

TITLE 17

ZONING

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CHAPTER 17.03

GENERAL PROVISIONS

Sections:

17.03.010	Title
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17.03.010 Title: This title shall be known as "The Zoning Ordinance" of the city.

17.03.020 Purpose:

- A. This title is adopted for the purpose of promoting the health, safety, and general welfare of the city's population, and to promote an orderly balanced use of land, and to guide the city's future growth through comprehensive, consistent and careful planning.
- B. To most effectively accomplish these purposes, this title divides the city into zones wherein the location, height and use of buildings, the use of land, the size of yards and other open space, and the provision of advertising signs, off-street parking and loading are regulated and restricted in accordance with a comprehensive plan for the use of land in the city. These zones and regulations are made with due consideration of economics and financial resources, physical pattern of the lands, environment, cultural, and basic needs of the citizens of the city, and among other things, the particular character of each zone and its suitability for specific use, keeping foremost in mind the effect of noise, odor, dust, glare, and safety hazards affecting adjoining zones; also, remembering the reason and need for such uses, the common rights and interests of all within the zone as well as those of the general public, and with the view of encouraging the most appropriate use of land throughout the city.

17.03.030 Scope:

- A. Zoning regulations in this title apply to every building and use within the city. No building or structure shall be erected, reconstructed, enlarged, or relocated and no building, structure, or land shall be used in any zone except in compliance with the provisions of this title and then only after securing all required permits and licenses.
- B. Any building, structure, or use lawfully existing at the time of passage of

the ordinance codified in this title may be continued as provided in Chapter 17.69 of this title.

All land or territory annexed to the city shall be assigned the appropriate zoning designation as determined by the City Council.

- C. Any use of property in any zone shall be subject to all city ordinances and regulations, including the abatement of nuisances. The fact that a use is listed as a permitted use in the various zone classifications is not deemed to authorize such use to the undue detriment of other properties because of the emission of smoke, dust, noise, vibration, fumes, odors, glare, or other objectionable factors or when it constitutes a hazard to health, morals, safety, or general welfare.

CHAPTER 17.06

DEFINITIONS

Sections:

17.06.010 The following definitions shall apply to this chapter.

Generally: The words set out in this chapter apply throughout this title. "Council" means the City Council, "Agency" means the Planning Agency of the city. "Shall" is always mandatory, the word "may" is permissive, subject to the judgment of the Planning Agency.

Accessory Structure: A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as the principal structure.

Accessory Use: Accessory use means a use customarily incidental to and on the same lot as the principal use of a building or operation, and so necessary or commonly to be expected that it cannot be supposed that it was intended to be prohibited.

Adjacent Property: Adjacent property means property which is contiguous or touching at any point. Property which would be contiguous or touching except for the existence of a street, road, or right-of-way will be considered contiguous or touching.

Adult Family Home: Adult family home means a regular family abode of a person or persons providing personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

Agriculture: Agriculture means the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aviaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided the operation of such accessory uses shall be incidental to that of normal agricultural activities.

Alley: Alley means a public way twenty feet (20') in width between property lines, which affords a secondary means of access to abutting property.

Alternative Energy Facility: A method of using wind, solar, biomass or other non traditional means of producing energy for individual home use and/or providing excess energy production to an existing grid.

Auto Wrecking Yard: Auto wrecking yard means any lot or area used for the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of two (2) or more dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Boardinghouse or Lodging House: Boardinghouse or lodging house means a dwelling or part thereof, other than a hotel, motel, or multi-family dwelling where lodging, with or without meals is provided, for compensation, for three (3) or more persons.

Building Height: Building height means the vertical distance measured from the average grade to the highest point on the roof, ridge, or parapet wall.

Building Official: Building Official means the officer or other designated authority charged with the administration and enforcement of the Building Code or his or her duly authorized representative.

Cargo Container: Cargo containers or containers are steel sea- or ocean-going containers marked with the American Bureau of Shipping's Emblem or meeting the International Standard Organization's standards, which can be detached from a trailer, chassis, or frame, and which were formerly used for transporting sea- or ocean-going cargo.

City Engineer: The properly credentialed City Employee or Consultant hired by the City to serve in such capacity

Clinic: Clinic means a place where group medical services are performed not including the overnight housing of patients.

Club: Club means an association of persons, religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a

service carried on as a business for a profit.

Commercial Coach: Commercial coach means a structure transportable in one (1) or more sections that is built on a permanent chassis and designed to be used for commercial purposes with or without a permanent foundation when connected to the required utilities. A commercial coach is labeled with a black insignia in compliance with Washington State Department of Labor and Industries regulations.

Comprehensive Plan: Comprehensive plan means the generalized coordinated land use policy statement of the City adopted pursuant to the Growth Management Act.

Conditional Use: Conditional use means a use conditionally allowed in one (1) or more zones but which, because of characteristics particular to each such use, size, technological processes, equipment, or because of the exact location with respect to surroundings, streets, existing improvements, or demands upon public facilities, requires a special degree of control to determine if uses can be made compatible with the comprehensive plan, adjacent uses, and the character of the vicinity.

Dangerous Waste: Dangerous waste means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste (WAC 173-303-040).

Day Care Facility: Day Care Facility means an agency or person regularly providing care for a group of children for periods of less than twenty-four (24) hours.

Density: Density means the number of dwelling units within a given unit of land.

Development: Development means the construction or alteration of structures, dredging, dumping, filling, or removal of earth of any temporary or permanent nature.

District: District means a zoning district unless otherwise defined.

Dwelling: Dwelling means any building or portion thereof designed or used for a residence or sleeping place of one (1) or more persons.

Dwelling, Multi-family: Multi-family dwelling means a building or portion thereof designed or used as a residence by more than two (2) families, and containing more than two (2) dwelling units.

Dwelling, Single Family: Single family dwelling means a building designed or used for residence by not more than one (1) family and containing only one (1) dwelling unit.

Dwelling, Two-family, or Duplex: Two-family dwelling or duplex means a building designed or used for residential purposes by not more than two (2) families and containing two (2) dwelling units.

Dwelling Unit: Dwelling unit means a single unit providing complete, independent living facilities for not more than one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Factory Built Housing: Factory built housing means a structure constructed in a factory of factory assembled parts and transported to the building site in whole or in units and which is constructed to the standards of the Uniform Building Code. The completed structure is not a mobile/manufactured home.

Family: Family means one (1) person living alone; or two (2) or more persons related by blood, marriage, or legal adoption, or a group not exceeding five (5) persons living as a single housekeeping unit.

Feedlot: Feedlot means a lot or area used for the feeding and fattening of animals for market.

Generator: Generator means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation under the Dangerous Waste Regulations, Chapter 173-303 WAC (WAC 173-303-040).

Grade (Ground Level): Grade (ground level) means the average of the finished ground level at the center of all walls of a building.

Gross Floor Area: Gross floor area means and includes all floor area within the exterior walls of a building, including areas in halls, storage, and partitions.

Hazardous Substance: Hazardous substance means any liquid, solid, gas, sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste (RCW 70.105.010).

Hazardous Waste: Hazardous waste means and includes all dangerous and extremely hazardous waste (RCW 70.105.010).

Hearing Examiner: Person or Firm hired by the City to Conduct certain land use

hearings as identified in City Code and to interpret, review and implement code provisions as identified in City Code and to provide written reports or decisions.

Hotel: Hotel or motel means a facility offering transient lodging accommodations to the general public. The facility may also provide additional services, such as restaurants, meeting rooms, entertainment, and recreation facilities.

Kennel: Kennel means any lot or premises on which four (4) or more dogs over four (4) months of age are kept.

Landscaped: Landscaped means an area in lawn, shrubbery, wood chips, rock, or other material that is maintained and kept free of debris and other nuisances.

Lot: Lot means a parcel of land under one (1) ownership used or capable of being used under the regulations of this title, including both the building site and all required yards and open spaces as defined in Lot, Corner, Lot Depth, Lot, Inside, Lot, Through, Lot Width below.

Lot, Corner: Corner lot means any lot which is located at the intersection of two (2) or more streets. The shorter street frontage of such a lot shall constitute the front of the lot.

Lot Depth: Lot depth means the horizontal distance between the front and rear property lines measured in the mean direction of the side property lines.

Lot, Flag: A lot consisting of normal dimensions except that it is accessed from the roadway by a narrow strip of land, usually 30 feet in width or less and where there is another lot between the main area of the lot and the roadway.

Lot, Inside: Inside lot means a lot other than a corner lot.

Lot, Through: Through lot means a lot which has frontage on two (2) parallel or approximately parallel streets, or a lot that has a body of water or other natural barrier at the rear of the property which is parallel to the street.

Lot Width: Lot width means the horizontal distance between the side property lines measured at right angles to the depth at a point which is the required minimum building setback line in that zone in which the lot is located.

Maintain: Maintain means to preserve and care for a structure, improvement, or area to such an extent that it remains attractive, safe, and presentable and carries out the purpose for which it was installed or constructed.

Manufactured Home: Manufactured home means a residential unit on one or more

chassis for towing to the point of use and designed to be used with a foundation as a dwelling unit on a year around basis, and which bears an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U S. Department of Housing and Urban Development definition of a manufactured home. A commercial coach, recreational vehicle, or motor home are not a manufactured home.

Mobile Home: Mobile home means a factory built residential structure constructed prior to June 15, 1976 and not in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (HUD Code).

Motel: For a definition of motel, see the definition of hotel in this chapter.

Non-Conforming Structure: Non-conforming structure means a structure conforming with respect to use, but does not conform with respect to height, setback, coverage, or other requirements of this title regulating structures.

Non-Conforming Use: Non-conforming use means the use of any land or building which does not conform to the use regulations of this title for the zone in which it is located.

Off-Site Hazardous Waste Treatment and Storage: Off-site hazardous waste treatment and storage means facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

On-Site Hazardous Waste Treatment and Storage: On-site hazardous waste treatment and storage means facilities that treat and store wastes generated on the same, geographically contiguous, or bordering property.

