be considered more often for the following actions:

A. Initial adoption of a neighborhood plan, sub-area plan, or other geographically or functionally based plan;

B. Amendment of the Town’s Transportation Improvement Program and/or Capital Improvement Program, provided such amendment occurs along with adoption of the Town’s annual budget;

C. To resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board or with a Court, following appropriate public participation;

D. Under emergency circumstances related to protection of the public health, safety, and welfare including, but not limited to:

1) An emergency situation of neighborhood or community-wide significance;

2) To attract a large employer of more than twenty (20) workers or to retain an existing large employer;

3) To provide a regional facility or service that is needed to protect the public health, safety, or welfare such as a sewer treatment plant, or significant state or local government facilities that cannot be reviewed through another process.

By the first regular meeting in July of each year, the City Council shall determine whether a Comprehensive Plan amendment cycle shall be conducted for the ensuing one-year period (approximately July 1st through June 30th). The City Council shall review the staff and/or contract professional synopsis and recommendation outlined in Subsection 4.090 in making such determination.

**Subsection 4.060. Application Materials.** Applications for amendments to the Comprehensive Plan shall include the following:

A. Description of the proposed Comprehensive Plan amendment, including as appropriate, detailed amendatory language;
B. Rationale for the proposed Comprehensive Plan amendment which may include, but not be limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data necessary to demonstrate that the proposed Comprehensive Plan amendment is in the public interest of the Town;

C. A review and analysis of the comprehensive impacts of the proposed amendment, including a State Environmental Policy Act (SEPA) environmental checklist;

D. An explanation of whether approval criteria of Subsection 4.080 are satisfied; and

E. Where an amendment is map related or is specific to a site, a mailing list of adjacent property owners within three-hundred (300) feet of the affected site, provided, however, that where an applicant has ownership interest in any adjacent properties, the list shall extend to a point three-hundred (300) feet beyond said ownership interest. If the Town determines that notices will be mailed pursuant to Subsection 4.100, such notice will be sent by certified mail at the applicant’s expense.

Where initiated by motion of the City Council, municipal staff and/or contracted staff shall prepare the amendment material. Where requested by the record owner or owners of the affected property or authorized agent thereof, said party shall prepare the amendment materials. The Clerk-Treasurer or contracted staff shall notify the record owner or owners of the affected property or authorized agent thereof, in writing if the amendment materials are sufficiently complete for consideration, or of what additional information is needed to make the amendment materials complete.

Applications which are not timely, are incomplete, are substantially similar to a recent and denied request, or do not satisfy the criteria of Subsection 4.080, shall not be considered.

Subsection 4.070. Filing Fees. Filing fees in an amount specified by resolution of the City Council shall be paid upon the filing of each request for a Comprehensive Plan amendment for the purpose of defraying the expenses of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed in this Section.

Subsection 4.080. Approval Criteria. When considering amendments to the Comprehensive Plan, the following criteria shall be considered, and only those amendments which are found to be in substantial compliance with all the criteria shall be approved:

A. The amendment is necessary to resolve inconsistencies between the Comprehensive Plan and other municipal plans or ordinances, or to resolve inconsistencies between the Comprehensive Plan and Spokane County’s plans or ordinances, or to update the Transportation Improvement Program and/or Capital Improvement Program in connection with annual budget adoption;
B. Potential ramifications of the proposed amendment upon all other Comprehensive Plan elements have been considered and adequately addressed;

C. Conditions have so changed since the adoption of the Comprehensive Plan that the existing text, including but not limited to goals, policies, and/or map classifications, is inappropriate;

D. The proposed amendment is consistent with the overall intent of the goals of the Comprehensive Plan;

E. The proposed amendment is consistent with the Growth Management Act set forth in Revised Code of Washington Chapter 36.70A and with the Spokane County County-Wide Planning Policies in effect at the time;

F. Where an amendment to the Comprehensive Plan’s Future Land Use Plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation, or the subject property is of sufficient size to buffer or otherwise mitigate incompatible land uses; and

G. Environmental impacts have been disclosed, and measures have been ensured to reduce possible adverse impacts.

**Subsection 4.090. Amendment Cycle Procedures.** The following steps shall precede setting of the public hearing on Comprehensive Plan amendments, except for those amendments undertaken to the Transportation Improvement Program and/or Capital Improvement Program in connection with annual municipal budget adoption:

A. All proposed amendments shall be submitted to the Clerk-Treasurer not later than May 1st of any given year. Prior to the City Council determination date set forth in Subsection 4.050, the Clerk-Treasurer or contracted staff shall prepare a brief summary describing the proposed amendments and a recommendation as to whether an amendment cycle should be initiated for the ensuing year.

B. Following a City Council determination to proceed with an amendment cycle, the Clerk-Treasurer or contracted staff shall prepare a comprehensive staff report and recommendations related to the amendments, including an analysis of their cumulative impacts.

C. The City Council, or Clerk-Treasurer, or contracted staff shall issue a State Environmental Policy Act (SEPA) determination on the amendment package. If an Environmental Impact Statement (EIS) is required, further consideration of the affected applicable amendment(s) shall be withheld pending completion of the EIS proceedings.
D. Paragraph “B” of this Subsection and appropriate supporting materials shall be forwarded to the State Department of Community Trade and Economic Development for its preliminary review as required by State law. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendment. Such distribution(s) shall be the responsibility of the Clerk-Treasurer or contracted staff.

Subsection 4.100. Public Hearing and Notice. Following initiation of a Comprehensive Plan amendment cycle, the Clerk-Treasurer and/or contracted staff shall set the matter(s) for public hearing before the City Council, with such hearing to be conducted following completion of the State review period identified in Subsection 4.090. The Town shall give notice of the hearing to be held, which notice shall contain the date, time, and place of the hearing, a general explanation of the matter(s) to be considered, and a general description in text or by diagram of the location(s) of real property, if any, that is(are) the subject of the hearing, and shall be:

A. Published once in the official newspaper of the Town at least fifteen (15) days before the date of the City Council hearing;

B. Notice thereof shall be posted at the City Hall and other public locations in the Town at least fifteen (15) days prior to the hearing; and

C. Where the amendment is map related or is specific to a site, additional public notice may be given to interested or substantially affected persons and may include direct mailing of public notices and posting of property, if applicable, at least fifteen (15) days prior to the hearing. When notice is posted at a specific application site and/or mailed to property owners, such notice shall comply with the procedures set forth in the Town’s Integrated Project Review Ordinance.

Subsection 4.110. Action by the City Council. The City Council shall hold an open record predecision public hearing on the proposed Comprehensive Plan amendment(s) in accordance with the Town’s Integrated Project Review Ordinance. The City Council shall amend the Comprehensive Plan by resolution, which resolution shall be adopted by the affirmative vote of a majority of the members of the City Council. The City Council shall approve, approve with modifications, or disapprove the recommendation of the Clerk-Treasurer and/or contracted staff.

A. Pursuant to Subsection 1.050 of the Town’s Integrated Project Review Ordinance, Comprehensive Plan amendments are not subject to the hearing limitations and timing requirements of the Town’s Integrated Project Review Ordinance.

B. Amendments to the Comprehensive Plan shall be forwarded to the Spokane County Assessor pursuant to Subsection 6.020 of the Town’s Integrated Project Review Ordinance.
Subsection 4.120. Urban Growth Area Boundary Review. Pursuant to Spokane County’s adopted County-Wide Planning Policies and in accordance with regionally coordinated planning matters related thereto, at least every five (5) years, the Town shall review the residential densities and nonresidential intensities permitted within its external, unincorporated, Urban Growth Area, and the extent to which growth of an urban nature is occurring within current municipal boundaries and in the unincorporated Urban Growth Area. Based upon such review, and coordination with Spokane County, the Town shall adjust its residential density allowances and nonresidential intensity expectations, and/or its Urban Growth Area boundary, as necessary, to accommodate its share of the urban growth expected to occur in the County for the succeeding twenty (20) year period, according to allocations determined by the Steering Committee of Elected Officials in accordance with the adopted County-Wide Planning Policies as constituted at the time, and then current population projections of the State Office of Financial Management.

Should the Town find a need for more frequent adjustment of the unincorporated Urban Growth Area boundary, it may request the Steering Committee of Elected Officials to initiate a review of Urban Growth Area boundaries prior to the scheduled interval of five (5) years.
Section 5.0. ZONE OF ANNEXED TERRITORY

Subsections:
5.010 Annexation Location Within the Urban Growth Area
5.020 Annexation Zoning Consistency with the Comprehensive Plan
5.030 Annexation Zoning Plan Adoption

Subsection 5.010. Annexation Location Within the Urban Growth Area. All territory hereafter annexed to the Town of Spangle shall be contained within that portion of unincorporated Spokane County officially designated as being within the Town’s Urban Growth Area by the Spokane County Board of County Commissioners pursuant to the requirements of the Growth Management Act set forth in Revised Code of Washington Chapter 36.70A.

Subsection 5.020. Annexation Zoning Consistency with the Comprehensive Plan. All territory hereafter annexed to the Town of Spangle shall be subject to a prezoning plan, which prezoning plan shall conform to the official land use designation of the Future Land Use Plan map contained within the Town’s adopted Comprehensive Plan.

Subsection 5.030. Annexation Zoning Plan Adoption. All territory hereafter annexed to the Town of Spangle shall, upon annexation, be zoned in accordance with a prezoning plan adopted in the manner required by law for a change of zone. Said prezoning plan shall be prepared and adopted as a part of the official annexation proceedings and shall take into account, and be in conformance with, all applicable municipal plans, policies, and documents.
Section 6.0. CHANGE OF ZONE AND ZONING TEXT AMENDMENTS

Subsections:
6.010 Purpose
6.020 Authorization for Initiation
6.030 Application Filing
6.040 Filing Fees
6.050 Review by Public Agencies
6.050 Public Hearings and Notice
6.060 Notice of Decision
6.070 Reconsiderations and Appeals

Subsection 6.010. Purpose. The principal purpose of this Zoning Ordinance is to provide for the proper location of land uses by providing zones in which various types of land use shall be permitted. This objective is ongoing and may periodically require a change of zone from that previously established in conformance with the Comprehensive Plan. Boundaries of zones, the classification of property uses therein, development standards, and any change in wording, context, or substance, may be changed when adopted by ordinance passed by the City Council.

Subsection 6.020. Authorization for Initiation. Applications for a change of zone or amendment to the Zoning Ordinance text may be initiated by either:

A. The verified application of the record owner or owners of the subject property or authorized agent thereof; or

B. The City Council through its own motion.

Subsection 6.030. Application Filing. Applications for change of zone or amendment to the Zoning Ordinance text shall be made on forms available from the Town. Applications shall contain all required information relevant to the proposed action, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data necessary to demonstrate that the proposed zone change or zoning text amendment is in conformance with the maps and other guidelines provided in the Comprehensive Plan. Where an application is not in conformance with the Comprehensive Plan, a concurrent application for a Comprehensive Plan amendment shall also be made.

A. The application shall be accompanied by a State Environmental Policy Act (SEPA) checklist, including a review and analysis of the comprehensive impacts of the proposed change of zone or text amendment.

B. Site-specific change of zone requests shall be subject to the Type III (quasi-judicial) provisions of the Town’s Integrated Project Review Ordinance. Pursuant to Subsection 1.050 of the Town’s Integrated Project Review Ordinance, area-wide
rezones, initiated by the Town, to implement new or amended Town plans and policies, are not subject to the hearing limitations and timing requirements of the Town’s Integrated Project Review Ordinance.

**Subsection 6.040. Filing Fees.** Filing fees in an amount specified by resolution of the City Council shall be paid upon the filing of each application for a zone change or zoning text amendment for the purpose of defraying the expense of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed herein.

**Subsection 6.050. Review by Public Agencies.** Prior to conducting a public hearing on any proposed amendments or additions to the text of this Zoning Ordinance, such amendments or additions, together with appropriate supporting materials, shall be forwarded to the State Department of Community Trade and Economic Development for its preliminary review as required by Washington Administrative Code (WAC) Section 365-195-620. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendments or additions to the text of the Zoning Ordinance. Such distribution shall be the responsibility of the Clerk-Treasurer or contracted staff. Amendments to the text of the Zoning Ordinance shall be forwarded to the Spokane County Assessor pursuant to Subsection 6.020 of the Town’s Integrated Project Review Ordinance.

**Subsection 6.060. Public Hearings and Notice.** When an application for a change of zone or Zoning Ordinance text amendment is filed, or is initiated by the City Council, a public hearing shall be scheduled before the City Council. The Clerk-Treasurer shall give notice of the public hearing specifying the date, time, and place of the hearing or hearings, and providing a general description of the nature and location of the proposal. Such notice shall be given in accordance with the following:

A. The applicant for a change of zone shall obtain the names and addresses of all adjacent property owners of record within three-hundred (300) feet of the property and shall furnish these names and addresses to the Clerk-Treasurer. If the property contiguous to that property proposed for zone change is owned by the same person or entity, the owners of contiguous property to that owned by the applicant shall also be notified. The notice required by this subsection shall be provided to these property owners by certified mail, by the Clerk-Treasurer, but at the applicant’s expense, in accordance with the Town’s Integrated Project Review Ordinance.