Parking Lot: Parking lot means any area of land, a yard or other open space area, used for or designated for the parking of motor vehicles.

Parking Space: Parking space means an off-street space with a minimum of nine feet (9') in width and twenty feet (20') in length used for or designated for the parking of motor vehicles, together with the area required to provide reasonable access to and from each space.

Paved: Paved means a hard surfaced area of portland cement or asphaltic concrete with a base approved by the City Engineer.

Private Street: Private street means a way that is privately built and maintained which affords the primary means of access to a Planned Development District, Manufactured or Mobile Home Park, or Recreational Vehicle Park.

Processing or Handling: Processing or handling of hazardous substances means the use, storage, manufacture, production, or other land use activity involving hazardous substances. Hazardous substances processing and handling activities are normally found in commercial, manufacturing, and industrial zones. It does not include individually packaged household consumer products or quantities of hazardous substances of less than five (5) gallons in volume per container.

Property Line, Front: Front property line means the line separating the street from the front of the lot as shown on the official recorded plat of the property, and as modified by any subsequent vacation, condemnation, or conveyance for public purposes. In the case of unplatted property, a front line shall be designated by the Building Official before issuance of a building permit. A through lot shall be considered to have a front property line on each of the opposite streets upon which the lot abuts.

Property Line, Rear: Rear property line means the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Property Line, Side: Side property line means any lot line other than a front or rear lot line.

Recreational Vehicle: Vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.

Retail: Establishments engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods. Retail establishments generally buy goods for resale and are engaged in activities to attract the general public to buy. The establishment may process or manufacture some of its products (such as a jeweler or bakery), but such processing or manufacturing is incidental or subordinate to the selling activities.

School, Elementary and Secondary: Public or private institutions of learning having a curriculum below the college level as required by the common school provisions of the State of Washington.

Senior Citizen Dwelling: Senior citizen dwelling shall be defined as private or subsidized apartment housing for individuals sixty-two (62) years of age or older.

Service Area: Any area devoted to garbage or refuse containers, incinerators, the shipping and receiving of commodities, or the parking of trucks or other large vehicles used in the operation of an enterprise.

Service Station: Service station means a retail business establishment supplying gasoline, oil, accessories and minor service for automobiles.

Setback: Setback means the distance between the property line and permitted building line as required in this title.

Sign: Sign means any sign as defined in Chapter 17.58 of this Title.

Site: Site means either: 1) a parcel of unplatted land, a parcel in a binding site plan, a tract, or a lot in a subdivision; or 2) two (2) or more contiguous parcels, tracts, or lots under one (1) ownership without intervening right-of-way and identified or delineated as one (1) development site; or 3) two (2) or more contiguous parcels, tracts, or lots under different ownership, without intervening right-of-way, and identified or delineated as one (1) development site.

Storage: Storage means the keeping of a quantity of goods, merchandise, or other materials in a manner or location which will require them to be rearranged or relocated before use or retail sales of the goods, merchandise, or other materials.

Storage - Dangerous Waste: Storage means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

Story: Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. Any portion of a building exceeding fourteen feet (14') in height, shall be considered as an additional story for each fourteen feet (14') or major fraction thereof. If the finished floor level directly above the basement or cellar is more than six feet (6') above grade such basement or cellar shall be considered a story.

Street: Street means a public right-of-way which provides the primary means of access to the abutting property.

Structural Alteration: Structural alteration means any change in the supporting members of a building such as bearing walls, columns, beams, girders, floor joints, ceiling joists, or roof rafters.

Structure: Structure means that which is built or constructed; edifice or building

of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or attached to something located in the ground, including swimming and wading pools, and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

Treatment: Treatment means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Utility Easement: Utility easement means a nonrestrictive easement granted to the city for the express use of locating public utilities.

Utilities, Local: Facilities and infrastructure provided by a public agency, utility district, or franchise which convey essential services throughout a neighborhood area or within the community. These facilities include but are not limited to local water and waste water lines and pump stations, electrical distribution lines and substations, natural gas distribution pipelines, local telecommunication facilities, and storm water retention and conveyance systems.

Utilities, Regional: Facilities and infrastructure provided by a public agency, utility, or franchise which convey essential services throughout the area beyond but including Royal City. These facilities include but are not limited to regional water storage tanks, reservoirs, and booster stations; waste water interceptors, pump stations, and treatment facilities; electrical transmission substations and lines 115kV and greater, regional natural gas pipelines and gate stations, and regional telecommunication facilities.

Variance: Official permission to be relieved from specific development code requirements that cause an unusual or unreasonable hardship due to the physical characteristics of the site or existing improvements.

Warehousing: The use of a building primarily for the long-term storage of goods and materials.

Wholesale: Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Yard, Front: Front yard means the required open space adjoining the front property line and extending across the full width of the lot to a depth equal to the minimum permitted horizontal distance between the front property line and any part of a building on the lot save as elsewhere excepted in this title.

Yard, Rear: Rear yard means the required open space adjoining the rear property line and extending across the full width of the lot on inside lots, and from the side yard flanking a public street to the opposite side property line on corner lots and having a depth equal to the minimum permitted horizontal distance between the rear property line and any part of the main building on the lot, save as elsewhere excepted in this title.

Yard, Side: Side yard means the required open space adjoining the side property line and extending from the required front yard to the required rear yard on inside lots, and to the rear property line on corner lots along the side flanking a public street, or in the absence of such required yards to the front or rear property lines, and having a width equal to the minimum permitted horizontal distance between the side property line, and any part of the main building on the lot line.

Zoning Administrator: Zoning Administrator means the person who is charged, by the Mayor with the administration and enforcement of this title.

Zoning Ordinance: Zoning Ordinance means the Zoning Ordinance of the city as codified in this title.

CHAPTER 17.09

ZONING DISTRICTS AND MAP

Sections:

- 17.09.010 Zoning District Classifications
- 17.09.020 Zoning Map Adopted
- 17.09.030 Zone Boundaries
- 17.09.040 Growth Area
- 17.09.050 Property Divided by Boundary Line.

17.09.010 Zoning District Classifications: For the purposes of this title, the city is divided into the following districts:

"R-1" - Residential, Single Family

"R-2" - Residential, Single Family and Duplex

"R-3" - Residential, Multi-Family

"S-1" Suburban Zone

"C-1" – Commercial

"C-2" - Commercial

"I-" Industrial

"OS-R" Open Space- Recreational

"OS-UR" Open Space Urban Reserve

17.09.020 Zoning Map Adopted: The city adopts in its entirety the 2009 digitized zoning map which is derived from and consistent with the 2009 comprehensive plan future land use map for the city in compliance with the intent of RCW Chapters 35A.63 and 36.70a as adopted and hereafter amended.

17.09.030 Zone Boundaries:

- A. Zone boundaries, unless otherwise indicated, are lot lines or the center line of streets and alleys as shown on the official Zoning Map. Where the street layout actually on the ground varies from that shown on the Zoning Map, the designations shown on the map shall be applied to the streets as actually laid out so as to carry out the intent and purposes of this title. Where the location of the zone boundaries are shown on the Zoning Map to be other than street, alley, or lot lines, the depth of the zone shall be the same as that measured by scale on the official Zoning Map.
- B. If a boundary line cuts a property having a single ownership as of record at the time of the passage of the ordinance codified in this title, the property may be used in conformance with the zoning designations and boundaries as shown on the official Zoning Map. A property owner in this case may appeal to the Planning Agency for a determination as to which zone would appropriately apply to the entire property.

17.09.040 Growth Area:

- A. (UGA) Annexations. Annexation requests shall be made to the city council. All requests shall be followed by an annexation petition filed on forms provided by the city clerk.
- B. A public hearing shall be set and held by the Planning Agency who shall make recommendation to the city council.
- C. A hearing shall be set and held by the city council. After council consideration, if so directed, the city attorney shall prepare an ordinance.

- D. All land annexed to the city, within the urban growth area (UGA) shall be zoned according to the land use designation shown on the comprehensive plan. All Grant County plats within the annexed area shall be reviewed and brought into compliance with current city standards "by local improvement district or other assessment means to insure the annexed area bears the costs of any upgrading necessary to meet city standards existing at the time of the annexation."
- E. An non-refundable annexation fee as established by a resolution of the council shall accompany each petition for annexation submitted to the city, together with all contracted staff review expenses, publication costs and any consultant fees incurred to be able to review and process the application. If the public works superintendent, city engineer, city council or Grant County boundary review board separates such petition into individual parcels for purposes of consideration of the annexation petition, then an additional annexation fee shall be paid for each such annexation parcel separated out. The failure to pay any annexation fee shall cause all consideration of that annexation petition to cease until all necessary fees are paid.
- F. The annexation of any property into the city which is not platted in compliance with current city platting requirements and community development standards shall be conditioned upon that property being platted in compliance with current city platting requirements and community development standards. The city council may condition acceptance of any annexation petition upon the completion of utility, street, sidewalk, or other improvements to city standards to insure compatibility of the annexation area with existing city ties, streets, sidewalks or other improvements.

17.09.050 Property Divided by Boundary Line:
If a district boundary line cuts a property having a single ownership as of record January 1, 2009, all such property may take the least restricted classification provided the property is developed as one unit.