B. For a change of zone proceeding, the Town shall cause the notice required by this subsection to be posted, by the applicant, at one (1) or more conspicuous locations on the property involved in accordance with the Town’s Integrated Project Review Ordinance.

C. For either a change of zone or a Zoning Ordinance text amendment proceeding, the Clerk-Treasurer shall cause the notice required by this subsection to be posted at the City Hall, and at other public locations, in accordance with the Town’s Integrated Project Review Ordinance.
D. For either a change of zone or a Zoning Ordinance text amendment proceeding, the Clerk-Treasurer shall cause the notice required by this subsection to be published once in the official newspaper of the Town in accordance with the Town’s Integrated Project Review Ordinance.

E. For change of zone proceedings, mailed notice to property owners shall not be required in any of the following circumstances:

1. When the matter would affect the Town generally or would affect a substantial portion of the Town, rather than only a specific parcel or a few parcels of property; or

2. When the hearing relates to action taken by the City Council to establish, review, or modify all zoning classifications throughout the Town.

F. The continuance of a public hearing through verbal motion at a regular or special meeting of the City Council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

Subsection 6.070. Notice of Decision. The decision of the City Council shall be in writing and shall be mailed to the applicant and parties of record in accordance with the Town’s Integrated Project Review Ordinance.

Subsection 6.080. Reconsiderations and Appeals.

A. Reconsideration. The City Council may reconsider its decision upon petition of any aggrieved person filed within fifteen (15) days after the notice of decision is issued.

1. The City Council may reconsider its decision only if it finds any of the following:

   a. There was a clerical error in the decision;

   b. The decision resulted from fraud or mistake;

   c. There is newly discovered evidence or a change in circumstances;

   d. There was a procedural error by the Council; or

   e. The Council previously rejected the application by a tie vote.

2. The City Council shall review the reconsideration petition at its next regular meeting and decide whether to reconsider the matter. The decision shall be based on the reconsideration petition and any oral argument of the petitioner which the
City Council may decide to hear. Additional evidence shall be taken as required by the circumstances resulting from the request for reconsideration. The City Council shall then decide the matter or set the matter on its agenda for a reconsideration hearing which shall be conducted as a closed record appeal proceeding in accordance with the Town’s Integrated Project Review Ordinance.

B. Judicial Appeals. After a notice of decision is issued, or after a revised notice of decision is issued under a reconsideration proceeding, any aggrieved party with standing to appeal as set forth in Subsection 4.090 of the Town’s Integrated Project Review Ordinance, may appeal the decision to the Spokane County Superior Court pursuant to Subsection 4.110 of the Town’s Integrated Project Review Ordinance and RCW Chapter 36.70C.
Section 7.0. VARIANCES

Subsections:
7.010 Purpose
7.020 Authority of the Council
7.030 Burden of Proof
7.040 Authorization for Filing
7.050 Application Filing
7.060 Filing Fees
7.070 Public Hearings and Notice
7.080 Findings of Fact for Approval
7.090 Notice of Decision
7.100 Reconsiderations and Appeals
7.110 Duration of Variance

Subsection 7.010. Purpose. The purpose of a variance is to assure that no property, because of the unusual and special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same zone and vicinity as a result of undue or unnecessary hardship caused by the literal interpretation of the Zoning Ordinance.

Subsection 7.020. Authority of the Council. The City Council shall hear and decide all requests for variance from the standards set forth in this Zoning Ordinance. In granting any variance, the Council may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to insure that the development so authorized is in accordance with approved plans and is consistent with the objectives of the Zoning Ordinance. The extent of the variance may be reduced by the Council to conform with the findings required by this section. A building permit for a site subject to a variance application shall not be considered until the Council has rendered a decision on the variance application.

Subsection 7.030. Burden of Proof. The burden of proof to establish that findings of fact can be made as required by this Section, is on the applicant.

Subsection 7.040. Authorization for Filing. Application for a variance may be initiated by the verified application of the record owner or owners of the subject property or authorized agent thereof.

Subsection 7.050. Application Filing. Applications for variance shall be made upon forms available from the Town, and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required finds of fact exist with respect to the proposed variance. The application shall contain a statement containing any facts, arguments, or grounds in support of the variance which the applicant wishes to make. Such applications and accompanying materials shall be filed with the Clerk-Treasurer.
A. Variance requests shall be subject to the Type III (quasi-judicial) provisions of the Town’s Integrated Project Review Ordinance.

**Subsection 7.060. Filing Fees.** Filing fees in an amount specified by resolution of the City Council shall be paid upon the filing of each application for a variance for the purpose of defraying the expense of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed herein. One (1) variance application may request relief from more than one (1) standard on a single piece of property, in which case one (1) filing fee shall be charged.

**Subsection 7.070. Public Hearings and Notice.** When an application for a variance is filed, a public hearing shall be scheduled before the City Council. The Clerk-Treasurer shall give notice of the public hearing specifying the date, time, and place of the hearing or hearings, and providing a general description of the nature and location of the proposal. Such notice shall be given in accordance with the following:

A. The applicant for a variance shall obtain the names and addresses of all adjacent property owners of record within three-hundred (300) feet of the property and shall furnish these names and addresses to the Clerk-Treasurer. If the property contiguous to that property proposed for variance is owned by the same person or entity, the owners of contiguous property to that owned by the applicant shall also be notified. The notice required by this subsection shall be provided to these property owners by certified mail by the Clerk-Treasurer, but at the applicant’s expense, in accordance with the Town’s Integrated Project Review Ordinance.

B. The Town shall cause the notice required by this subsection to be posted, by the applicant, at one (1) or more conspicuous locations on the property involved in accordance with the Town’s Integrated Project Review Ordinance.

C. The Clerk-Treasurer shall cause the notice required by this subsection to be posted at the City Hall, and at other public locations, in accordance with the Town’s Integrated Project Review Ordinance.

D. The Clerk-Treasurer shall cause the notice required by this subsection to be published once in the official newspaper of the Town, in accordance with the Town’s Integrated Project Review Ordinance.

E. The continuance of a public hearing through verbal motion at a regular or special meeting of the City Council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

**Subsection 7.080. Findings of Fact for Approval.** A variance shall be granted only if the City Council first finds, in a written determination, that:
A. 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

B. The literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other premises in the same zone under the terms of the Zoning Ordinance; and

C. Granting of the variance will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same zone; and

D. The variance, either as proposed or as conditioned by the Council, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

E. Granting of the variance will be in harmony with the general intent and purpose of the Zoning Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**Subsection 7.090. Notice of Decision.** The decision of the City Council shall be in writing and shall include the findings of fact contained in this Section together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties of record in accordance with the Town’s Integrated Project Review Ordinance.

**Subsection 7.100. Reconsiderations and Appeals.**

A. Reconsideration. The City Council may reconsider its decision upon petition of any aggrieved person filed within fifteen (15) days after the notice of decision is issued.

1. The City Council may reconsider its decision only if it finds any of the following:

   a. There was a clerical error in the decision;

   b. The decision resulted from fraud or mistake;

   c. There is newly discovered evidence or a change in circumstances;

   d. There was a procedural error by the Council; or

   e. The Council previously rejected the application by a tie vote.
2. The City Council shall review the reconsideration petition at its next regular meeting and decide whether to reconsider the matter. The decision shall be based on the reconsideration petition and any oral argument of the petitioner which the City Council may decide to hear. Additional evidence shall be taken as required by the circumstances resulting from the request for reconsideration. The City Council shall then decide the matter or set the matter on its agenda for a reconsideration hearing which shall be conducted as a closed record appeal proceeding in accordance with the Town’s Integrated Project Review Ordinance.

B. Judicial Appeals. After a notice of decision is issued, or after a revised notice of decision is issued under a reconsideration proceeding, any aggrieved party with standing to appeal as set forth in Subsection 4.090 of the Town’s Integrated Project Review Ordinance, may appeal the decision to the Spokane County Superior Court pursuant to Subsection 4.110 of the Town’s Integrated Project Review Ordinance and RCW Chapter 36.70C.

Subsection 7.110. Duration of Variance. Every right or privilege authorized by the grant of a variance shall terminate two (2) years after the granting of such variance, if variance implementation has not been initiated via appropriate permits, and also completed during such time frame. The Council may grant an extension for variance implementation for cause, not to exceed one (1) year.
Section 8.0. CONDITIONAL USE PERMITS

Subsections:
8.010 Purpose
8.020 Authority of the Council
8.030 Findings of Fact
8.040 Authorization for Filing
8.050 Application Filing
8.060 Filing Fees
8.070 Public Hearings and Notice
8.080 Notice of Decision
8.090 Reconsiderations and Appeals
8.100 Duration of Conditional Use Permit
8.110 Revocation

Subsection 8.010. Purpose. The purpose of a conditional use permit is to allow special consideration for certain uses to be located in zones other than those in which they are classified as permitted because of their particular characteristics: the size of the area required for full development of such uses; traffic and parking incidental to their operation; and/or the effect such uses may have on adjoining land uses and on the growth and development of the area in which they are proposed to locate. Since such uses may be suitable only in specific locations, or only if designed and laid out in a particular manner, or only if subjected to specific conditions to assure compatibility with its surroundings, the peace, health, safety, and general welfare are best promoted if such uses are authorized only by conditional use permit in accordance with the standards set forth herein.

Subsection 8.020. Authority of the Council. The City Council shall hear and decide all requests for conditional use permits. In granting any conditional use permit, the Council may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to insure that the development so authorized is in accordance with approved plans and is consistent with the objectives of the Zoning Ordinance.

Subsection 8.030. Findings of Fact. A conditional use permit shall be granted only if the City Council first finds that each of the following exists:

A. The proposed use will be consistent with the various elements and policies of the Comprehensive Plan;

B. The use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment;

C. The use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property; and
D. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are or will be provided for the proposed use.

Subsection 8.040. Authorization for Filing. Application for a conditional use permit may be initiated by the verified application of the record owner or owners of the subject property or authorized agent thereof.

Subsection 8.050. Application Filing. Applications for conditional use permits shall be made upon forms available from the Town, and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required finds of fact exist with respect to the proposed conditional use permit. The application shall contain a statement containing any facts, arguments, or grounds in support of the conditional use permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the Clerk-Treasurer.

A. The application shall be accompanied by a State Environmental Policy Act (SEPA) checklist, including a review and analysis of the comprehensive impacts of the proposed conditional use permit.

B. Conditional use permits shall be subject to the Type III (quasi-judicial) provisions of the Town’s Integrated Project Review Ordinance.

Subsection 8.060. Filing Fees. Filing fees in an amount specified by resolution of the City Council shall be paid upon the filing of each application for a conditional use permit for the purpose of defraying the expense of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed herein.

Subsection 8.070. Public Hearings and Notice. When an application for a conditional use permit is filed, a public hearing shall be scheduled before the City Council. The Clerk-Treasurer shall give notice of the public hearing specifying the date, time, and place of the hearing or hearings, and providing a general description of the nature and location of the proposal. Such notice shall be given in accordance with the following:

A. The applicant for a conditional use permit shall obtain the names and addresses of all adjacent property owners of record within three-hundred (300) feet of the property and shall furnish these names and addresses to the Clerk-Treasurer. If the property contiguous to that property proposed for conditional use permit is owned by the same person or entity, the owners of contiguous property to that owned by the applicant shall also be notified. The notice required by this subsection shall be provided to these property owners by certified mail, by the Clerk-Treasurer, but at the applicant’s expense, in accordance with the Town’s Integrated Project Review Ordinance.

B. The Town shall cause the notice required by this subsection to be posted, by the applicant, at one (1) or more conspicuous locations on the property involved, in accordance with the Town’s Integrated Project Review Ordinance.
C. The Clerk-Treasurer shall cause the notice required by this subsection to be posted at the City Hall, and at other public locations, in accordance with the Town’s Integrated Project Review Ordinance.

D. The Clerk-Treasurer shall cause the notice required by this subsection to be published once in the official newspaper of the Town in accordance with the Town’s Integrated Project Review Ordinance.

E. The continuance of a public hearing through verbal motion at a regular or special meeting of the City Council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

Subsection 8.080. Notice of Decision. The decision of the City Council shall be in writing and shall include the findings of fact contained in this Section together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties of record in accordance with the Town’s Integrated Project Review Ordinance.

Subsection 8.090. Reconsiderations and Appeals.

A. Reconsideration. The City Council may reconsider its decision upon petition of any aggrieved person filed within fifteen (15) days after the notice of decision is issued.

1. The City Council may reconsider its decision only if it finds any of the following:

   a. There was a clerical error in the decision;

   b. The decision resulted from fraud or mistake;

   c. There is newly discovered evidence or a change in circumstances;

   d. There was a procedural error by the Council; or

   e. The Council previously rejected the application by a tie vote.

2. The City Council shall review the reconsideration petition at its next regular meeting and decide whether to reconsider the matter. The decision shall be based on the reconsideration petition and any oral argument of the petitioner which the City Council may decide to hear. Additional evidence shall be taken as required by the circumstances resulting from the request for reconsideration. The City Council shall then decide the matter or set the matter on its agenda for a reconsideration hearing which shall be conducted as a closed record appeal proceeding in accordance with the Town’s Integrated Project Review Ordinance.
B. Judicial Appeals. After a notice of decision is issued, or after a revised notice of
decision is issued under a reconsideration proceeding, any aggrieved party with
standing to appeal as set forth in Subsection 4.090 of the Town’s Integrated Project
Review Ordinance, may appeal the decision to the Spokane County Superior Court
pursuant to Subsection 4.110 of the Town’s Integrated Project Review Ordinance and
RCW Chapter 36.70C.

Subsection 8.100. Duration of Conditional Use Permit. Every right or privilege
authorized by the grant of a conditional use permit shall terminate two (2) years after the
granting of such permit, if conditional use permit implementation has not been initiated
via appropriate permits, and also completed during such time frame. The Council may
grant an extension for conditional use implementation for cause, not to exceed one (1)
year.

Subsection 8.110. Revocation. The City Council shall have continuing jurisdiction
over any conditional use permit. To consider the revocation of a conditional use permit,
the City Council shall hold a public hearing after giving notice in accordance with this
Section. The City Council may revoke and terminate the conditional use permit in whole
or in part, reaffirm the conditional use permit, modify the conditions, or impose new
conditions. A conditional use permit may only be revoked or conditions modified or
added on any one (1) or more of the following grounds:

A. The conditional use permit was obtained by fraud or misrepresentation; or

B. The conditional use permit has been exercised contrary to any of the terms or
conditions of approval; or

C. The use is in violation of any statute, ordinance, law, or regulation; or

D. The use permitted is being or has been so exercised as to be detrimental to the
public health, safety, or welfare, or so as to constitute a nuisance.
Section 9.0. MOBILE, MANUFACTURED, AND MODULAR STRUCTURE REQUIREMENTS

Subsections:
9.010 Intent
9.020 Requirements

Subsection 9.010. Intent.

A. This Section specifies the requirements of the Town to maintain and encourage a suitable family environment and affordable housing throughout the community, to insure the health, safety, morals, convenience, and general well-being of the Town. This Section also specifies the requirements of the Town providing for the use of mobile and manufactured structures for nonresidential uses, including, but not limited to, business offices and portable classrooms.

1. Mobile homes, manufactured homes, designated manufactured homes, and modular homes are permitted in the Residential (R) and Commercial/Industrial (C/I) zones, subject to the requirements stated in Subsection 9.020.

2. Nonresidential mobile structures, manufactured structures, designated manufactured structures, and modular structures are permitted in the Commercial/Industrial (C/I) and Public/Quasi-Public (P/QP) zones, subject to the requirements stated in Subsection 9.020.

B. Mobile, manufactured, designated manufactured, and modular homes or structures not meeting the requirements of Subsection 9.020, will not be allowed to be sited in the Town.

C. Any person, partnership, and/or corporation owning three (3) or more adjoining lots, intending to site mobile homes, manufactured homes, designated manufactured homes, or modular homes, shall be required to make application for a Conditional Use Permit for the proposed area for a mobile home park, following the regulations in Section 10.0, the Residential (R) zone.

Subsection 9.020. Requirements. Mobile, manufactured, designated manufactured, or modular homes and structures may be used as a place of human habitation or nonresidential occupancy in the Town upon compliance with the conditions set forth herein. Portable school classrooms shall be subject to all the provisions of this Section.

A. No such mobile, manufactured, designated manufactured, or modular home or structure shall be used as a habitation or nonresidential occupancy unless and until all forms of mobility have been removed from such structure. After such removal, such house or structure shall have been installed upon a permanent foundation and permanently attached to power, water, and sanitary facilities, all in accordance with the Uniform Building Code.
B. No such mobile, manufactured, designated manufactured, or modular home or structure installation may be made, as just aforesaid, unless and until the owner thereof shall have first presented to the Town written plans and plots, clearly showing all streets, alleys, easements, setbacks, and specifications, and shall have received a building permit.

C. No such permit shall be issued unless the Town shall find that such mobile, manufactured, designated manufactured, or modular home or structure complies with all existing Zoning Ordinance requirements.

D. All previously occupied mobile, manufactured, designated manufactured, or modular homes or structures shall be inspected by the Washington State Department of Labor and Industries and shall be brought up to the most recent HUD specifications before being granted an occupancy permit.

1. Prior to installation, even those homes or structures having a HUD certificate must first be approved by the Town’s building inspector to determine whether through misuse, neglect, alterations, or accident, the mobile, manufactured, designated manufactured, or modular home or structure has fallen below the safety and occupancy standards of the Uniform Building Code.

2. All new mobile, manufactured, designated manufactured, or modular homes or structures must meet HUD and Uniform Building Code requirements.

3. All fees must be paid.

E. All mobile, manufactured, designated manufactured, and modular homes or structures must meet the tiedown and all weather/fire-resistant requirements of the Uniform Building Code, and WAC 296-150B-250 concerning anchoring systems.

F. All mobile, manufactured, designated manufactured, or modular homes or structures in any zoning classification, shall meet the requirements of the applicable zone relating to front yards, rear yards, side yards, site area, accessory buildings, height, and off-street parking requirements.

1. No travel/dependent trailers or other recreational vehicles shall be used as a place of residential occupancy for a period in excess of ten (10) days per any calendar year, except when regularly installed and located in a trailer park regularly zoned, used, and maintained as such a park.

2. For all the purposes of this Section, the term “vehicle” shall mean all instrumentalities capable of movement by means of circular wheels, skids, or runners of any kind, specifically including, but not limited to, all forms of automotive vehicles, buses, trucks, cars, vans, and trailers of any size, whether capable of supplying their own motive power or not.
G. All mobile, manufactured, or modular homes or structures, applying for placement permits in the Town, shall have been constructed within the previous two (2) years. This Subsection shall be enforced in accordance with RCW 35A.63.145.

H. All mobile, manufactured, designated manufactured, or modular homes or structures, not located in an established mobile home park, shall be set on permanent foundations, either concrete or of other permanent material, and if not set on an exterior continuous foundation, shall be set on a permanent foundation and skirted.

I. Except where the base of the mobile, manufactured, designated manufactured, or modular home or structure is flush to the ground level, the mobile, manufactured, designated manufactured, or modular home or structure shall be skirted with permanent masonry skirting or a foundation. Every mobile, manufactured, designated manufactured, or modular home or structure shall be provided with a door, or easily removed portion thereof, for access to the crawl space under the mobile, manufactured, designated manufactured, or modular home or structure.

J. No building permit shall be issued for any mobile or manufactured homes or structures, smaller than twenty (20) feet in width and forty (40) feet in length, with a special provision that such width shall extend the full length of such mobile or manufactured home or structure, except for within designated mobile home parks. No building permit shall be issued for any designated manufactured or modular homes or structures of less than twenty-four (24) feet in width and thirty-six (36) feet in length, or of at least eight-hundred fifty (850) minimum square feet.

K. The roofs of all mobile, manufactured, designated manufactured, or modular homes or structures shall have a minimum pitch of three (3) feet of rise for each twelve (12) feet of horizontal run, and shall have an eave of six- (6-) inch minimum attached to the entire perimeter. Roofs shall be constructed of any roofing material that is generally acceptable for housing or nonresidential structures built on site, if applied in such a manner as to be similar in appearance.

L. The exterior of all mobile, manufactured, designated manufactured, or modular homes or structures shall be finished with horizontal metal lap siding, simulated wood siding, wood siding, or other acceptable method of exterior treatment (i.e., stucco), applied in such a manner as to be similar in appearance to housing or nonresidential structures built on site.

M. Single-wide mobile homes may be installed or located within mobile home parks within the Town, provided that such installation/location complies with all existing requirements of the Uniform Building Code and the Zoning Ordinance.

N. Any mobile, manufactured, designated manufactured, or modular home or structure, which is the principal residence or place of nonresidential occupancy of the owner at the time of the passage of this Zoning Ordinance, such owner shall maintain
vested rights to repair, maintain, and/or replace the existing mobile, manufactured, designated manufactured, or modular home or structure, should that structure be destroyed by fire, explosion, act of God, act of public enemy, or other cause, and not conform to the minimum size, age, siding, and roof requirements as stated in this Section. These vested rights are not transferable and shall not apply to parties that do not owner-occupy such mobile, manufactured, designated manufactured, or modular homes or structures.
**SECTION 10.0. RESIDENTIAL ZONE**

Subsections:

10.010 Description and Purpose
10.020 Permitted Primary Uses
10.030 Permitted Accessory Uses
10.040 Conditional Uses
10.050 Site (Lot) Area and Frontage
10.060 Yards and Site Coverage
10.070 Height Limits
10.080 Off-Street Parking and Loading

**Subsection 10.010. Description and Purpose.** The Residential (“R”) Zone is intended as a zone which recognizes the historic residential development patterns of the Town. Standards herein have been developed to avoid rendering existing dwellings nonconforming and to allow for new housing in conformance with the Comprehensive Plan in order to promote the public health, safety, and general welfare of the community.

**Subsection 10.020. Permitted Primary Uses.** No building, structure, or land shall be used, and no building, structure, or use in the Residential (“R”) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. One (1) single family residential dwelling per lot or parcel.

1. When the permitted residential dwelling is a designated manufactured, manufactured, mobile, or modular home, it shall conform to the following: comply with all provisions of Section 9.0 of this Zoning Ordinance; be permanently connected to water, power, and sanitary sewer utilities; and be landscaped in a manner so as to be in harmony with surrounding residential properties so that the general character and integrity of the neighborhood are preserved.

B. Temporary construction offices within the tract or subdivision on which buildings are being erected, and only for the duration of active construction.

**Subsection 10.030. Permitted Accessory Uses.** The following accessory uses shall be permitted in the Residential (“R”) Zone:

A. Accessory living quarters, provided that they do not constitute a second dwelling unit on the property.

B. Cat and dog houses, when the total number of dogs and/or cats is below the number defined as a “kennel”, and when kept on the same lot as the residence.

C. Detached garages for the private use of the residence.
D. Green houses solely maintained for private, non-commercial purposes.

E. Home occupations, when the business is conducted solely within the dwelling, employs only the residents of the dwelling, does not diminish off-street parking required for the residence, and does not generate undue noise, traffic, and/or parking that would be congestive or otherwise disruptive in a residential neighborhood environment.

F. In home day care for twelve (12) or fewer children, including the children of the home.

G. In home long-term care of six (6) or fewer elderly persons licensed by the State.

H. Radio or television antenna or tower, or a satellite communication dish maintained for private, non-commercial purposes, provided that: when erected upon a structure, the height of the antenna, tower, or dish does not exceed the height of the structure upon which it is located by six (6) feet; or, when erected as a free-standing accessory, the height of the antenna, tower, or dish does not exceed the height of the primary structure on the property by ten (10) feet. Any such free-standing antenna, tower, or dish shall be set back from any and all property lines a minimum distance equal to one (1) foot more than the overall height of the antenna, tower, or dish.

I. Residential signs, unlit, subject to the following criteria: a name plate and/or street address sign, not exceeding two (2) square feet in area, and containing the name(s) of the resident(s) of the dwelling and/or the street address number of the premises; a real estate sign, not exceeding six (6) square feet in area, notifying that the premises is for sale, rent, or lease; an advertising sign for a home occupation, not exceeding twelve (12) square feet, and containing the name, phone number, and/or other pertinent information about the home occupation conducted within the dwelling.

J. Swimming pools, spas, and/or unlighted tennis courts for the exclusive use of the occupants of the premises and their guests.

K. All storage shall be wholly within an enclosed building or shall be completely screened from view from surrounding properties and public rights-of-way, and shall be accessory to the permitted use on the site; there shall be no storage in any required front street or flanking street yard area. The private, noncommercial storage of up to two (2) inoperable or not currently licensed vehicles, or remnants thereof, shall comply with the provisions of this paragraph.

   1. Nonconforming rights for outdoor storage of more than two (2) inoperable or not currently licensed vehicles shall end one (1) year after the effective date of this Ordinance.
Subsection 10.040. Conditional Uses. The following uses may be permitted in the Residential ("R") Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth elsewhere in this Zoning Ordinance:

A. Bed and breakfast inns provided that, at a minimum: the proprietor resides in the dwelling where the bed and breakfast business is conducted; one (1) off-street guest parking space is provided for each guest room in addition to the parking required for the dwelling; adequate rest rooms are provided in accordance with County and State regulations; compliance with State, County, and local building and fire regulations has been demonstrated; and signage conforms to the provisions of the Residential ("R") Zone.