CHAPTER 17.10

CITYWIDE REGULATIONS

Sections:

- | | |
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| 17.10.010 | Intent |
| 17.10.020 | Lot Design Standards |
| 17.10.030 | Community Street and Utility Standards and City Design Standards |
| 17.10.040 | Vehicular Movement |
| 17.10.050 | Environmental Review |

- 17.10.060 Reserved
 - 17.10.075 Critical Areas
 - 17.10.080 Structures Over Easements or Right-of-Way
 - 17.10.090 Maintenance of Lots
 - 17.10.100 Maintenance of City Right-of-Way
 - 17.10.110 Vehicle Maintenance
 - 17.10.120 Issuance of a Business License or a Certificate of Occupancy
 - 17.10.130 Non-Conforming Uses
 - 17.10.140 Household Pets
 - 17.10.150 Height Limitation
 - 17.10.160 Planned Development District
 - 17.10.170 Appeals
 - 17.10.180 Variances
 - 17.10.190 Prohibited
- 17.10.010 Intent: This chapter contains general regulations that apply to all zones in the city.
- 17.10.020 Lot Design Standards: Lots shall be subdivided in compliance with the applicable zoning requirements and Chapter 16.29 of this code entitled "Design Standards."
- 17.10.030 Community Street and Utility Standards and City Design Standards: Uses must be in compliance with the City Community Street and Utility Standards and City Design Standards in effect at the time of issuance of a building permit except that enlargement, alteration, replacement, or repair must be to current city standards.
- 17.10.040 Vehicular Movement:
- A. Vehicular movement and parking shall be consistent with the existing pattern of vehicular movement and parking. Streets shall be in compliance with city Design Standards.
 - B. Vehicle movement and parking generated from new developments shall not exceed the design capacity of collector or minor streets.
 - C. The City Engineer may impose special standards on curb cuts in areas where curb cuts could cause traffic or safety problems.
- 17.10.050 Environmental Review: Environmental information shall be prepared and submitted in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended, and this code, as amended.
- 17.10.060 Reserved.
- 17.10.075 Critical Areas: The City's critical areas regulations must be met where

applicable. These regulations are contained in Chapter 14.12 of this code.

- 17.10.080 Structures Over Easements or Right-of-Way: No building or structure shall be constructed or placed over dedicated right-of-way or over a public easement, except as specifically allowed in other sections of this Code. This section shall not be construed to prohibit permitted signage. In commercial zones, awnings, roof overhangs, and similar structures may project over city sidewalk when attached to buildings sited on property line and fronting on a city street subject to review and approval by the Community Development Director and Building Official.
- 17.10.090 Maintenance of Lots: Lots shall be maintained so as to not create a fire hazard and shall be free of litter, debris, garbage, unsightly material, or weeds.
- 17.10.100 Maintenance of City Right-of-Way: The property owner shall be responsible for the maintenance of city right-of-way from the back side of the curb.
- 17.10.110 Vehicle Maintenance: There shall be no maintenance of vehicles on city right-of-way. Oil and gasoline shall not be dumped on paved city streets or into catch basins or storm sewers.
- 17.10.120 Issuance of a Business License or a Certificate of Occupancy: No certificate of occupancy or business license may be issued by the city until the premises in question have been inspected and found by the Building Official to be in compliance with the provisions and requirements of this Title. In addition, where required, proposed uses and site designs shall be reviewed in accordance with Section 17.49, Site Plan Review.
- 17.10.130 Non-Conforming Uses: Any land use, structure, lot of record or sign which was legally established prior to the effective date of this ordinance or subsequent amendment to it and which could not be permitted to be established as a new use in a zone in which it is located by the regulations of this ordinance, may be permitted to continue as a legal non-conforming use in compliance with Chapter 17.69 of this title entitled "Non-Conforming Uses."
- 17.10.140 Household Pets: A residence shall not keep more than three (3) household pets (cats and dogs) which are over four (4) months old.
- 17.10.160 Planned Development District: A planned development district may be allowed in any zone, following the standards and procedures in Chapter 17.67, Planned Development District.
- 17.10.170 Appeals: Any decision made by any administrator, officer, board, or commission in carrying out the provisions of this title may be appealed as provided for in

Chapter 18.11 of this code.

17.10.180 Prohibited: The following shall be prohibited in all zones:

- A. Public nuisances, as defined in Chapter 8.21.
- B. Abandoned structures or buildings in a state of disrepair.
- C. Other than where specifically allowed by this code, storage in sea-going containers, railroad cars, cabooses; car, truck, or van bodies or parts of bodies, semi trailers, or any other similar unit which detaches from a trailer, chassis, or frame.

CHAPTER 17.20

RESIDENTIAL ZONES

Sections:

- 17.20.010 Purpose
- 17.20.020 Additional Requirements
- 17.20.030 Allowed Uses
- 17.20.040 Prohibited
- 17.20.050 Development Standards for Residential Zones
- 17.20.060 Accessory Uses, Buildings, or Structures
- 17.20.070 Flag Lots
- 17.20.080 Lots Fronting on Curved Streets
- 17.20.090 Drainage
- 17.20.100 Recreational Equipment Parking and Storage
- 17.20.110 Satellite Receiving Antennas
- 17.20.120 Fences, Walls, and Hedges
- 17.20.130 Residential Density
- 17.20.140 Performance Standards
- 17.20.150 Performance Standards Residential Structures
- 17.20.160 Keeping of Livestock in the R-4 Zone

17.20.010 Purpose:

The purpose of this chapter is to provide for:

- A. The specific characteristics of residential development that may take place in Royal City;
- B. A consistent and compatible residential land use pattern;

- C. The residential housing needs of Royal City citizens;
- D. The public safety needs of Royal City citizens.

The R-1, Single Family Residential Zone is intended to provide for and to protect single family residences in specified low density residential areas and to preserve land for single family residential uses. Residential density generally ranges from one to four dwelling units per acre.

The R-2, Single Family and Two Family Residential Zone is intended to provide for and to protect single family and two (2) family residences in specified low density areas and to preserve land for single family and two (2) family residential uses. Residential density generally ranges from four (4) to eight (8) dwelling units per acre.

The R-3, Multi-Family Residential Zone is intended to accommodate medium to high density residential uses and to preserve land for such residential uses. Residential density generally ranges from six (6) to fifteen (15) dwelling units per acre. The zone may also serve as a transitional buffer area between commercial areas and low-density residential areas. Limited commercial uses are permitted as conditional uses.

The S-1 suburban zone is a classification within the city for a district suitable for residential use on land parcels one acre to five acres, which is, or will become a single-family unit with a minimum of nine hundred sixty (960) square feet living area. Uses are limited to residential uses. Domesticated animals, livestock and crops, primarily for the personal use of occupants of dwellings are permitted in accordance with the standards relative to the land area required to protect public health and welfare.

17.20.020 Additional Requirements: Additional requirements are found in other chapters of this Code and other adopted City regulations, including but not limited to the following:

- A. Chapter 17.10, Citywide Regulations
- B. Chapter 17.49, Site Plan Review (for non-residential projects only)
- C. Chapter 17.51, Conditional and Unmentioned Uses
- D. Chapter 17.54, Off-Street Parking and Loading

- E. Chapter 17.55, Home Occupations
- I. Chapter 17.60, Manufactured Homes
- J. Chapter 17.65, Manufactured Home Parks
- K. Chapter 17.23, Residential Redevelopment Areas
- L. Chapter 14.12, Critical Areas

17.20.030 Allowed Uses:

- A. The Residential Land Uses table indicates where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Only residential zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in Section 17.20.020.D. Further interpretation of these zones may be obtained as specified in Section 18.03.020.B. Land uses are also subject to any footnotes contained within this chapter.
- B. The symbols used in the table represent the following:
 - 1. An “A” in a table cell indicates that the use is allowed subject to the applicable standards in this code in the zone listed at the top of the table.
 - 2. A “C” in a table cell indicates that the use is allowed by conditional use permit, subject to the conditional use provisions in Chapter 17.51 and any additional standards specified.
 - 3. An “X” in a table cell indicates the use is not allowed in the zone listed at the top of the table.
- C. Procedural requirements for permits are described in Chapter Title 18.
- D. Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation procedures in Section 18.03.020.B. In determining whether a use should be permitted, the Zoning Administrator shall refer to the purpose statements found in 17.20.010 and the 1987 version of the Standard Industrial Classification Manual.

USE CATEGORIES	R-1	R-2	R-3	S-1
Residential				
Single family detached dwelling	A	A	A	A
Single family attached dwelling, each unit on its own lot of record	A	A	A	A
Factory built residential structure not on a permanent chassis	A	A	A	A
Factory-built housing constructed to the standards of the Building Code	A	A	A	A
Manufactured home	A	A	A	A
Duplex	X	A	A	X
Multi-family dwelling units	X	X	A	X
Condominium (in compliance with Chapter 17.67)	A	A	A	X
Rental of apartment appurtenant to single family residence	X	C	C	X
Accessory dwelling unit for immediate family member requiring daily care, supervision, or guardianship	A	A	A	A
Boarding house for not more than 3 people	X	C	C	C
Manufactured Home Park (in compliance with Chapter 17.65)	X	C	C	C
Temporary occupancy of recreational vehicle ¹	X	C	C	C
Commercial				
Adult Family Home ²	A	A	A	A
Assisted Living Facility	X	X	C	C
Family Day Care ³	A	A	A	A
Day Care Center—in home ⁴	C	C	C	C
Day Care Center—not in home ⁵	X	X	C	C
Home Occupation (in compliance with Chapter 17.55)	A	A	A	A

USE CATEGORIES	R-1	R-2	R-3	S-1
Professional Office	X	X	C	C
Golf course	C	C	C	C
Clubs, lodges, assembly halls	X	X	C	C
Athletic clubs	X	X	C	C
Boarding houses	X	X	C	C
Clinics, hospitals	X	X	C	C
Hotels, motels	X	X	C	C
Marinas	X	X	C	C
Recreational Vehicle Parks (in compliance with Chapter 17.71)	X	X	X	X
Commercial uses not specifically listed	X	X	X	X
Transportation, Communication, and Utilities				
Wireless communication facilities, in compliance with Chapter 17.78	X	X	C	C
Local utilities, below ground	A	A	A	A
Local utilities, above ground	C	C	C	C
Regional utilities	C	C	C	C
Public and Institutional				
Park, playground, athletic field, other non-commercial recreation	A	A	A	A
schools—public and private	C	C	C	C
Churches and church structures or additions which may exceed 30' in height, and appurtenant uses	C	C	C	C
Cemeteries	C	C	C	C