B. Churches and houses of worship provided that, at a minimum: parking conforms to the requirements set forth elsewhere in this Ordinance; and signage conforms to the provisions of the Residential ("R") Zone.

C. Day care, nursery school, or preschool facility provided that, at a minimum: child care and/or schooling serves the number of children approved by the City Council; compliance with all federal, State, County, and local day care, schooling, building, and fire regulations has been demonstrated; and signage conforms to the provisions of the Residential ("R") Zone.

D. Group homes and other residential care facilities provided that, at a minimum: parking conforms to the requirements set forth elsewhere in this Ordinance; compliance with all federal, State, County, and local group home, residential care, building, and fire regulations has been demonstrated; and signage conforms to the provisions of the Residential ("R") Zone.

E. Manufactured and/or mobile home park provided that, at a minimum: the provisions of Section 9.0 of this Ordinance are complied with; each site for a manufactured and/or mobile home contains at least four-thousand (4,000) square feet of area; a minimum separation between dwelling units of fifteen (15) feet is maintained, which distance shall include accessory parking and storage areas; interior private streets have a minimum travel width of twenty (20) feet; compliance with State, County, and local building and fire regulations has been demonstrated; signage conforms to the provisions of the Residential ("R") Zone; and the manufactured/mobile home park layout and associated development plans have been approved by the City Council.

F. Public and quasi-public facilities provided that, at a minimum: such facilities conform to all provisions of the Public/Quasi-Public ("P/QP") Zone.

G. Residential accommodations of a two-family (duplex) or multi-family nature provided that, at a minimum: parking conforms to the requirements set forth elsewhere in this Ordinance; a minimum of four-thousand (4,000) square feet of lot
area is provided per dwelling unit; and signage conforms to the provisions of the Residential (“R”) Zone.

H. The private, noncommercial storage of more than two (2) inoperable or not currently licensed vehicles, or remnants thereof, provided that, at a minimum: all such vehicles, remnants thereof, and parts are stored within a completely enclosed building.

**Subsection 10.050. Site (Lot) Area and Frontage.** The following site size and street frontage standards shall apply to all permitted or conditional uses in the Residential (“R”) Zone:

A. The required minimum lot area shall be eight-thousand (8,000) square feet.

B. Each lot or parcel shall have a minimum width at the building line (front street setback) of fifty (50) feet.

**Subsection 10.060. Yards and Site Coverage.** The following yard (setback) and site coverage standards shall be observed by all uses in the Residential (“R”) Zone:

A. Street Frontage Yard. The minimum setback from any street, fronting or flanking, shall be fifteen (15) feet from the street frontage property line or forty-five (45) feet from the street centerline, whichever is greater.

1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the City Council, shall be permitted on any corner lot within the area designated as the “clear view triangle”, which can be determined by measuring one hundred ten (110) feet from the center of two (2) intersecting streets along the centerline of each street, then connecting the two points with a straight line forming the hypotenuse of the “clear view triangle”, as illustrated in the following diagram.
Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven (7) feet above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three (3) feet above ground level. In cases where such “clear view triangle” will not provide adequate sight distance, the City Council shall determine the required area needed to reduce hazards to the traveling public.

2. Fences with a maximum height of six (6) feet may be located on the fronting or flanking street property line outside the area encompassed by the “clear view triangle”.

Rear Yard. Rear yards shall have a minimum depth of ten (10) feet from the rear property line.

1. Fences with a maximum height of six (6) feet may be located on the rear property line.

Side Yard. Side yards shall have a minimum depth of five (5) feet from each side property line.

1. Fences with a maximum height of six (6) feet may be located on the side property line.

Yard Exceptions. Eaves and cornices may project into a required yard (setback) a up to eighteen (18) inches; uncovered steps may project into a required yard back) area provided that compliance with State, County, and local building and fire
E. Site Coverage. The maximum site coverage for all buildings and structures shall be fifty (50) percent.

Subsection 10.070. Height Limits. No building or structure in the Residential (“R”) Zone shall exceed a height of two (2) stories or a total height above grade of thirty (30) feet.


A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the City Council, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.
SECTION 11.0. COMMERCIAL/INDUSTRIAL ZONE

Subsections:

11.010 Description and Purpose
11.020 Permitted Primary Uses
11.030 Permitted Accessory Uses
11.040 Conditional Uses
11.050 Site (Lot) Area and Frontage
11.060 Yards and Site Coverage
11.070 Height Limits
11.080 Off-Street Parking and Loading
11.090 Performance Standards

Subsection 11.010. Description and Purpose. The Commercial/Industrial (“CI”) Zone is intended as a zone which recognizes the historic commercial and industrial development patterns of the Town in accordance with the Comprehensive Plan. In order to promote the public health, safety, and general welfare of the community, and to assure compatibility with surrounding areas, an appropriate mixture of commercial and industrial uses shall be allowed.

Subsection 11.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Commercial/Industrial (“CI”) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. Any primary use permitted in the Residential (“R”) Zone.

B. Commercial retail and service uses:
   1. Automotive repair services, including battery shops and tire repair shops;
   2. Bakeries;
   3. Banks and other financial services;
   4. Business and professional offices, including medical and dental offices;
   5. Churches, synagogues, temples, and houses of worship;
   6. Clothing and clothing accessory retail sales;
   7. Convalescent homes; sanitariums, or retirement homes;
   8. Day care, nursery school, or preschool facilities and services;
   9. Delicatessens and meat markets;
   10. Drug stores and pharmacies;
   11. Dry cleaning and laundry establishments;
   12. Florist and plant shops;
   13. Food stores and markets;
   14. Fraternal or philanthropic lodges and institutions;
   15. Furniture and other home accessory sales such as carpets, drapes, and paint;
   16. General merchandise and other retail sales;
17. Hardware stores;
18. Hotels, motels, bed and breakfast inns, and lodging houses;
19. Lock and key services;
20. Lumber yards and building material sales;
21. Medical and dental laboratories;
22. Mortuaries and funeral homes;
23. Motor vehicle and farm equipment sales, leasing, rental, and services;
24. Nurseries and garden supplies;
25. Pawn shops;
26. Personal services, including barber and beauty shops;
27. Pet shops, including grooming services;
28. Photographic services, including portrait studios and photo developing stores;
29. Printing and publishing services;
30. Radio, television, and other electronics sales and services;
31. Restaurants, cafeterias, catering services, lounges, and taverns;
32. Service stations;
33. Shoe repair and clothing alterations shops;
34. Veterinary offices, including hospitalization and boarding services; and
35. Other uses which the City Council determines to be similar in nature, function, and operation to permitted primary commercial uses in the zone.

C. Industrial uses:

1. Agricultural uses of the land pertaining to crops;
2. Car washes;
3. Carpet, furniture, and upholstery cleaning and repair establishments;
4. Contractors’ offices, shops, and storage, including electrical, masonry, tile, plumbing, heating and ventilating, plastering, carpentry, roofing, glass, insulation, iron work, and similar services;
5. Electrical appliance and motor repair shops;
6. Electronic instrument manufacturing and assembly;
7. Food and dry good processing, packaging, and distribution operations;
8. Household appliance repair shops;
9. Jewelry manufacturing;
10. Laboratories, experimental or testing;
11. Manufacture, sales, and service of windows, window screens, rain gutters, shades and awnings;
12. Optical device manufacturing and assembly;
13. Precision instruments manufacturing;
14. Recording and sensory instrument or device manufacturing and assembly;
15. Research, development, and testing, including scientific research or experimental development of materials, methods, and products;
16. Small tool sharpening and repair;
17. Vehicle and machinery repair and storage;
18. Warehousing and distribution;
19. Welding and metal fabricating shops;
20. Wholesaling; and
21. Other uses which the City Council determines to be similar in nature, function, and operation to permitted primary industrial uses in the zone.

Subsection 11.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Commercial/Industrial (“CI”) Zone:

A. Any accessory use allowed in the Residential (“R”) Zone.

B. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.

C. Signs in conformance with the provisions set forth elsewhere in this Zoning Ordinance.

Subsection 11.040. Conditional Uses. The following uses may be permitted in the Commercial/Industrial (“CI”) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth elsewhere in this Zoning Ordinance:

A. Agricultural uses of the land pertaining to livestock.

B. Any conditional use listed in the Residential (“R”) Zone which is not a permitted primary use in the Commercial/Industrial (“CI”) Zone.

C. Elementary and secondary schools, public or private.

D. Fuel storage and distribution yards.

E. Kennels.

F. Manufacturing, processing, and fabrication uses not listed among permitted primary uses in the Commercial/Industrial (“CI”) Zone.

G. Off-premises advertising signs.

H. Theaters, dance halls, skating rinks, arcades, or other commercial amusement places.

Subsection 11.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all uses in the Commercial/Industrial (“CI”) Zone:

A. The minimum site or parcel area for all commercial and industrial development sites shall be determined by the City Council on a case-by-case basis, depending upon the nature of the use proposed.
A. The minimum site or parcel area for all commercial and industrial development sites shall be determined by the City Council on a case-by-case basis, depending upon the nature of the use proposed.

B. Each site or parcel shall have a minimum width at the street facing property line as determined by the City Council to be appropriate for the proposed use.

Subsection 11.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Commercial/Industrial ("CI") Zone:

A. All residential uses shall observe the yard area and site coverage standards of the Residential ("R") Zone.

B. Street Frontage Yard for Commercial and Industrial Uses. There shall be no minimum setback from any street, fronting or flanking, except at intersecting streets.

1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the City Council, shall be permitted on any corner lot within the area designated as the “clear view triangle”, which can be determined by measuring one hundred ten (110) feet from the center of two (2) intersecting streets along the centerline of each street, then connecting the two points with a straight line forming the hypotenuse of the “clear view triangle”, as illustrated in the following diagram.

Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven (7) feet above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three (3) feet above ground level. In cases where such “clear view triangle” will not provide adequate
2. Fences with a maximum height of six (6) feet may be located on the fronting or flanking street property line outside the area encompassed by the “clear view triangle”.

B. Rear Yard for Commercial and Industrial Uses. There shall be no rear yard setback from the rear property line, except where the rear property line abuts property in the Residential (“R”) Zone, in which case commercial and industrial buildings and structures shall observe the rear yard setback requirement of the Residential (“R”) Zone.

   1. Fences with a maximum height of six (6) feet may be located on the rear property line.

C. Side Yard for Commercial and Industrial Uses. There shall be no side yard setback from the side property line, except where the side property line abuts property in the Residential (“R”) Zone, in which case commercial and industrial buildings and structures shall observe the side yard setback requirement of the Residential (“R”) Zone.

   1. Fences with a maximum height of six (6) feet may be located on the side property line.

D. Exceptions. Where commercial or industrial buildings and structures are subject to rear and side yard setbacks of the abutting Residential (“R”) Zone, the exceptions authorized in the Residential (“R”) Zone shall apply.

E. Site Coverage. The maximum site coverage for all commercial and industrial buildings and structures shall be determined by the City Council on a case-by-case basis.

**Subsection 11.070. Height Limits.** There shall be no height limit for commercial and industrial buildings and structures, except where a side or rear property line abuts property in the Residential (“R”) Zone, in which case commercial and industrial buildings and structures shall observe the height limits of the Residential (“R”) Zone.

**Subsection 11.080. Off-Street Parking and Loading.** Parking and loading standards for uses in the Commercial/Industrial (“CI”) Zone shall conform to the standards set forth elsewhere in this Zoning Ordinance.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the City Council, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.
Subsection 11.090. Performance Standards. All uses in the Commercial/Industrial (“CI”) Zone shall be developed and used in a manner that complies with the following performance standards:

A. All uses shall fully comply with all applicable federal, State, and County standards governing noise, vibrations, odors, air quality, smoke, hazardous materials, sanitary waste, and solid waste.

B. All uses shall be operated in such a manner that there is no discharge whatsoever into a public or private sewerage disposal system or into the ground of any materials that may contaminate any domestic water supply source or surface waters, or that may otherwise cause the emission of dangerous or offensive elements.

C. All flammable materials shall be stored in accordance with the latest edition of the Uniform Fire Code in a manner satisfactory to the Fire Chief.

D. All lighting shall be arranged so as to not produce glare on public roadways and/or upon any neighboring residential properties. Welding, acetylene torch, or other similar processes shall be performed so as to not be seen from outside the property lines.

E. All roadways, parking spaces, and storage areas shall be treated and maintained to effectively eliminate dust as a result of wind or usage. Open spaces shall be landscaped or otherwise maintained to effectively eliminate dust and to enhance the aesthetic appearance of the use of the property.

F. All uses shall collect and suitably dispose of stormwater runoff. Any building permit application shall be accompanied by a drainage plan, and the approved stormwater runoff collection and disposal system shall be installed and functional prior to approval of completed construction on the property.

G. All open storage shall be enclosed by a fence six (6) feet in height which obscures the view of the open storage area from adjoining properties and streets. Inoperable or not currently licensed vehicles, remnants thereof, or parts, shall be stored within a completely enclosed building. Operable new or used automobiles, recreational vehicles, other vehicles, or machinery, normally displayed for sales purposes on an open lot, may be so displayed.
Section 12.0. PUBLIC/QUASI-PUBLIC USE ZONE

Subsections:
12.010 Description and Purpose
12.020 Permitted Primary Uses
12.030 Permitted Accessory Uses
12.040 Conditional Uses
12.050 Site (Lot) Area
12.060 Yards
12.070 Height Limits
12.080 Off-street Parking and Loading

Subsection 12.010. Description and Purpose. The Public/Quasi-Public ("P/QP") Zone is intended as a zone for governmental and other public/quasi-public uses in accordance with the Comprehensive Plan of the Town. It is further intended that the Public/Quasi-Public Zone provide for the unique and special characteristics of the variety of public and quasi-public uses contemplated in order to foster compatibility between uses and to protect the public health, safety, and general welfare of the community.

Subsection 12.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Public/Quasi-Public ("P/QP") Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. Governmental buildings and uses operated by federal, state, county, or municipal government entities, or operated by special purpose districts.

B. Libraries.

C. Museums.

D. Open space/conservation areas.

E. Parks, recreation areas, tennis courts, and/or playfields.

F. Public schools.

G. Publicly or privately operated public utility uses, structures, or transmission facilities.

Subsection 12.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Public/Quasi-Public ("P/QP") Zone:

A. Storage of equipment and/or materials required in connection with the primary use, provided that such storage observes the following standards:
1. All required yard (setback) areas of the Public/Quasi-Public ("P/QP") Zone are observed; and

2. Accessory storage is located inside a building or, if located outside a building, such storage is concealed from view from surrounding streets, alleys, and properties by a six-foot (6-ft.) high sight-obscuring fence, or by a landscaped berm of equivalent height which achieves the same screening objective for aesthetic purposes.

**Subsection 12.040. Conditional Uses.** The following uses may be permitted in the Public/Quasi-Public ("P/QP") Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth elsewhere in this Zoning Ordinance:

A. Privately operated institutions for educational, philanthropic, or charitable uses.

B. Solid waste processing and/or reclamation facilities, whether public or private, including landfills, recycling collection/processing facilities, and transfer stations.

**Subsection 12.050. Site (Lot) Area.** The required minimum lot area allowed shall be determined by the aggregate area of the buildings, required yards (setbacks), off-street parking and loading spaces, and any other specified lot area requirements applicable to the proposed use.

**Subsection 12.060. Yards.** The following yard (setback) areas shall be observed by all primary, accessory, and conditional uses permitted in the Public/Quasi-Public ("P/QP") Zone:

A. Street Frontage Yard. The minimum setback from any street, fronting or flanking, shall be fifteen (15) feet from the street frontage property line or forty-five (45) feet from the street centerline, whichever is greater.

1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the City Council, shall be permitted on any corner lot within the area designated as the "clear view triangle", which can be determined by measuring one hundred ten (110) feet from the center of two (2) intersecting streets along the centerline of each street, then connecting the two points with a straight line forming the hypotenuse of the "clear view triangle", as illustrated in the following diagram.
Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven (7) feet above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three (3) feet above ground level. In cases where such “clear view triangle” will not provide adequate sight distance, the City Council shall determine the required area needed to reduce hazards to the traveling public.

2. Fences with a maximum height of six (6) feet may be located on the fronting or flanking street property line outside the area encompassed by the “clear view triangle”.

B. Rear Yard. Rear yards shall have a minimum depth of ten (10) feet from the rear property line.

1. Fences with a maximum height of six (6) feet may be located on the rear property line.

C. Side Yard. Side yards shall have a minimum depth of five (5) feet from each side property line.

1. Fences with a maximum height of six (6) feet may be located on the side property line.

Subsection 12.070. Height Limits. No height limit is contemplated for buildings, structures, and uses in the Public/Quasi-Public ("P/QP") Zone, except under the following circumstances:

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the City Council, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.
Section 13.0. OFF-STREET PARKING AND LOADING

Subsections:
13.010 Purpose
13.020 Application of Requirements
13.030 Computation of Required Parking and Loading Spaces
13.040 Off-Street Parking Requirements
13.050 Location of Off-Street Parking and Loading Spaces
13.060 Driveway Standards
13.070 Improvement of Driveways and Parking Areas
13.080 Off-Street Loading Requirements
13.090 Landscaping Requirements for Parking Areas

Subsection 13.010. Purpose. The purpose of off-street parking and loading requirements is to provide for the general welfare and convenience of persons utilizing the various uses located within the Town, through the provision of suitable off-street parking and loading facilities, and to protect the public safety by lessening traffic congestion on public streets.

Subsection 13.020. Application of Requirements. The provisions of this Section shall apply and govern in all zones.

A. No person shall cause use or occupancy of any premises unless the off-street parking and loading facilities maintained thereon, or in connection therewith, conform to the requirements of this Section.

B. Any change to a building, or any change in use of a building or site, shall require compliance with the provisions contained herein.

C. All required parking shall be made permanently available and shall be maintained for parking purposes only.

D. No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved.

E. All off-street parking and loading spaces being maintained in connection with any existing building, structure, or use on the effective date of this Zoning Ordinance, and all parking and loading spaces subsequently required by this Zoning Ordinance for any building, structure, or use, shall be maintained as long as said building, structure, or use remains, unless an equivalent number of parking and loading spaces is provided conforming to the requirements of this Section.

Subsection 13.030. Computation of Required Parking and Loading Spaces. The number of off-street parking and loading spaces required shall be no less than as set forth in this Section. In the case of a combination of uses in a building or on a lot, the minimum number of spaces required shall be not less than the sum total of the
requirements for all the individual uses. In computation of the total parking and loading spaces required for any use, fractional spaces shall be rounded off to the nearest whole number; fractions of five-tenths (.5) or more being counted as one (1) full space. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than twenty (20) lineal inches each.

Subsection 13.040. Off-Street Parking Requirements. All off-street parking shall conform to the following requirements. No on-street parking shall be considered in fulfilling the requirements for any use.

A. Residential Uses.

1. Single-family dwellings: two (2) spaces per dwelling unit.

2. Duplex dwelling units: two (2) spaces per dwelling unit.

3. Multi-family dwelling units: two (2) spaces per dwelling unit plus one-half (1/2) space per dwelling unit for guest parking.

B. Commercial, Educational, Institutional, and Industrial Uses.

1. Hotels, motels, bed and breakfast inns, boarding and lodging houses: one (1) space per each habitable room.

2. Churches, synagogues, temples, assembly halls, auditoriums, theaters, private clubs and lodges, or similar places of assembly: one (1) space for each four (4) fixed seats, or for each thirty-five (35) square feet of assembly area where there are no fixed seats.

3. Elementary and junior high schools: two (2) spaces per teaching station.

4. High schools: five (5) spaces per teaching station.

5. Specialized schools and studios (dance, martial arts, gymnastics, fitness, etc.): one (1) space for each fifty (50) square feet of gross floor area.

6. Full-service restaurants, taverns, and lounges: one (1) space for each one-hundred (100) square feet of gross floor area, plus one (1) space for each one-hundred (100) square feet of outdoor customer service area.

7. Fast-food restaurants: one (1) space for each fifty (50) square feet of gross floor area, plus one (1) space for each fifty (50) square feet of outdoor customer service area.

8. Group homes: one (1) space for each staff person, plus one (1) space for each five (5) residents, plus one (1) space for each vehicle operated by the facility.
9. Convalescent homes, sanitariums, and retirement homes: one (1) space for each four (4) beds.

10. Hospitals: one (1) space for each two (2) beds.

11. Medical and dental offices: one (1) space for each one-hundred seventy (170) square feet of gross floor area.

12. Banks and business or professional offices: one (1) space for each three-hundred twenty-five (325) square feet of gross floor area.

13. Nursery and garden supplies or construction materials, retail: one (1) space for each two-hundred (200) square feet of gross floor area, plus one (1) space for each one-thousand (1,000) square feet of outdoor storage or display area.

14. Motor vehicles, boats, or large machinery, retail: one (1) space for each one-thousand (1,000) square feet of gross floor area, plus one (1) space for each one-thousand five-hundred (1,500) square feet of outdoor storage and display area.

15. Recreation vehicles and manufactured homes, retail: one (1) space for each one-thousand (1,000) square feet of gross floor area, plus one (1) space for each three-thousand (3,000) square feet of outdoor storage and display area.

16. Furniture, carpeting, or large appliance, retail: one (1) space for each five-hundred (500) square feet of gross floor area.

17. Other retail and service uses: one (1) space for each two-hundred (200) square feet of gross floor area.

18. Warehousing and wholesaling: one (1) space for each one-thousand (1,000) square feet of gross floor area, plus one (1) space for each one-thousand (1,000) square feet of outdoor storage area.

19. Industrial uses: one (1) space for each four-hundred (400) square feet of gross floor area.

20. Research and development uses: one (1) space for each three-hundred twenty-five (325) square feet of gross floor area.

Subsection 13.050. Location of Off-Street Parking and Loading Spaces. Off-street parking and loading spaces shall be located as specified herein.

A. All required off-street parking and loading spaces shall be accessible and shall be located on the same lot as the use or building requiring such spaces, except that parking facilities for nonresidential uses may be separated from the use or building it
serves by an alley as long as the ownership of the parking area is the same as the use or building it serves.

B. Off-street parking and loading spaces shall not be located within any required yard area.

C. Except for single-family and duplex dwelling units, parking shall be so designed that vehicles shall not back out into public streets.

D. Parking and loading spaces shall not preclude direct and free access to stairways, walkways, any pedestrian accesses, or fire safety equipment.

E. Where attached or detached residential garages are provided, the design thereof shall conform to the dimensions set forth in Figure No. 1, “Minimum Garage Dimensions”, included herein and made a part hereof.

F. All other parking spaces and/or stalls and aisles shall be designed in accordance with Figure No. 2, “Minimum One-Way Parking Design”, or Figure No. 3, “Minimum Two-Way Parking Design”, included herein and made a part hereof. Parking spaces designed at any angle other than those shown in said figures are permitted, provided the width of stalls and aisles is proportionately adjusted based upon the angle proposed.

G. Handicap parking shall be installed and designated in accordance with the “Regulations for Barrier-Free Facilities” as adopted by the Washington State Building Code Advisory Council.

H. Whenever twenty-five (25) or more parking spaces are required for a building or use, bicycle racks or bicycle storage areas shall be provided at a ratio of one (1) bicycle rack or bicycle storage area for each twenty-five (25) required parking spaces.

I. All parking plans shall be submitted to the City Council for review and approval prior to the issuance of any building or land use permits.

**Subsection 13.060. Driveway Standards.** Each parking space and loading space shall be accessible as to both entrance and exit as provided for herein.

A. The curb openings or entryways to the lot and driveways or approaches to parking spaces shall not exceed fifty-two (52) percent of the total length of the fronting or flanking street property line or width of the street facing yard area, except where a circular driveway is provided and the City Council approves the design and location of such circular driveway.

B. Each driveway or approach to a parking space shall have a minimum clear width of ten (10) feet provided, however, that a driveway in residential zones may be reduced to nine (9) feet where no pedestrian passage is required. The width of the
driveway or approach to a loading space shall be as set forth elsewhere in this Section.

C. The vertical clearance above the surface of the driveway or approach to a parking space shall be not less than seven (7) feet. The vertical clearance for the driveway or approach to a loading space shall be as set forth elsewhere in this Section.

D. No driveway or approach to a parking space shall have a slope in excess of eight (8) percent, except for residential uses which shall not exceed twelve (12) percent. For loading spaces, the slope of the driveway or approach shall be as set forth elsewhere in this Section.

E. The outer radius of a curve in any driveway or approach shall be a minimum of twenty-five (25) feet.

Subsection 13.070. Improvement of Driveway and Parking Areas. All parking and loading areas and driveway access thereto shall be graded. In addition, all parking and loading areas and driveways shall be paved or hard-surfaced to a standard comparable to the public street which services the driveway and parking area, or as determined by the City Council. In rendering its determination, the City Council shall take into consideration the nature of the proposed use (i.e., an individual residence, or a parking area for cleated and other heavy equipment, may not warrant paving or hard surfacing). In determining the type of surfacing to be utilized, the City Council shall insure that it will not adversely affect air quality, water quality, or the integrity of the driveway and parking area.

A. All paving and hard surfacing, or alternative improvements authorized by the Council, shall be completed from the parking area to the nearest public street or right-of-way and provide for proper storm drainage, and allow for parking stalls and installation of other traffic control devices as set forth by this Section. All traffic control devices, such as parking strips designating car stalls, directional arrows or signs, curbs and other traffic control devices, shall be installed and completed as required by this Section and as shown on the approved plans. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas.