USE CATEGORIES	R-1	R-2	R-3	S-1
Agricultural				
Commercial cultivation of land for agricultural products, vineyards, gardening, fruit growing	X	X	X	A
Keeping of livestock, poultry, rabbits, or bees (in compliance with Section 17.20.160)	X	X	X	A
Selling of agricultural products raised or grown on premises	X	X	X	A
Stables, riding academies, commercial dog kennels	X	X	X	C
Commercial produce stand (selling of seasonal agricultural products)	X	X	X	A
Miscellaneous				
Accessory use appurtenant to any primary use on the same lot and not otherwise prohibited	A	A	A	A
Removal of soil or other natural materials for the purpose of sale or use as fill material ⁶	X	X	X	X

Footnotes for Table 1

1. A. The following criteria shall be met:
 - 1) Applicant must be a non-profit organization.
 - 2) The request is associated with a construction project which requires a conditional use permit.
 - 3) The location and siting of the RV units shall comply with Section 17.65.080 Setbacks and Separations of Manufactured Homes, Fire Apparatus Access under the Fire Code.
- B. In addition to any other conditions the Planning Agency sets on the project, the following requirements shall be stipulated as conditions of the conditional use permit:
 - 1) The duration of the conditional use permit shall be specified and shall not be allowed to exceed the life of the building permit.
 - 2) The number of RV units to be allowed.
 - 3) The RV site shall be left free of litter, debris, or other evidence of

- RV occupation upon the completion or removal of the use.
- 4) A solid waste disposal plan shall be provided.
2. An adult family home shall be licensed by the State of Washington Department of Social and Health Services, and a city business license shall be required.
3. Family day care homes shall be licensed by the State of Washington Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements for family day care homes. Certification by the office of child care policy licensor as providing a safe passenger loading area, and a city business license shall be required. The building and lot shall comply with all building, fire, safety, and health code requirements, and shall conform to the lot size, building size, setbacks, and lot coverage standards of the zone, except for legal nonconforming structures. Signage shall not be allowed. Hours of operation may be limited to facilitate neighborhood compatibility, while also providing appropriate opportunities for persons who use family day care and who work a non-standard shift. Proof that adjacent property owners have been notified in writing of the intent to locate and maintain such a facility shall be required.
4. This shall be a day care facility that provides for the care of no more than 20 children in the family abode of the person holding the license issued by the Washington State Department of Social and Health Service. Day care centers must be in compliance with the following requirements:
- A. Outdoor play areas shall not be located in front yards.
 - B. One on-site parking space is required for each employee in addition to the required resident parking.
 - C. An on-site, off-street loading and unloading area shall be required.
 - D. A city business license shall be required.
 - E. Signage shall not be permitted in the R-1, R-2, or R-4 Zones.
 - F. No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be permitted.
 - G. The use and structures shall be in compliance with zoning regulations and State Building Code requirements.
 - H. Day care centers shall be licensed by the State of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements as determined by the State of Washington,

Department of Health Services, unless the Planning Agency stipulates fewer children.

- I. The Planning Agency may impose conditions to mitigate any potential adverse impacts on the surrounding area.

5. Subject to the following conditions:

- A. Day care facilities shall be licensed by the State of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements as determined by the State of Washington, Department of Health Services, unless the Planning Agency stipulates fewer children.
- B. One (1) on-site parking space shall be required for each employee on the largest shift.
- C. An on-site loading and unloading area shall be required.

6. Excavation for the purpose of on-site construction or landscaping is permitted.

17.20.040 Prohibited: The following are prohibited in residential zones:

- A. Outside storage, collection, or dumping of any junk, scrap, garbage, unsightly material, litter, or debris except as may be contained in an approved garbage collection container.
- B. Outside storage, collection, or dumping of dismantled, partly dismantled, or wrecked vehicles, trailers, machinery, or their parts.
- C. Any use which does not or is not capable of conforming with the requirements of this chapter.

17.20.050 Development Standards for Residential Zones:

- A. Purpose: This section establishes the site requirements and development standards for uses in the residential zones. The standards and rules are established to provide flexibility in project design, prevent fire danger, provide adequate access and circulation, reduce incompatibilities, and prevent overloading of infrastructure due to the impacts of development.
- B. Explanation of table: Development standards are listed down the left column of the table and the residential zones are identified across the top

row. The matrix cells contain the requirements of each zone. The footnotes identify particular requirements applicable to a specific use, standard, or zone.

Development Standards	R-1	R-2	R-3	S-1
Minimum lot size (in square feet) ¹	7000	7000	6000	1 ACRE
Minimum lot size for a corner lot (in square feet)	7700	7700	6600	1ACRE
Minimum lot size for a two-family dwelling (in square feet) ¹	----	8000	6000	----
Additional lot area per dwelling unit in excess of 2 dwelling units (in square feet)	----	----	1200	---
Minimum lot depth	100'	100'	NS	NS
Minimum lot depth on an arterial	120'	120'	120'	NS
Minimum lot width ²	65'	65'	NS	NS
Minimum lot width, corner lot	70'	70'	NS	NS
Minimum lot width for a two-family dwelling	----	70'	NS	---
Minimum street frontage for flag lots	20'	20'	20'	20'
Front yard setback ³	20'	20'	20'	20'
Interior side yard setback ³ (each side)	----	----	5'	15'
If lot is 65' wide or less	5'	5'	----	---
If lot is more than 65'	7'	7'	----	---
Exterior side yard setback ³ for lots 65' or greater in width	20'	20'	20'	
Exterior side yard setback ³ for lots less than 65' in width ⁴	20'	20'	15'	---
Rear yard setback ³	5'	5'	5'	25'
Rear yard setback ³ , corner lot less than 70' in width	10% of lot depth	10% of lot depth	5'	---

Development Standards	R-1	R-2	R-3	S-1
Rear yard setback ³ , corner lot 70' or greater in width	15% of lot depth	15% of lot depth	5'	---
Maximum lot coverage for multi-family structures	----	----	50%	---
Minimum open space for multi-family	----	----	1000 SF + 100 SF per unit ⁶	---
Maximum height of primary structure ⁷	30' ⁸	30' ⁸	30' ⁸	30'
Maximum height of detached accessory structure	16'	16'	16'	45'
Minimum width of narrowest portion of main residential structure	20'	20'	20'	20'
Minimum roof pitch of main roof of residential structure (vertical:horizontal)	3:12	3:12	3:12	3:12
Maximum height of floor level above grade (single level residential structures)	18"	18"	18"	NS
Minimum required number of covered ¹⁰ parking spaces	1	1	0	1

NS= No Standard

Footnotes for Table 2

1. Exceptions:
 - A. In the R-1 and R-2 zone, lots platted prior to 1961 shall have a minimum lot size of six thousand (6000) square feet.
 - B. In the R-1, R-2, and R-3 zone, a building permit may be issued to a platted non-conforming lot that contains at least five thousand (5000) square feet and otherwise meets the underlying performance standards of the zone in at least eighty percent (80%) of the minimum bulk dimensions of width, depth, and building setback line.

2. In the R-1 and R-2 zone, lots platted prior to 1961 shall have a minimum lot width of sixty feet (60').
3. Setbacks
 - A. Within the setback area shown in Table 2, no building or structure (as defined in Chapter 17.06) shall be allowed, except flagpoles, signage, fencing, slope stability structures, and open steps and platforms having no roof covering. Eaves, cornices, and awnings may project into the required setback no more than two feet (2').
 - B. The setbacks shown in the table are zoning setbacks. Larger setbacks may be required by the State Building Code, State Fire Code, sight distance requirements, or landscaping requirements (Chapter 17.57).
 - C. There shall be no side yard setback requirement for single family dwelling units sharing a common wall or attachment when each dwelling is on its own lot of record.
 - D. To determine the interior side setback requirement in the R-1 and R-2 zones, the lot width shall be measured at the front setback line for rectangular lots. For all other lot shapes, the average of the width at the front setback line and rear setback line shall be used to calculate the required interior side setback.
4. Except that residential structures in the R-1 and R-2 zone may conform to existing structures within two hundred feet (200') along either street but in no case shall a building be permitted less than fifteen feet (15') from a property line abutting a street.
5. Lawfully existing structures built prior to the adoption of this ordinance shall not be required to comply with this setback. Building permits for lots in subdivisions approved prior to the adoption of this ordinance shall not be required to meet this setback. Subdivisions approved after the adoption of this ordinance and the request for building permits on lots in these subdivisions shall meet this setback.
6. Open space shall not include parking areas or driveways and shall be usable outdoor area for recreation and landscaping. The smallest dimension of the open space area shall be not less than fifteen feet (15'). Open space need not exceed five thousand (5000) square feet total.
7. The following structures are exempt from the building height restriction and may

be erected higher than thirty feet (30') so long as the structure permitted is a distance from all property lines not less than its height and it meets any additional conditions as noted:

- A. Church spires, steeples, and bell towers. Other portions of a church building may exceed thirty feet (30') if addressed as part of the conditional use permit for the building.
 - B. Flag poles.
 - C. Non-commercial antennas and towers related to wireless transmissions and relays, if permitted by law, so long as those towers are no higher than necessary to reasonably accommodate the use including the use of the shortest structure possible and crank-up or telescoping devices are used whenever possible.
 - D. Water reservoirs.
8. A primary structure may be constructed up to thirty-five feet (35') in height under the following conditions:
- A. The interior side yard setback must be at least ten feet (10') with one additional foot of setback for each additional foot of building height over thirty feet (30').
 - B. A minimum lot size of twelve thousand five hundred (12,500) square feet.
9. A primary or accessory structure may be constructed up to thirty-five feet (35') when the interior side yard setback is increased by one foot (1') of setback for each additional foot of building height over thirty feet (30').
10. In a garage or carport constructed to the standards of the State Building Code.
- 17.20.060 Accessory Uses, Buildings, or Structures:
- A. All accessory uses, buildings, and structures must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.
 - B. Where there is a question regarding the inclusion or exclusion of a particular accessory use within any zone classification, the Zoning Administrator shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and on an analysis of the compatibility of the use or structure with

the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.

- C. The following structures are customarily incidental to residential uses:
 - 1. Carports or garages for the sole use of occupants of premises and their guests, attached or detached, for storage of motor vehicles, boats, and/or recreational vehicles.
 - 2. Greenhouses, private and non-commercial.
 - 3. Storage buildings for yard maintenance equipment and household goods.
- D. Accessory uses, buildings, and structures, other than fences and retaining walls, are prohibited from being located on a lot prior to a legal principal use.
- E. Detached accessory buildings or structures are permitted in compliance with the use and bulk regulations and performance standards of this chapter, provided that:
 - 1. The height of the accessory building or structure shall not exceed the maximum height listed in Table 2.
 - 2. Detached accessory buildings or structures shall comply with the front and side yard setback requirements of this chapter.
 - 3. There shall be no required rear yard setback except as required by the State Building Code. For the purposes of this section only, on a through lot, the Zoning Administrator may determine that one of the frontages of a through lot functions as a rear lot line and therefore does not require a rear yard setback for a detached accessory structure. In making such a determination, the Zoning Administrator shall consider the orientation of the primary structure on the lot and the development of other lots in the same area or neighborhood.
 - 4. No detached accessory building or structure shall be constructed on or over right-of-way or on or over a public easement.
 - 5. For structures accessory to residential uses in the R-1, R-2, and R-

3 Zones, the total ground area of accessory structures may not exceed sixty percent (60%) of the total area of the primary dwelling unit, unless all of the following conditions are met:

- a. The total area of all detached accessory structures does not exceed the size of the primary dwelling unit, or eight hundred and fifty (850) square feet, whichever is less.
 - b. No more than thirty-five percent (35%) of the lot may be covered by buildings.
 - c. The roof pitch of the accessory building(s) shall be at least three (3) vertical to twelve (12) horizontal.
6. The accessory building shall be at least five feet (5') from the primary building on the lot. Separation between accessory buildings shall be as regulated by the State Building Code.

17.20.070 Flag Lots:

- A. Flag lots shall have a minimum frontage on a dedicated right-of-way, as shown in Table 2.
- B. The flag pole portion of the lot shall not be considered in determining compliance with the requirements of this chapter.
- C. Private driveways shall be maintained and clear of obstruction to allow for access by emergency vehicles.

17.20.080 Lots Fronting on Curved Streets: The required width of residential lots fronting on curved streets may be reduced to not less than forty feet (40') provided that the required lot area is obtained within one hundred twenty feet (120') of the front property line abutting a curved street and that there shall be a minimum sixty-five foot (65') lot width at the front building line on the lot.

17.20.090 Drainage: Roofs shall drain in such a manner that water will not flow onto a public sidewalk. Water discharged from evaporative air conditioners shall be controlled by the owner so as to not discharge into a sanitary sewer unless approved by the City Engineer, and shall not flow onto a city street or onto adjacent lots. Paved and hard surface areas including compacted gravel exceeding two hundred (200) square feet in area shall be provided with approved drainage disposal systems on the property, except in areas where adequate storm drainage systems are available.

17.20.100 Recreational Equipment Parking and Storage: Recreational equipment, including camping trucks, motor homes, camping trailers, boats, boat trailers, and similar equipment may be parked or stored on premises. Recreational equipment stored or parked within side yard setbacks shall be permissible provided the occupants of the adjoining property consent thereto. In no case shall more than two pieces of recreational equipment be stored that are not within an enclosed building.

17.20.110 Satellite Receiving Antennas: Satellite receiving antennas shall be sited in compliance with the front and side yard setback requirements of this chapter.

17.20.120 Fences, Walls, and Hedges:

A. Applicability.

These regulations shall apply to fences, walls and hedges for residential use.

B. Restrictions.

The following restrictions shall apply to construction, maintenance, repair or placement of fences, walls and hedges and no deviation from these requirements shall be made except as provided in Section 17.12.080:

(1) Corner Lot. A maximum of six feet in height any where on a corner lot, except as follows:

Side Yard:

(a) A maximum of six feet in height anywhere on a side yard of a corner lot except as follows; where closer than twenty feet from the side street property line, a maximum of three feet in height for wood or hedges and up to four feet in height for chain link (without sight obscuring slats).

(b) A maximum of three feet in height for wood or hedges and up to four feet in height for chain link (without sight obscuring slats) where closer than twenty feet from a point located by projecting the side street curb and the alley right of way; or from the point of intersection of the street right-of-way and alley if the streets are not curbed.

Front Yard:

(c) A maximum of three feet in height for wood or hedges and up to four feet in height for chain link (without sight obscuring slats) where closer than twenty feet from the front street property line (right of way).

(2) Interior Lot: A maximum of six feet in height anywhere on an interior lot, provided a maximum of three feet in height for wood or hedges and up to four feet in height for chain link (without sight obscuring slats) where closer than twenty feet from the front property line.

(3) Front street fences and side yard fences that join the front street area will be setback five feet from the street curb face.

(4) Public Right of Way: Wood and chain link fences on public right of way shall be considered licensed by the city with the building permit. Masonry and/or decorative metal fences shall obtain a standard public right-of-way license approved by council. Fences on public right of way will be removed at the adjacent landowner's expense within sixty days of terminating said license. Upon request of removal, the fence shall be considered a public nuisance.

(5) Driver Visibility: Property owners shall not allow a hedge to grow such that a visibility hazard is created for a driver of a vehicle entering onto public right of way.

(6) Fire Hydrants: On a lot with a fire hydrant in the adjacent right of way the fence or hedge can be no closer than four feet to the hydrant.

C. Construction.

Fences may be constructed of wood, masonry, chain link or grown as hedges. All construction is to be done in such manner as to leave no sharp or protruding ends, barbs or projections. Hedges must be kept trimmed down to or below maximum allowed height and trimmed back to the outer edge of the property line. Fences shall not be made of materials such as pallets, conveyor chain, hog wire, chicken wire, tin siding, rusted pipe, vehicle bodies, scrap metal, or similar used materials.

D. Barbed wire fences.

Fences containing barbed wire shall be prohibited for residential use.

E. Electric fences.

Electric fences shall be prohibited except in the S-1 zone

F. Rear yard access.

Every fence built along the alley property line or within the required rear yard, shall be provided with a gate at least three feet in width so as to provide accessibility to the rear of any building in case of an emergency.

G. Deviations.

No deviation may be made from these regulations except with the written approval of the city planning authority, with the right of appeal to the city council. The following criteria shall be established as grounds for variance from the regulations set forth in this chapter:

- (1) Special circumstances applicable to the property in question or to the intended use that do not apply generally to other properties or classes of use in the same vicinity and zoning classifications;
- (2) A variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and in zoning classification which because of special circumstances is denied to the property in question;

(3) The granting of a variance will not be materially detrimental to the public welfare or injurious to other property improvements in such vicinity and zoning classification in which the subject property is located;

(4) That the granting of a variance will not conflict with the general intent of this chapter.

H. Nuisance--Declaration.

All existing fences and new fences hereafter erected in violation of the provisions of this chapter are public nuisances. Such fences are subject to being abated by any means permitted by this code or state law.

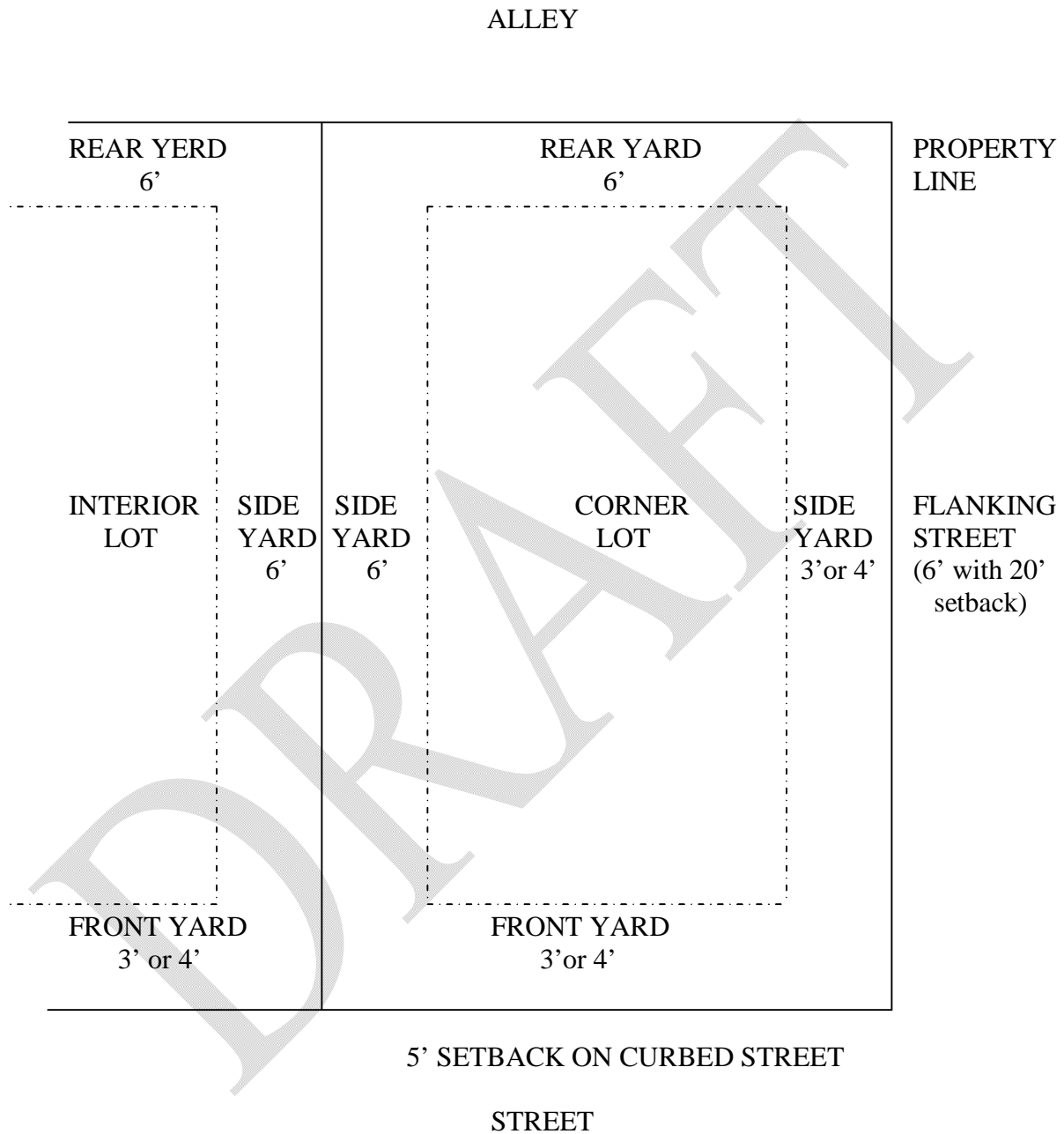
I. Nuisance--Abatement.