B. Where more than ten (10) parking spaces are required, paved pedestrian sidewalks shall be provided on the exterior of the parking lot and between any parking lot and road right-of-way. The paved sidewalks shall be curbed or raised six (6) inches above the lot surface, excluding those areas used for driveways and curb cuts necessary for meeting handicap requirements, and shall be provided with a minimum of sixty (60) inches in width. The parking lot surfacing and drainage facilities shall be inspected and approved prior to occupancy of the premises.
Subsection 13.080. Off-Street Loading Requirements. Off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls.

A. Off-street loading spaces must be located in such a manner that large vehicles do not block or intrude into public rights-of-way or block driveways or parking area circulation.

B. In all cases, loading spaces shall be located on the same lot as the use or structure they are designed to serve. Off-street loading spaces shall not be included in any area used to satisfy off-street parking requirements.

C. Loading spaces shall be designed so no vehicles are required to back to or from an adjacent street, except for minor trucking access on local access streets in the Commercial/Industrial Zone.

D. Where a proposed building or structure is intended to be used concurrently for different uses, final determination of required loading spaces shall be made by the City Council, provided that the loading requirement for the combined uses shall not be less than the total requirement for each separate use.

E. Off-street loading spaces shall measure fifteen (15) feet wide, sixty (60) feet long, and fifteen (15) feet high, except if this Section requires only one (1) loading space, it may measure twelve (12) feet wide, thirty (30) feet long, and fourteen (14) feet high. The width of any driveway or aisle providing access to a loading space shall not be less than twelve (12) feet, it shall have a vertical clearance of sixteen (16) feet, and shall be generally level. In no event shall the outer radius of any turning area to a required loading space be less than twenty-five (25) feet.

F. The minimum number of off-street loading spaces for each building or structure shall be in accordance with the following:
1. Department stores, retail, and other commercial uses, and industrial, manufacturing, wholesaling, warehousing, and similar uses:

<table>
<thead>
<tr>
<th>Gross Floor Area (Sq. Ft.)</th>
<th>Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10,000</td>
<td>0</td>
</tr>
<tr>
<td>10,000 to 25,000</td>
<td>1</td>
</tr>
<tr>
<td>25,001 to 50,000</td>
<td>2</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>3</td>
</tr>
<tr>
<td>Over 100,000</td>
<td>3 plus 1 for each additional 50,000 sq. ft. or part thereof</td>
</tr>
</tbody>
</table>

2. Offices, hotels and motels, restaurants, hospitals, convalescent centers, and similar businesses and institutions:

<table>
<thead>
<tr>
<th>Gross Floor Area (Sq. Ft.)</th>
<th>Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10,000</td>
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<td>1</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>Over 100,000</td>
<td>2 plus 1 for each additional 50,000 sq. ft. or part thereof</td>
</tr>
</tbody>
</table>

**Subsection 13.090. Landscaping Requirements for Parking Areas.** No building permit shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the City Council.

A. A parking area fronting on a street right-of-way shall provide a landscaped planting area, of at least three (3) feet in width, along the entire street frontage except for driveways, provided that the plantings shall not obstruct the sight distance required at street intersections or driveway approaches.

B. At least ten (10) percent of the interior of the parking area shall be devoted to landscaping, and no such landscaping area shall be less than thirty-two (32) square feet in area.

C. All such interior landscaping shall be located between parking stalls, at the end of parking columns, or between stalls and the property line. Parking spaces shall be designed so that no parking space allows vehicles to overhang into a landscaping area.

D. Where a parking area abuts residentially zoned property along any interior side or rear property line, either a wall or fence with a height of six (6) feet, or a landscaped strip with a minimum width of five (5) feet, shall be installed adjacent to the property line.
E. Where a parking area contains less than twenty (20) spaces, street facing and interior property line landscaping shall be required, however, no internal landscaping shall be required within such parking area.

F. All landscaping shall consist of a liberal mix of deciduous and/or evergreen trees, planted in wells or strips, with a variety of ornamental deciduous and evergreen shrubs, and ground covers, the latter which may include such features as lawn, bark, decorative rock, or gravel. Where practical and feasible, existing trees shall be retained in all landscaping areas. All such planting areas shall be automatically irrigated and shall be maintained in a live and healthy condition. Dead or dying plantings shall be promptly removed and replaced.

G. All landscaped areas along the perimeter of a parking area, and within the interior of a parking area, shall be separated from such parking area by six (6) inch high curbing.

H. All required landscaping and irrigation shall be installed prior to occupancy of the premises. In the event that winter weather precludes timely completion of landscaping improvements in accordance with the approved plans, the City Council may allow occupancy to proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions allow.
Figure No. 1

Minimum Garage Dimensions

Minimum for One-Car
Garage or Carport

Spangle Zoning Ordinance
Section 13.0, Off-Street Parking and Loading
Figure No. 2

Minimum One-Way Parking Design

Minimum Parking Space Dimensions = 8.5 Feet by 18.0 Feet

Drawings Not to Scale

Spangle Zoning Ordinance
Section 13.0, Off-Street Parking and Loading
Figure No. 3

Minimum Two-Way Parking Design

Minimum Parking Space Dimensions = 8.5 Feet by 18.0 Feet

Drawings Not to Scale
Section 14.0. SIGNAGE REGULATIONS

Subsections:
14.010 Purpose and Scope
14.020 Definitions
14.030 Permits and Exceptions
14.040 Permit Applications and Fees
14.050 Prohibited Signs
14.060 Signs Permitted in All Zones
14.070 Signs Permitted in the Commercial/Industrial Zone
14.080 Signs Permitted in the Public and Quasi/Public Use Zone
14.090 Sign Location
14.100 Sign Area and Calculation
14.110 Nonconforming Signs

Subsection 14.010. Purpose and Scope. The purpose of this Section is to promote commerce, traffic safety, and community identify, while improving the visual environment of residential and nonresidential areas.

This Section shall not regulate traffic and directional signs installed by a governmental entity or located within a private parking area; signs not readable from, nor intended to be viewed from, a public right-of-way; merchandise displays; advertising displays upon vending machines; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments and plaques; cemetery interment markers; single purpose structures such as telephone booths and donation or recycling containers; or lettering or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business.

Subsection 14.020. Definitions. The following definitions shall apply to this Section:

A. Banner. Means any sign of light-weight fabric, or similar material, that is mounted to a pole or a building on one (1) or more edges.

B. Bulletin Board. Means any sign erected by a charitable, educational, or religious institution, or by a public agency, which is erected upon the same site as said institution or agency, for purposes of announcing events which are held on the premises, and contains no advertising message for commercial purposes.

C. Flashing Sign. Means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all time when in use.

D. Incidental Sign. Means a sign, strictly informational, that has a purpose secondary to the use of the building or lot on which it is located, such as “no parking”, “entrance”, “exit”, “loading only”, “telephone”, and other similar informational directives. No sign with a commercial message, legible from any
position off the property on which the sign is located, shall be considered to be incidental.

E. **Off-Site Sign.** Means a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term “off-site sign” shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

F. **On-Site Sign.** Means a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing on the same lot where such sign is displayed. An “on-site sign” may also display a noncommercial message.

G. **Pennant.** Means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, and usually designed to move in the wind.

H. **Portable Sign.** Means any sign not permanently attached to the ground or a permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; “A”-frame or “T”-frame signs; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of a licensed business.

I. **Real Estate Sign.** Means a temporary sign placed upon property for the purpose of advertising to the public the sale, lease, or rent of said property.

J. **Residential Sign.** Means any sign located in a residentially zoned area that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

K. **Temporary Sign.** Means any sign that is used only temporarily and is not permanently mounted.

L. **Wall Sign.** Means any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Section, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, or a building canopy, shall be considered a wall sign.
M. Window Sign. Means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon a window.

Subsection 14.030. Permits and Exceptions. No sign shall hereafter be erected, reerected, constructed, painted, posted, applied, or structurally altered except as provided in this Section and pursuant to a sign permit approved by the City Council. A separate sign permit shall be required for each sign installed on a single supporting structure.

A. Exceptions. The following shall not require a sign permit, provided, however, that these exceptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Ordinance or any other law or ordinance, including the Uniform Building Code.

1. The changing of the advertising copy or message on a lawfully erected sign specifically designed for replaceable copy.

2. Painting, repainting, or normal maintenance, unless a structural or electrical change is made.

3. Temporary banners and temporary signs as regulated herein.

4. Real estate signs as regulated herein.

5. Incidental signs.

6. Political signs.

7. One (1) nonelectric bulletin board as regulated herein for each public, charitable, or religious organization.

8. Contractor, architect, surveyor, or engineer signs as regulated for properties undergoing construction.

Subsection 14.040. Permit Applications and Fees. If a sign requiring a permit under the provisions of the Section is to be placed, constructed, erected, or modified, the owner of the affected property shall secure a sign permit prior to the construction, placement, erection, or modification of such sign. No signs shall be erected in the public right-of-way except in accordance with this Section. No permit shall be issued for any sign unless such sign is consistent with the requirements of this Section.

A. Applications for sign permits shall be filed with the Clerk-Treasurer and shall contain the following minimum information, except that Nos. 1 and 2 shall be the only information needed for applications involving banners and A-frames:

1. Name, address, and telephone number of the applicant;
2. Site plan of the parcel showing locations of the building, structure, or lot to which or upon which the sign or advertising structure is to be attached or erected;

3. Position or the sign or advertising structure in relation to nearby buildings or structures, including dimensional data;

4. Blueprints of the plans with color designations, specifications, method of construction, and attachment to the building or in the ground;

5. Name of the person, firm, or corporation erecting the sign or advertising structure, and a copy of the contractor’s license;

6. Written consent of the owner of the building, structure, or land to which or on which the sign or advertising structure is to be erected.

B Applicable fees, as established by resolution of the City Council, shall accompany each application.

Subsection 14.050. Prohibited Signs. The following types of signs are prohibited in all zones unless otherwise specifically permitted:

A. Signs which in coloring, shape, wording, or location resemble or conflict with traffic control signs or devices.

B. Signs that create a safety hazard for pedestrian or vehicular traffic.

C. Flashing signs.

D. Portable signs exceeding nine (9) square feet.

E. All off-site advertising signs.

F. All billboard type advertising signs.

Subsection 14.060. Signs Permitted in All Zones. The following signs may be permitted in any zone, subject to the limitations as provided herein:

A. Bulletin Boards. Bulletin boards on the premises of public, charitable, or religious institutions shall be permitted subject to the following criteria:

1. Such sign shall contain not more than twenty-five (25) square feet in area on a face and may be double-faced;

2. No part of the sign shall exceed a height of six (6) feet above the ground; and
3. The sign, if lighted, may be indirectly lighted only.

B. Temporary Subdivision and Related Signs. A temporary real estate sign advertising the initial sale, lease, or rental of a group of new lots or dwellings within a subdivision, or condominium complex, or apartment complex, or spaces within a business complex, shall be permitted subject to the following criteria:

1. The sign shall be detached and shall be located on the premises being sold, leased, or rented;

2. The sign shall not exceed a maximum of forty (40) square feet in area on any face and may be double-faced;

3. The sign shall remain only as long as property remains unsold, unleased, or unrented for the first time, but not to exceed one (1) year, provided, however, that the City Council may extend the duration limit upon the written request of the owner or developer of the project;

4. The sign shall be non-illuminated; and

5. The top of the sign shall be no higher than ten (10) feet above the ground level of the property upon which the sign is located.

C. Permanent Subdivision or Area Name Signs. A decorative and permanent sign, announcing the name of a subdivision or area, located at the public street entrance or entrances to the subdivision or area, which identifies the name of the subdivision or area, shall be permitted subject to the following criteria:

1. The sign shall consist of a decorative masonry wall or wood fence with illuminated, indirectly lighted, or non-illuminated name plates or letters, and shall be located in a continuously maintained landscaped area;

2. The wall/fence and/or sign shall not exceed six (6) feet in height; and

3. The location of the wall/fence and/or sign on the property shall not be within the “clear view triangle” at street intersections, as delineated in the various zoning classifications within this Ordinance.

D. Contractor, Financier, Architect, Surveyor, and/or Engineer Signs. One (1) on-premises sign identifying the project, developers, financiers, contractors, architect, surveyor, and/or engineer affiliated with a construction project may be situated on such construction site during the construction period only and shall be permitted subject to the following criteria:

1. The sign shall be placed at a location approved by the City Council on the premises being constructed;
2. The sign shall not exceed a maximum of forty (40) square feet in area;

3. The sign shall remain only as long as the premises is under construction, but not to exceed one (1) year, provided, however, that the City Council may extend the duration limit upon the written request of the owner or developer of the project;

4. The sign shall be non-illuminated; and

5. The top of the sign shall be no higher than ten (10) feet above the ground level of the property upon which the sign is located.

E. Real Estate Signs. Residential real estate signs are permitted subject to the limitations set forth in the Residential Zone Section of this Ordinance. In the Commercial/Industrial Zone, one (1) temporary, on-site sign is permitted advertising the sale, lease, or rental of the building, property, or premises, provided that such sign is non-illuminated, does not exceed thirty-two (32) square feet in area, and does not exceed a height above ground level of ten (10) feet.

1. An “open house” directional sign shall be allowed on each access street to property provided that it is not placed in the right-of-way in such a manner as to interfere with vehicular or pedestrian traffic, it is maintained only when the premises is actually open for immediate inspection, it is non-illuminated, does not exceed five (5) square feet in area, and does not exceed a height above ground level of three (3) feet.

Subsection 14.070. Signs Permitted in the Commercial/Industrial Zone. Signs which pertain only to the identification of a permitted use in the Commercial/Industrial Zone are permitted, provided that such signs are located entirely on the property with the use or business served, and provided further than such signs conform to the following standards:

A. On-site signs shall meet the following criteria:

1. Wall signs shall not exceed the outer limits of the wall and shall not cover more than two (2) walls. In the case of multiple businesses in a building, wall signs shall not exceed the outer limits of the wall of each business.

2. The total area of all other signs shall not exceed two (2) square feet per lineal foot of street frontage, up to a maximum of two-hundred fifty (250) square feet of sign area, and shall not exceed a height of thirty (30) feet above ground level.

3. Freestanding signs shall not exceed two (2) square feet per lineal foot of street frontage, up to a maximum of two-hundred (200) square feet of sign area, and shall not exceed a height of thirty (30) feet above ground level. There shall be no
more than one (1) such sign for each two-hundred (200) feet of street frontage or portion thereof.

4. No sign shall project over a public right-of-way, nor shall it be located in such a way that it obstructs safe vision for pedestrian or vehicular traffic either on the public right-of-way or at entering and exiting access points.

5. Placement of lighted signs shall be such that no light extends over property lines to any adjoining property.

B. Electronically changeable message signs shall be permitted subject to the limitations in paragraph “A” of this Subsection.

C. Signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted in conformance with the following criteria:

1. Only one (1) fuel price informational sign shall be permitted per fuel pump.

2. Fuel price informational signs shall be limited in size to an area of one and five-tenths (1.5) square feet.

3. Each fuel price informational sign shall be affixed directly to a fuel pump and shall be stationary.

4. One (1) freestanding sign to include a changeable copy sign is allowed. The size of such freestanding sign shall be determined by using eight (8) square feet per fuel pump up to a maximum area of forty-eight (48) square feet. The maximum size is to include company name, logo, price information, etc., if applicable.

5. Nothing contained herein shall be construed to prohibit the use of other signs meeting the requirements of this Section.

D. Outdoor menu boards are only allowed on lots which have been approved for restaurants, full-service or fast-food, and shall be in conformance with the following criteria:

1. Only one (1) outdoor menu board shall be permitted on a lot.

2. The area of the menu board shall not exceed thirty-two (32) square feet.

3. If the sign is lighted, it shall be via internal illumination.

4. The menu board lettering shall not be legible from off-site properties and rights-of-ways.
E. Signs painted on, or affixed to, glass surfaces of windows or doors, and pertaining to the lawful business conducted within the building, are allowed without a permit.

Subsection 14.080. Signs Permitted in the Public and Quasi/Public Use Zone. Signs which pertain only to the identification of a permitted use in the Public and Quasi/Public Use Zone are permitted, provided that such signs are located entirely on the property with the use or business served, and provided further than such signs conform to the following standards:

A. A wall sign is permitted which does not exceed the outer limits of the wall and which does not cover more than one (1) wall.

B. One (1) freestanding sign is permitted with a maximum area of fifty (50) square feet and a maximum height above ground level of twenty (20) feet.

C. No sign shall project over a public right-of-way, nor shall it be located in such a way that it obstructs safe vision for pedestrian or vehicular traffic either on the public right-of-way or at entering and exiting access points.

D. Placement of lighted signs shall be such that no light extends over property lines to any adjoining property.

E. Signs painted on, or affixed to, glass surfaces of windows or doors, and pertaining to the lawful use conducted within the building, are allowed without a permit.

Subsection 14.090. Sign Location. All signs and advertising structures shall be located in accordance with the following standards:

A. No sign or advertising structure shall interfere with vehicular or pedestrian accessibility or sight distance.

B. All signs and advertising structures shall conform to the “clear view triangle” of the zone in which it is located.

C. Any portion of a sign or advertising structure, including structural supports, that is higher than three (3) feet and less than seven (7) feet above ground level, shall be located a minimum of ten (10) feet from any public right-of-way. This requirement shall not apply when structural supports are less than two (2) feet wide at any point on the support three (3) to seven (7) feet above ground level.

Subsection 14.100. Sign Area and Calculation. Sign area is the total area of a sign visible from any one (1) viewpoint or direction, excluding the sign support structure, and its size shall be calculated by measuring from the outside edge of the frame itself. This includes only one (1) side of a double-faced sign.
A. Individual letters, words or symbol signs on a wall shall be calculated by measuring the area created by drawing imaginary straight lines around the entire copy or grouping of such letters, words, or symbols.

B. Module signs consisting of more than one (1) sign cabinet shall be computed by adding together the total area of each module.

C. Any portion of the sign not necessary for structural support of the sign, or any structural support greater than two (2) feet in width, shall be considered in the determination of the square footage of the sign.

Subsection 14.110. Nonconforming Signs. Nonconforming signs, those that were permanently installed and legally erected prior to the effective date of this Ordinance, shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way.
Section 15.0. NONCONFORMING USES AND BUILDINGS

Subsections:
15.010 Purpose
15.020 Applicability
15.030 Nonconforming Uses, Buildings, and Structures
15.040 Exceptions

Subsection 15.010. Purpose. The purpose of this Section is to permit reasonable continuance of the operation of nonconforming uses and buildings, while providing for their gradual elimination if certain specified events occur. Existing nonconforming uses and buildings shall be subject to the specific regulations of this Section as well as to the general provisions of this Ordinance.

Subsection 15.020. Applicability. The provisions of this Section shall apply to all buildings, structures, or uses of land which are nonconforming at the time of adoption of this Ordinance, as well as to those that become nonconforming as a result of subsequent changes in zoning regulations.

Subsection 15.030. Nonconforming Uses, Buildings, and Structures. The following provisions shall be applicable to all nonconforming uses, buildings, and structures:

A. A nonconforming use, building, or structure may be continued as is, however, no expansion of operations or enlargement of floor area shall be permitted, except as otherwise provided in this Section.

B. A nonconforming use, or portion thereof, shall be terminated if such use is discontinued for one (1) year.

C. A nonconforming building or structure, or that portion of a building or structure used for a nonconforming purpose, may continue as is, but shall not be altered or enlarged except as otherwise provided in this Section. Notwithstanding other provisions of this Section, alterations and repairs as required by governmental regulation or for safety purposes shall be permitted.

D. Repair of nonconforming buildings or structures, and buildings and structures which are used for a nonconforming purpose, shall be allowed.

E. A nonconforming use shall be allowed to change within its own major land use type (i.e., commercial or industrial), except that a commercial or industrial use in a residential zone shall not be allowed to change to any other type of nonconforming use.

F. Any nonconforming building or structure that is damaged or destroyed and the cost of replacement or repair exceeds fifty (50) percent of the fair market value of the
building or structure prior to its damage or destruction, as determined by a qualified appraiser, shall be removed.

G. All nonconforming outdoor storage areas shall be required to conform to the applicable provisions for screening and/or enclosure within six (6) months of the effective date of this Ordinance.

Subsection 15.040. Exceptions. Notwithstanding the previous Subsection, the following are exceptions for nonconforming uses, buildings, and structures:

A. Nonconforming residential buildings or structures may be continued, altered, or enlarged, in any manner consistent with current regulations, as if no nonconformity existed. This exception shall not apply to the addition of bedrooms to residential buildings which are nonconforming in terms of parking requirements and which are located on a lot containing more than one (1) dwelling unit.

B. Commercial or industrial buildings or structures located in a Commercial/Industrial Zone, which are nonconforming in terms of height and/or setback, may be continued, altered, enlarged, or operations expanded, in any manner consistent with current regulations, as if no nonconformity existed.
Subsection 16.010. Description and Purpose. The purpose of this Section is to set forth standards providing for municipal compliance with the concurrency requirements of the State’s Growth Management Act (GMA) and to further provide for consistency between municipal and County-wide planning policies under GMA. GMA requires that adequate street capacity be provided concurrently with development to handle the increased traffic projected to result from such growth and development. GMA also authorizes local jurisdictions to establish concurrency parameters for facilities other than transportation. Spokane County’s adopted County-wide planning policies, which affect all jurisdictions in the County, add domestic water and sanitary sewer systems to the concurrency determination of adequate capacity concurrent with new development. Therefore, this Section addresses concurrency management in the context of the municipal street system, domestic water system, and sanitary sewer system.

A. When concurrency management for a segment of the transportation system is regional in nature as determined by the Spokane County Steering Committee of Elected Officials, the Spokane Regional Transportation Council (SRTC) shall be responsible for a concurrency determination in accordance with Level of Service (LOS) standards adopted for the regional transportation system.

Subsection 16.020. Definitions. For the purposes of this Section, certain words and terms are defined herein. Words used in the present tense include the future; words used in the singular number include the plural; and words in the plural numbers include the singular.

A. Concurrency. Means municipal street, domestic water, and sanitary sewer infrastructure systems needed to achieve and maintain the standards for Level of Service (LOS) adopted in the Town’s Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future, are available to serve new development no later than six (6) years after the impacts of development are incurred.

B. Concurrency Determination. Means the comparison of an applicant’s impacts on concurrency facilities to the capacity, including available and planned capacity of the concurrency facilities.
C. Development Permit. Means a land use or building permit. Development permits are classified as exempt, final, or preliminary. Exempt permits are set forth in Subsection 16.040 of this Section.

D. Development Permit, Final. Means a building permit.

E. Development Permit, Preliminary. Means one (1) or more of the following permits: a conditional use permit, a preliminary plat, a rezone, a short plat, or any other official action of the Town having the effect of authorizing the development of land.

F. Level of Service (LOS). Means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of a facility. LOS is an established minimum capacity of certain capital facilities that must be provided per unit of demand or other appropriate measures as needed. LOS standards are found in the Transportation and Capital Facilities Elements of the Town’s Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future.

G. Reserve Level of Service (LOS) Capacity. Means total capacity of concurrency facilities less currently existing demands, and less committed but not yet implemented demands upon such concurrency facilities and services.

H. Vested. Means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.

Subsection 16.030. Concurrency Determination. Level of Service (LOS) standards are the benchmarks used to determine if concurrency facilities are adequate to serve new development. LOS standards are used to calculate the capacity of concurrency facilities for each development. Concurrency is determined by comparing the capacity required to the uncommitted capacity that is available.

A. A concurrency determination shall be performed by the Town prior to the issuance of a preliminary development permit. If the concurrency determination results in a finding that concurrency facilities and services are sufficient to serve the development, the Town shall reserve the capacity required for the final development permit. Such capacity shall not be returned to the uncommitted amount of reserve capacity unless and until the application is, for whatever reason, denied, rejected, expired, or otherwise invalidated.

1. A concurrency determination does not compromise the Town’s ability to address project mitigation under the State Environmental Policy Act (SEPA), where applicable.

B. If the concurrency determination results in a finding that one (1) or more concurrency facilities do not have sufficient reserve capacity to serve the
development, the application shall be returned to the applicant with an explanation as to the deficiencies with the affected concurrency facility or facilities. Development approval is prohibited if the development causes the LOS of a concurrency facility to decline below the LOS adopted in the Transportation and/or Capital Facilities Elements of the Town’s Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future, unless improvements or strategies to accommodate the impacts of development are made concurrent with the development. The applicant may:

1. Mitigate capacity impacts by arranging with the Town for the provision of additional capacity of the affected concurrency facility or facilities required either concurrent with the development, or within six (6) years of when the impact is incurred; or

2. Revise the proposed development by reducing impacts so as to maintain a satisfactory LOS; or

3. Phase the proposed development to coincide with later availability of increased concurrency facility capacity; or

4. Accept denial of the application.

Subsection 16.040. Exemptions. While the following permits are exempt from the concurrency requirements of this Section, the Town is not precluded from mitigating the impacts of such permits through other mechanisms such as by a Local Improvement District, by State Environmental Policy Act (SEPA) compliance, etc. The following development permits are exempt from concurrency determination requirements:

A. Any addition or accessory structure to a residence, public facility, or business with no change or increase in use or increase in the number of dwelling units;

B. Interior or exterior renovations or modifications of structures with no change or increase in use or increase in the number of dwelling units;

C. Replacement structures with no change or increase in use or increase in the number of dwelling units;

D. Temporary structures;

E. Resurfacing of existing driveways, streets, or parking lots;

F. Landscaping, lighting, or fencing;

G. Signs;

H. Demolitions;
I. Sanitary sewer permit for an existing single family residence;

J. Domestic water service permit for an existing single family residence;

K. Street vacations;

L. Lot line adjustments;

M. Permits for construction of single family or two (2) family residences on platted lots of record existing before the effective date of this Section, provided such lot or combination of lots forming a development parcel duly conforms to minimum municipal standards for a development site as set forth elsewhere in this Ordinance.