Whenever any fence has become a public nuisance, as herein defined, the building inspector of the city shall notify the owner of record of the premises on which the same is located, or his agent or person having charge or control of said premises, in writing, to obtain a variance, if he can, or to remove or abate such nuisance within sixty days after receiving such notice. The person so notified shall have the right, within the sixty days alternation is so made, no further action will be taken. If the person so notified neglects or refuses to alter, remove or abate such nuisance, the building inspector is authorized to request the city attorney to institute in the name of the city such proceedings as may be necessary, in any court of competent jurisdiction to secure abatement of the same.

J. Violation--Penalty.

In addition to the remedy of abatement provided herein, any person, firm or corporation who suffers or permits any nuisance as herein defined to exist or remain upon his, their or its premises or under his, their or its control after having been notified by the building inspector to remove or abate the same is guilty of a civil infraction subject to a C-__ fine pursuant to Section 1.20.030 of the Royal City Municipal Code. Each day that a violation is permitted to exist constitutes a separate infraction.

Fence, Wall, and Hedge Heights in Required Yards



- 17.20.130 Residential Density: No more than one (1) single family dwelling unit or one (1) two-family dwelling unit shall be permitted as a principal use on any individual lot except as allowed through the Planned Unit Development process (Chapter 17.67).
- 17.20.140 Performance Standards: Uses within the residential zones shall not inflict upon adjacent property smoke, dirt, dust, glare, odors, steam, vibration, noise, electrical interference, or excessive hazard. Noise in the residential zones shall not exceed the standards set forth in this code entitled Noise Control.
- 17.20.150 Performance Standards Residential Structures:
- A. Roof construction shall be of non-reflective materials.
 - B. Wheels and tongue of all manufactured homes not located in manufactured home parks shall be removed.
 - C. All manufactured homes shall be new and previously untitled and shall bear the insignia of approval by the State of Washington or the U. S. Department of Housing and Urban Development indicating compliance with the National Manufactured Housing Construction Safety Standards Act of 1974 (effective June 15, 1976).
 - D. Residential structures shall be constructed with a perimeter masonry or concrete foundation that is in accordance with the State Building Code.
 - E. Residential structures shall have a hard surfaced route from the main entrance of the residence to the street.
 - F. All required off-street parking spaces shall be paved or of a hard surface such as compacted gravel . The access route from the street to the parking spaces shall also be paved, unless the street is not improved with paving.

CHAPTER 17.30

COMMERCIAL ZONES

Sections:

- 17.30.010 Purpose
- 17.30.020 Additional Requirements
- 17.30.030 Allowed Uses
- 17.30.040 Prohibited
- 17.30.050 Development Standards for Commercial Zones
- 17.30.060 Performance Standards

17.30.070	Health Requirements
17.30.080	Septic Tanks
17.30.090	State Building Code Requirements
17.30.100	Commercial Coaches and Recreational Vehicles
17.30.110	Outside Storage
17.30.120	Fences and Walls
17.30.130	Buffer Strips
17.30.140	Storm Water and Drainage

17.30.010 Purpose:

The purpose of this chapter is to provide for:

- A. A well-distributed system of community-based retail, service, neighborhood convenience, and regional-based retail uses;
- B. Land uses that meet the needs of local residents and attract regional populations;
- C. Land areas within the city to meet the needs of commercial development.

The C-1, Central Business District, Zone is intended to provide for a variety of retail business uses and services and to preserve land for such uses. It is a unique pedestrian-oriented commercial district that is the major retail, office, entertainment, and arts center for the community. Complementary residential uses are encouraged.

The C-2, General Commercial and Business, Zone is intended to provide for the general commercial and business activity of the city and to preserve land for such uses. It is intended to complement the downtown and help meet the other community needs, as well as provide an area for large scale shopping centers and other uses oriented to vehicle traffic.

17.30.020 Additional Requirements: Additional requirements are found in other chapters of this Code and other adopted City regulations, including but not limited to the following:

- A. Chapter 17.10, Citywide Regulations
- B. Chapter 17.49, Site Plan Review
- C. Chapter 17.51, Conditional and Unmentioned Uses

- D. Chapter 17.54, Off-Street Parking and Loading
- E. Chapter 17.57, Landscaping
- F. Chapter 17.78, Personal Wireless Service Facilities
- G. Chapter 14.12, Critical Areas

17.30.030 Allowed Uses:

- A. The Commercial Land Uses table indicates where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Only commercial zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in Section 17.30.030.D. Further interpretation of these zones may be obtained as specified in Section 18.03.020.B. Land uses are also subject to any footnotes contained within this chapter.
- B. The symbols used in the table represent the following:
 - 1. An “A” in a table cell indicates that the use is allowed subject to the applicable standards in this code in the zone listed at the top of the table.
 - 2. A “C” in a table cell indicates that the use is allowed by conditional use permit, subject to the conditional use provisions in Chapter 17.51 and any additional standards specified.
 - 3. An “X” in a table cell indicates the use is not allowed in the zone listed at the top of the table.
- C. Procedural requirements for permits are described in Chapter Title 18.
- D. Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation procedures in Section 20.03.020.B. In determining whether a use should be permitted, the Zoning Administrator shall refer to the purpose statements found in 17.30.010 and the 1987 version of the Standard Industrial Classification Manual.

LAND USES IN COMMERCIAL ZONES		
USE CATEGORIES	C-1	C-2

LAND USES IN COMMERCIAL ZONES		
USE CATEGORIES	C-1	C-2
Retail		
Retail uses (other than those listed below)	A	A
Food stores	A	A
Eating and drinking places	A	A
Drinking places	A	A
Open sales lots in conjunction with the principal use which must be in an enclosed adjoining building	X	A
Daily outdoor merchandise display	A	A
Sidewalk sales	A	A
Christmas tree sales, fireworks sales, non-profit organization sales or activities associated with a seasonal event	A	A
Vehicle sales lot	X	A
Gasoline stations	C	A
Drive thru for a permitted use	C	A
Wholesale		
Wholesale use as an accessory use to a permitted retail use	A	A
Wholesale use when not associated with a retail use	X	A
Services		
Service uses (other than those listed below)	A	A
Professional Offices, other than medical/dental/psychiatric	A	A
Medical/dental/psychiatric office or clinic	C	A
Hospitals	X	C

LAND USES IN COMMERCIAL ZONES		
USE CATEGORIES	C-1	C-2
clubs, lodges, assembly halls	A	A
Lodging and assembly	A	A
Recreational Vehicle Parks (in compliance with Chapter 17.71)	X	C
Banking and financial services	A	A
Repair and maintenance, including vehicles and appliances	C	A
Child care, day care	A	A
Veterinarian, small animals (pets)	C ¹	C
Veterinarian, large animals (livestock)	X	X
Animal boarding	X	C
Drive thru for a permitted use	C	A
Adult entertainment facilities, in compliance with Chapter 17.73	X	A
Cultural, recreational, and entertainment uses	A	A
Transportation, Communication, and Utilities		
Wireless communication facilities, in compliance with Chapter 17.78	A	A
Local utilities, below ground	A	A
Local utilities, above ground	C	C
Regional utilities	C	C
Private or public passenger transportation systems	A	A
Airports, landing strips, and air transportation facilities	X	C
Heliports	C	C
Industrial and Storage		

LAND USES IN COMMERCIAL ZONES		
USE CATEGORIES	C-1	C-2
On-site hazardous waste treatment and storage facilities	C	C
Off-site hazardous waste treatment and storage facilities	X	X
Wrecking yards, salvage yards, or junk yards	X	X
Light manufacturing when subordinate to a retail sales outlet and contained in a building	A	A
Storage, warehousing, and distribution, not associated with a retail business	X	A
Construction site storage in sea-going containers or semi-trailers ¹⁷	A	A
Permanent storage in cargo container, in compliance with Chapter 17.76	X	C
Temporary storage in cargo container, in compliance with Chapter 17.76	X	C
Outside storage in conjunction with a principal use which is in an enclosed adjoining building	X	A
Public and Institutional		
Park, playground, athletic field, other non-commercial recreation	A	A
Outdoor recreational, entertainment, or amusement facilities	A	A
Festivals or other outdoor celebrations	A	A
Schools, public and private	C	C
Churches	C	C
Libraries	A	A
Residential		
Manufactured or mobile home park	X	X
Occupancy of trailers or recreational vehicles (except in an RV park)	X	X

LAND USES IN COMMERCIAL ZONES		
USE CATEGORIES	C-1	C-2
Residential use in conjunction with a commercial structure	A ²	C
Multi-family residential use, not in conjunction with a commercial structure	C ³	C
Assisted Living Facility	X	C
Adult Family Home in an existing residence	A	A
Family Day Care Home in an existing residence	A	A
Miscellaneous		
Accessory use appurtenant to any primary use and not otherwise prohibited	A	A
Removal of soil or other natural materials for the purpose of sale or use as fill material	X	X
Keeping of livestock, poultry, rabbits, or bees	X	C

17.30.040 Prohibited: The following are prohibited in commercial zones:

- A. Outside storage, collection, or dumping of any junk, scrap, garbage, unsightly material, litter, or debris except as may be contained in an approved garbage collection container.
- B. Outside storage, collection, or dumping of dismantled, partly dismantled, or wrecked vehicles, trailers, machinery, or their parts. This includes vehicles that inoperable, unlicensed, or unable to legally be driven on public roadways. This does not apply to 6 or fewer vehicles located at approved or conforming repair facilities kept for the purpose of repair for a period of less than 30 days and are screened from public view.
- C. The keeping of livestock, poultry, rabbits, swine, bees or other animals normally associated with agriculture.
- C. Any use which does not or is not capable of conforming with the requirements of this chapter.

17.30.050 Development Standards for Commercial Zones:

- A. Purpose. This section establishes the development standards and site requirements for uses in the commercial zones. The standards and rules are established to provide flexibility in project design, prevent fire danger, provide adequate access and circulation, reduce incompatibilities, and prevent overloading of infrastructure due to the impacts of development.
- B. Explanation of Table. Development standards are listed down the left column of the table and the commercial zones are identified across the top row. The matrix cells contain the requirements of each zone. The footnotes identify particular requirements applicable to a specific use, standard, or zone. Additional requirements for the NC zone are found in Chapter 17.31.

TABLE 2: DEVELOPMENT STANDARDS IN COMMERCIAL ZONES		
Development Standards	C-1	C-2
Minimum lot size	NR	NR
Maximum lot size	NR ¹	NR
Maximum building height	4 stories or 62' ²	4 stories or 62' ²
Minimum Front yard setback ³	NR	15'
Maximum front setback	0' ⁴	NR
Exterior side yard setback ³	NR	15'
Interior side yard setback ³	NR	NR
Rear yard setback ³	NR	NR
Landscaping required (Chapter 17.57)	New parking lots only	Yes
Buffer requirements	Section 17.30.130	Section 17.30.130
Outside storage allowed	No	Section 17.30.110

TABLE 2: DEVELOPMENT STANDARDS IN COMMERCIAL ZONES		
Development Standards	C-1	C-2
Fencing requirements	Section 17.30.120	Section 17.30.120
Parking required (Chapter 17.54)	Yes	Yes

NR= No Requirement for the zone. Other regulations may apply.

Footnotes for Table 2

1. No maximum lot size; however, any use over two (2) acres requires Planning Agency approval as a conditional use.
 2. The Planning Agency may allow buildings or structures to be erected to an additional height after a public hearing and examination of the location and upon due proof to the satisfaction of the Agency that the additional height will not be detrimental.
 3. Setbacks:
 - A. Within the setback area shown on Table 2, no building or structure (as defined in 17.06.610) shall be allowed, except flagpoles, street furniture, transit shelters, signage, fencing, slope stability structures, and improvements less than thirty inches (30") above grade, including decks, patios, walks, and driveways. Some of these structures and improvements require a permit.
 - B. The setbacks shown in the table are zoning setbacks. Larger setbacks may be required by the State Building Code, State Fire Code, sight distance requirements, or landscaping requirements (Chapter 17.57).
 4. Portions of the building may be set back further than the maximum setback to allow for features that encourage pedestrian use and activity along the street, such as building modulation, pedestrian plazas or courtyards, covered or recessed entryways, commercial uses or displays (such as vendors, newsstands, or cafes), public art (such as water features or sculptures), or seating and/or planter areas.
- 17.30.060 Performance Standards: Uses within the commercial zones shall not inflict upon adjacent property smoke, dust, dirt, glare, odors, steam, vibration, electrical

interference, excessive hazard or noise which exceeds the maximum permissible limits as herein defined.

- A. Air Quality: Emissions from combustion and incineration, emissions from sources emitting hazardous air pollutants, and emissions of suspended particles or fugitive dust shall not exceed the standards set forth in Chapter 173-400 WAC, General Regulations for Air Pollution. Where such emissions could be produced as a result of accident or equipment malfunction, safeguards standard for safe operation in the industry shall be taken. Polluted air streams shall be treated with the best available control technology.
- B. Heat, Glare, and Humidity (Steam): Any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the heat, glare, or humidity is not perceptible at or beyond the property line. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in objectionable glare.
- C. Odors: Any use producing odors shall be carried on in such a manner that offensive or obnoxious odors shall not be perceptible at or beyond the property line.
- D. Vibration: Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point beyond the property line.
- E. Electromagnetic Interference: Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the FCC under the Federal Telecommunication Act of 1996 or its successor.
- F. Noise: Noise within the Commercial Zones must not exceed the maximum permissible noise levels set forth in WAC 173-60-040 and this chapter as measured at the property line of the noise source.

Maximum Permissible Environmental Noise Levels	
Noise Source	Property Receiving Noise by Zone

	Residential	Commercial	Industrial
Commercial Zone	57 dBA*	60 dBA	65 dBA

*Between the hours of 10 p.m. and 7 a.m., the noise limitations of the foregoing table shall be reduced by ten (10) dBA for residential receiving property.

At any time of the day or night the applicable noise limitations may be exceeded for any receiving property by no more than:

1. 5 dBA for a total of fifteen (15) minutes in any one hour period.
2. 10 dBA for a total of five (5) minutes in any one hour period.
3. 15 dBA for a total of one and a half (1.5) minutes in any one hour period.

Exemptions to the maximum permissible noise level cited in this chapter shall be as enumerated in WAC 173-60-050, Maximum Environmental Noise Levels Exemptions.

- G. Fire and Explosive Hazard: The manufacture, use, processing, or storage of flammable liquids, gases, or solids shall be in compliance with the State Fire Code, the State Building Code, National Fire Protection Association standards, and any other state or nationally recognized standards that may apply to the particular use, building, or process.

17.30.070 Health Regulations: All uses must be in compliance with all current health regulations.

17.30.080 Septic Tanks: A commercial use not on city sanitary sewer is allowed only by conditional use permit and only in the C-2 zone.

17.30.090 Construction Code Requirements: All uses in the commercial zones must be in compliance with the applicable requirements of the Building Code, the Fire Code, the Mechanical Code, and the Plumbing Code except as may be provided in this chapter.

17.30.100 Commercial Coaches and Recreational Vehicles: Other than a recreational vehicle in a recreational vehicle park, the only allowed use of a commercial coach or recreational vehicle is as a temporary office for a period of time not to exceed one

hundred twenty (120) days in duration in specific instances where a permanent structure housing an existing licensed business has been destroyed or damaged to the extent that it is rendered unusable. The siting of temporary structures shall be approved by the Building Official and shall not require site plan review in conformance with Chapter 17.49. Temporary structures shall maintain a twenty foot (20') separation from property lines and/or other buildings or structures.

- 17.30.110 Outside Storage: Outside storage is permitted in the C-2 Zone when conducted in conjunction with the principal use which is in an enclosed adjoining building. Screening may be required by the Planning Agency as part of site plan review. Outside storage is prohibited in the other commercial zones.
- 17.30.120 Fences and Walls: Fences and walls not exceeding eight feet (8') in height may be permitted subject to the requirements of this section. All fences and walls will require a fence permit to be issued by the Building Official prior to construction or installation. Electric and barbed wire fences are prohibited, except that security fences containing barbed wire may be permitted subject to review by the Building Official regarding the safety of such a fence. All applications for permits to construct or install fences or walls shall be reviewed by the Building Official and City Engineer for vehicular and pedestrian safety.
- 17.30.130 Buffer Strips: Site plan review by the Planning Agency will be required for any contiguous commercial and residential development. Buffer strips, in addition to the perimeter landscaping requirements in Chapter 17.57, may be required by the Planning Agency to separate developed contiguous commercial and residential uses from each other in order to eliminate nuisances. The Planning Agency may allow or require screening fences, walls, plantings, or berms or any combination thereof.
- 17.30.140 Storm Water and Drainage:
- A. Each use shall provide for approved on-site or off-site detention or control of excess storm water run off or drainage resulting from the use. No use shall cause down stream property owners to receive storm water run off at a higher peak flow than would have resulted from the same event had the use or improvement not been present.
 - B. Storm water run off or drainage shall be controlled and contained on-site except where adequate off-site storm drainage systems are available. Storm water run off and/or drainage resulting from a use must be controlled so that water will not flow on to a public sidewalk or on to adjacent property. Drainage into city storm sewer or onto a city street must be approved by the City Engineer.

CHAPTER 17.40

INDUSTRIAL ZONE

Sections:

17.40.010	Purpose
17.40.020	Additional Requirements
17.40.030	Allowed Uses
17.40.040	Prohibited
17.40.050	Development Standards for Industrial Zones
17.40.060	Performance Standards
17.40.070	Containment Within a Building: In the I Zone
17.40.080	Commercial Coach
17.40.090	Temporary Structures
17.40.100	Construction Code Requirements
17.40.110	Storage Areas
17.40.120	Fences and Walls
17.40.130	Buffer Strips
17.40.140	Storm Water and Drainage

17.40.010 Purpose: The purpose of this chapter is to provide for:

- A. Business and manufacturing employment opportunities for existing residents of the city and those in the adjacent area;
- B. A variety of industrial uses, in limited and appropriate areas, to accommodate existing industries and minimize adverse impacts to the environment and surrounding uses;
- C. Protection of residential and other uses from adverse impacts from manufacturing and industrial uses;
- D. Protection of industrial areas from other uses that may interfere with the purpose and efficient operation of those areas.

The Industrial (I) Zone is intended to accommodate a variety of industrial uses including but not limited to manufacturing, warehousing, distribution operations, processing, assembly, and fabricating, and to preserve land for such use.