N. Final plats provided that the requirements of Subsection 16.030 of this Section were satisfied at the time of preliminary plat approval;

O. The subsequent building permit for an approved development provided that the requirements of Subsection 16.030 of this Section were satisfied at the time of preliminary development approval and there is no change in use, densities, and intensities.

Subsection 16.050. Concurrency Monitoring. The Town shall monitor final development permits for their impact on concurrency facilities. The impacts from final development permits exempt under Subsection 16.040 of this Section shall be taken into consideration. The Town shall determine whether final development permit impacts should be monitored on an annual or other periodic basis.

Subsection 16.060. Intergovernmental Coordination. The Town may enter into an interlocal agreement with Spokane County or other entities to coordinate Level of Service (LOS) standards, concurrency mitigation strategies, and other facets of concurrency management.

Subsection 16.070. Fees. Fees in an amount specified by resolution of the City Council shall be paid upon the filing of any development permit application to defray the expenses of conducting concurrency determinations, providing written information, and for providing other concurrency management services in support of this Section.
Section 18.0. SEVERABILITY.

If any clause, sentence, paragraph, section, or part of this Ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end, the provisions of each clause, sentence, paragraph, section, or part of this Ordinance are hereby declared to be severable.

Section 54. EFFECTIVE DATE

This Ordinance shall take effect and be in full force upon its passage and publication of the Ordinance or a summary thereof as provided by Law.

Introduced this 12th day of October, 1998.

Adopted this 16th day of November, 1998.

Published this 27th day of November, 1998.

____________________________________
John Logan, Mayor

ATTEST:

STATE OF WASHINGTON)          SS.
COUNTY OF SPOKANE    )

I, Brenda Miller, Clerk-Treasurer of the Town of Spangle, certify that the foregoing ordinance was passed by the City Council of the Town of Spangle, Washington, by a vote of a majority of the members thereof, at a regular meeting held on the 16th day of November, 1998.

____________________________________
Brenda Miller, Clerk-Treasurer
WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to Chapter 19.27 and 19.27A RCW, there shall be in effect in all cities, towns and counties of the State a state building code consisting of, for the purposes of this Agreement, the International Building Code and related standards as codified in Chapter 51-50 WAC, the International Residential Code and related standards as codified in Chapter 51-51 WAC, and the International Mechanical Code as codified in Chapter 51-52 WAC, all published by the International Association of Building Officials; as well as the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials as codified in Chapter 51-56 WAC; the Washington State Energy Code as codified in Chapter 51-11 WAC; and the Ventilation and Indoor Air Quality Code as codified in Chapter 51-13 WAC; and

WHEREAS, pursuant to Chapter 19.27 RCW, the state building code shall be enforced by the counties and cities; and

WHEREAS, Chapter 36.70 RCW, the Planning Enabling Act, guides and regulates the physical development of a region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare; and

WHEREAS, Chapter 36.70A RCW, Growth Management, without which would create uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state; and
WHEREAS, pursuant to Chapter 39.34 RCW, two or more public entities may jointly cooperate between each other to perform functions which each may individually perform; and

WHEREAS, the Town is desirous of employing the services of the County from time to time to do its processing of land use applications required by Spangle zoning/subdivision ordinances, plan review, and inspection work.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Spokane County, that either the Chairman of the Board, or a majority of the Board, be and is hereby authorized to execute that document entitled "INTERLOCAL BUILDING AND PLANNING AGREEMENT," pursuant to which, under certain terms and conditions Spokane County will perform for the Town of Spangle processing of land use applications required by Spangle development regulations, inspection, plan review, and other associated work, including enforcement work on a given project for an in consideration of 100 percent of any building code plan review, mechanical, and plumbing fees collected, and 90 percent of all other fees collected, including building permit and land use fees, which fees shall be the same as those adopted by the Board of County Commissioners of Spokane County.

ADOPTED by the Board of County Commissioners of Spokane County, Washington this 23rd day of November, 2006.

[Signatures]

Todd Mielke, Chair
Mark Richard, Vice-Chair
Daniela Erickson
Clerk of the Board

Philip D. Harris, Commissioner
6 1011

INTERLOCAL BUILDING AND PLANNING AGREEMENT

THIS INTERLOCAL AGREEMENT, made and entered into this 13th day of November 2006, by and between Spokane County, a political subdivision of the State of Washington, having offices for the transaction of business at West 1116 Broadway, Spokane, Washington, 99260 (hereinafter referred to as the “County”), and the Town of Spangle, having offices for the transaction of business at 115 West 2nd, Spangle, Washington, 99031 (hereinafter referred to as the "Town"), jointly, hereinafter referred to along with the County as the "Parties."

WITNESSETH

WHEREAS, pursuant to Chapter 19.27 and 19.27A RCW, there shall be in effect in all cities, towns and counties of the State a state building code consisting of, for the purposes of this Agreement, the International Building Code and related standards as codified in Chapter 51-50 WAC, the International Residential Code and related standards as codified in Chapter 51-51 WAC, and the International Mechanical Code as codified in Chapter 51-52 WAC, all published by the International Association of Building Officials; as well as the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials as codified in Chapter 51-56 WAC; the Washington State Energy Code as codified in Chapter 51-11 WAC; and the Ventilation and Indoor Air Quality Code as codified in Chapter 51-13 WAC; and

WHEREAS, pursuant to Chapter 19.27 RCW, the state building code shall be enforced by the counties and cities; and

WHEREAS, Chapter 36.70 RCW, the Planning Enabling Act, guides and regulates the physical development of a region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare.

WHEREAS, Chapter 36.70A RCW, Growth Management, without which would create uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state.

WHEREAS, pursuant to Chapter 39.34 RCW, two or more public entities may jointly cooperate between each other to perform functions which each may individually perform; and

WHEREAS, the Town is desirous of employing the services of the County from time to time to do its processing of land use applications required by Spangle zoning/subdivision ordinances, plan review, and inspection work.

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the parties do mutually agree as follows:

I

PURPOSE/SERVICES

The County, under the terms of this agreement and through its Department of Building and Planning, will provide the necessary personnel to perform processing of land use applications required by Spangle development
regulations, inspection, plan review, and other associated work, including enforcement work on a given project as required by the above-referenced codes within the limits of the Town. It is understood by both parties that the services will be requested on an occasional basis at such times as may be agreed to by the Parties.

Such work shall be performed in a timely manner by the County, however, it is specifically understood by the parties that the first priority of the County Department of Building and Planning will be the performance of their regular duties relative to the review of land use applications, issuance of building and other permits for unincorporated areas of Spokane County and, accordingly, the County will not guarantee or warrant that a specific number of personnel will be available at any one time to perform any of the services for the Town under the terms of this agreement.

The Town shall be responsible for contacting the Spokane County Department of Building & Planning and coordinating the procedure to be used in requesting the County to perform the services set forth above. Such procedure shall be reduced to writing and mutually agreed to by the parties.

The Town, prior to the County carrying out any of the terms of this agreement for any year, agrees that the plan review and inspection services will be performed under that edition of the above-referenced codes in effect in Spokane County at the time the services are requested, however in no case shall editions of codes other than those minimum codes required by 19.27 and 19.27A RCW be utilized, unless an agreement to the contrary is otherwise reached in writing between the Parties and a determination is made to utilize codes other than those referenced and/or local amendments to said codes. The Town agrees to take the necessary steps to see that the minimum codes required by 19.27 and 19.27A RCW are legally in effect in the Town for the purposes of this agreement.

Additionally, the County agrees to conduct, at the request of the Town and as County staff is available, occasional Building and Planning services for the Town at such times as the Town staff is ill, on vacation or otherwise unavailable.

For land use actions requiring approval by the Town Council, the parties agree the County shall process applications thru presentation to the Town Council.

II

COMPENSATION

The Town agrees that for the purposes of this Agreement, the zoning and land use fees, the building permit fees as adopted and/or amended by the Board of County Commissioners of Spokane County, as well as the plumbing permit fees, and mechanical permit fees as adopted and/or amended by the Board of County Commissioners of Spokane County will be utilized and the Town agrees that it will take the necessary steps to see that the above-referenced fees are legally in effect in the Town for the purposes of this agreement.

For providing those services as set forth in Section I above on any given project, the Town agrees to compensate the County an amount equal to 100 percent of any building code plan review, mechanical, and plumbing fees collected and 90 percent of all other fees collected by the Town on a given project, with the Town retaining the remaining 10 percent of all other fees for its own use. For the purposes of this section, "all other fees" shall relate to those building permit and land use fees required under the referenced codes and as adopted by Spokane County.

The Town shall submit to the Spokane County Department of Building & Planning an accounting of fees collected and compensation due the County for providing the above services. Nothing herein shall prevent the County from collecting said fees and compensating the Town as described above.
For occasional services conducted under Section I, Paragraph 5 of this agreement, compensation shall be the Department of Building and Planning's hourly rate as provided on the fee schedule, or, for inspections, a rate equal to $40 per inspection, to include not more than two re-inspections or as reasonably agreed to by the parties.

III

PERIOD OF SERVICES

The County shall commence providing the services as called for in Section I hereinabove on the 15th day of November, 2006 and shall continue providing the same for a period of one year, terminating on the 31st day of December, 2007. This agreement shall automatically be continued and renewed from year to year upon the same terms and conditions as set forth herein unless terminated by either party.

Either party reserves the right to terminate this contract for any cause whatsoever upon 90 days written notification to the other party.

IV

RELATIONSHIP OF THE PARTIES

The parties intend that an independent contractor relationship will be established by this agreement. The Town is interested only in the services to be performed by the County herein. The County shall not be deemed to be an employee, agent, servant, or otherwise of the Town for any purpose and the County is not entitled to the benefits that the Town provides for Town employees, including, but not necessarily limited to, vacation pay, sick leave, medical benefits, as well as pension benefits.

V

ASSIGNMENT

The County may not assign or transfer, in whole or in part, its obligations under the terms of this Agreement without the expressed written consent of the Town.

VI

COMPLIANCE WITH LAWS

The County, in the performance of the services as called for in Section I hereinabove, agrees to comply with all applicable federal, state and local laws, ordinances and regulations.

VII

VENUE STIPULATION

This Agreement has and shall be construed as having been made and delivered within the State of Washington and, it is mutually understood and agreed by each party hereto that this contract shall be governed by the laws of the State of Washington both as to the interpretation and performance. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement or any provisions hereof shall be instituted and maintained in the Spokane County District Court or within a court of competent jurisdiction within Spokane County, Washington.

VIII

MODIFICATION

There shall be no modification of this Agreement except in writing executed with the same formalities as this present Agreement.

IX
6 1011

APPOINTMENT OF REPRESENTATIVE

The Town hereby appoints and the County hereby accepts Spokane County Building & Planning as the Town’s duly appointed representative for coordinating the services being performed under this Agreement. The County hereby appoints, and the Town hereby accepts, Jim Manson, Department of Building and Planning Director, for coordinating the services to be performed under the terms of this Agreement.

X

NOTICES

All notices given herein shall be in writing and shall be sent by certified mail, postage prepaid, to the parties at their respective addresses hereinabove set forth.

XI

ALL WRITINGS CONTAINED HEREIN

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties. Nothing in this Agreement shall be construed as obligating Spokane County to provide the legal staff or legal services necessary for land use matters, or the enforcement of the codes enumerated herein. Rather, when instances such as a failure to obtain the necessary permits or failure to otherwise comply with the codes enumerated herein come to the attention of the County, and the County is unable to obtain compliance through its Department of Building and Planning, the County shall then notify the above-appointed representative of said failure to comply, citing specific code sections for further action by the Town’s attorney. The County will make available, however, the necessary staff from the Department of Building and Planning to testify in such matters. Both parties have read and understand this contract and now state that no representations, promises or agreements not expressed in this Agreement have been made to induce either to execute the same.

IN WITNESS WHEREOF the parties hereto have caused this document to be executed on the day and year first above written.

ADOPTED by the Board of County Commissioners of Spokane County, Washington this 28th day of November 2006.

[Signatures]

Todd Mielke, Chair
Mark Richard, Vice-Chair
Daniela Erickson, Clerk of the Board
Phillip D. Harris, Commissioner

ATTEST:

TOWN OF SPANGLE

[Signature]

By: Town Clerk