17.40.020 Additional Requirements: Additional requirements are found in other chapters of

this Code and other adopted city regulations, including but not limited to the following:

- A. Chapter 17.10, Citywide Regulations
- B. Chapter 17.45, Conservation and Reclamation Zone
- C. Chapter 17.49, Site Plan Review
- D. Chapter 17.51, Conditional and Unmentioned Uses
- E. Chapter 17.54, Off-Street Parking and Loading
- F. Chapter 14.12, Critical Areas

17.40.030 Allowed Uses:

- A. The Industrial Land Uses table indicates where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Only industrial zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in Section 17.40.030.E. Further interpretation of these zones may be obtained as specified in Section 18.03.020.B. Land uses are also subject to any footnotes contained within this chapter.
- B. The uses are arranged in three (3) categories. There are primary uses, those uses the industrial zones were designed to accommodate; accessory uses; and other uses that are compatible with or support the primary uses, or are not appropriate for other zones because of impacts.
- C. The symbols used in the table represent the following:
 - 1. An “A” in a table cell indicates that the use is allowed subject to the applicable standards in this code in the zone listed at the top of the table.
 - 2. A “C” in a table cell indicates that the use is allowed by conditional use permit, subject to the conditional use provisions in Chapter 17.51 and any additional standards specified.
 - 3. An “X” in a table cell indicates the use is not allowed in the zone listed at the top of the table.

- D. Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation procedures in Section 18.03.020.B. In determining whether a use should be permitted, the Zoning Administrator shall refer to the purpose statements found in 17.40.010 and the 1987 version of the Standard Industrial Classification Manual.

TABLE 1: LAND USES IN INDUSTRIAL ZONES	
USE CATEGORIES	I
Primary uses	
Assembly of parts	A
Bus barns and maintenance facilities	A
Hazardous waste treatment and storage, from off-site	C
Hazardous waste treatment and storage, generated on-site ¹	A
Machine shop	A
Manufacturing, processing, or packaging of products using raw materials	C
Manufacturing, processing, or packaging of previously prepared materials ²	A
Manufacturing, processing, or packaging of food products, excluding meat products, seafood products, distilling, fermenting, canning, slaughtering, rendering, curing, and tanning	A
Manufacturing, processing, or packaging of food products such as meat products, seafood products, distilling, fermenting, and canning. Excludes slaughtering, rendering, curing, and tanning	A
Slaughtering, rendering, curing, and tanning	C
Outside storage as a primary use ³	A
Printing, publishing, and allied products manufacturing including such processes as lithography, etching, engraving, binding, and blueprinting	A
Recycling collection site and recycling facilities	A

TABLE 1: LAND USES IN INDUSTRIAL ZONES

USE CATEGORIES	I
Solid waste processing facilities	C
Storage, warehousing, and distribution facilities	A
Technological uses such as scientific research, testing and experimental development laboratories	A
Transportation services such as freight consolidation, shipping documents preparation, rental of railroad cars, packing and crating	A
Uses that serve the agricultural industry, such as feed and seed stores, farm equipment repair and sales, and agricultural services such as soil preparation services, lawn care services, potato curing, seed cleaning, and sorting, grading, packing, and packaging of fruits and vegetables	A
Welding or metal fabrication	A
Wrecking yards, salvage yards, or junk yards	A
Accessory Uses	
Accessory use appurtenant to any primary use and not otherwise prohibited	A
Construction site storage in cargo containers or semi-trailers ⁴	A
Day care, primarily for children of on-site employees or customers	A
Dwelling unit for on-site security or maintenance personnel and family ⁵	A
Offices related to permitted uses conducted on the same site	A
Storage in cargo container, in compliance with Chapter 17.76	C
Other allowed uses	
Animal shelter, kennel, or veterinary clinic with outdoor boarding of animals or care of livestock	A
Building material or lumber yard, retail or wholesale	A

TABLE 1: LAND USES IN INDUSTRIAL ZONES

USE CATEGORIES	I
Commercial recreation requiring large land area and/or generating noise, such as go-carts, target shooting, race tracks, etc	C
Contractors establishments, including offices, shops, and storage yards	A
Government or public facilities compatible with the intent of the zone, such as maintenance shops, substations, well houses, lift stations, local and regional utilities	A
Industrial laundry or dry cleaning plant	A
Mini-storage	A
Nurseries and greenhouses for the growing and sale of plants	A
Power generating facilities	A
Public park	A
Repair and service of vehicles and equipment	A
Retail and wholesale sales of goods or products manufactured on site, or utilized in manufacturing, repairing, or servicing activities which are permitted in the zone	A

TABLE 1: LAND USES IN INDUSTRIAL ZONES

USE CATEGORIES	I
Sales or service use, which primarily serve the needs of the industrial district or its employees without attracting a significant number of patrons from outside the district, are compatible with the permitted types of industrial uses, and will not interfere with the orderly development of the industrial area, including but not limited to the following examples: 1. Sale and rental of electronic equipment, forklifts, heavy equipment, trucks, and office equipment 2. Services: dry cleaner, barber shop, shoe repair, sandwich shop, restaurant, espresso stand, vehicle wash, gas station, convenience store. These uses must be located on an arterial street or within 1000' of similar types of uses. 3. Professional and business services, such as engineering, mailing, copying, fumigating, servicing of fire extinguishers, sign painting and lettering 4. Other retail and service uses within the same structure as a permitted manufacturing, warehousing, distribution, or office use and occupying no more than 20% of the floor area, unless a larger area is approved by the Planning Agency	A
Storage buildings for private use	C
Towing services or vehicle impound yards	A
Wireless communication facility, in compliance with Chapter 17.78	A

Footnotes for Table 1

1. In compliance with the performance standards of the State of Washington siting criteria for on-site hazardous waste treatment and storage facilities and the requirements of this chapter; provided that, on-site hazardous waste treatment and storage facilities are accessory to and subordinate to a primary use which is a generator of hazardous waste.
2. Previously prepared materials are those which have been subjected to a process of dilution, blending, separation, waste extraction, refinement, or similar process so that further preparation, treatment, or processing does not generate raw refuse matter in quantity or form which would preclude prompt and effective removal of such matter from the site.

3. Other than contractors yards.
4. Construction storage facilities may be located ten (10) days prior to start of construction and shall be removed within ten (10) days of finish of construction. Start of construction shall be defined as ten (10) days prior to the physical presence of construction activity on the site for which a building permit has been issued. Finish of construction shall be defined as the date of issuance of a Certificate of Occupancy.
5. The sole purpose of the dwelling is to furnish housing for an employee, including family, engaged in on-site security or maintenance. Only one such residence is allowed per site.
6. Allowed if allowed in the C-2 and conditional use if a conditional use in the C-2.
7. Wholesale sales only.

17.40.040 Prohibited: The following are prohibited in industrial zones:

- A. Any use which does not or is not capable of conforming with the purpose and requirements of this chapter.
- B. Any use determined by the Planning Agency to pose excessive hazard to the public health, safety, and general welfare.
- C Agricultural Use

17.40.050 Development Standards for Industrial Zones:

- A. Purpose: This section establishes the development standards and site requirements for uses in the industrial zones. The standards and rules are established to provide flexibility in project design, prevent fire danger, provide adequate access and circulation, reduce incompatibilities, and prevent overloading of infrastructure due to the impacts of development.
- B. Explanation of Table: Development standards are listed down the left column of the table and the industrial zones are identified across the top row. The matrix cells contain the requirements of each zone. The footnotes identify particular requirements applicable to a specific use, standard, or zone.

Development Standards	I
Minimum lot size	NR
Maximum lot size	NR
Maximum building height	3 stories or 50' ¹
Front yard setback ³	NR
Exterior side yard setback ³	NR
Interior side yard setback ³	NR
Rear yard setback ³	NR
Landscaping requirements	Chapter 17.57
Minimum landscaped buffer along residential zoned property	25'
Buffer requirements	Section 17.40.130
Outside storage	Section 17.40.110
Fencing requirements	Section 17.40.120
Parking requirements	Chapter 17.54
Containment within a building	Section 17.40.070

NR= No Requirement for the zone. Other regulations may apply.

Footnotes for Table 2

1. The Planning Agency may allow buildings or structures to be erected to an additional height after a public hearing and examination of the location and upon due proof to the satisfaction of the Agency that such additional height will not be detrimental to the surrounding properties.
2. Subject to the provisions of Chapter 17.35 of this title entitled "Airport Clear Zone Overlay Zone ."

3. Setbacks.

- A. Within the setback area shown on Table 2, no building or structure (as defined in 17.06.610 shall be allowed, except flagpoles, street furniture, transit shelters, signage, fencing, slope stability structures, and improvements less than thirty inches (30") above grade, including decks, patios, walks, and driveways. Some of these structures and improvements require a permit.
- B. The setbacks shown in the table are zoning setbacks. Larger setbacks may be required by the State Building Code, State Fire Code, sight distance requirements, or landscaping requirements (Chapter 17.57).

17.40.060 Performance Standards: The maximum permissible limits of the Performance Standards for the industrial zones shall be as designated in Table 3.

TABLE 3: PERFORMANCE STANDARDS		
Performance Standards	I	
Air Quality	Air emissions shall meet applicable state and federal regulations, including but not limited to Chapter 173-400 WAC. Where emissions could be released as a result of accident or equipment malfunction, standard safeguards for safe operation of the industry involved shall be taken.	
Heat and Humidity	Any use or activity producing heat or humidity in the form of steam or moist air shall be carried on in such a manner that the heat or humidity is not perceptible at or beyond the property line.	
Glare	Any activity producing glare shall be carried on in such a manner that the glare is not perceptible at or beyond the property line. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in glare when viewed from public streets or neighboring properties.	
Vibrations	Every use shall be so operated that any air or ground vibration recurrently generated from equipment other than vehicles is not perceptible without instruments at any point on or beyond the property line.	

TABLE 3: PERFORMANCE STANDARDS		
Performance Standards	I	
Hazardous Materials	The manufacture, use, processing or storage of hazardous materials shall be permitted in accordance with the regulations of the State Building Code, State Fire Code, the National Fire Protection Association standards, and any other state or nationally recognized standards that may apply to the particular use, building, or process.	
Industrial Wastes	The storage, processing, or disposal of dangerous waste shall be subject to the regulations of the Washington State Department of Ecology.	
Electromagnetic Interference	Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the FCC under the Federal Telecommunication Act of 1996 or its successor.	

TABLE 3: PERFORMANCE STANDARDS											
Performance Standards	I										
Noise	<p>Noise emanating from a use or activity within an industrial zone which exceeds the maximum permissible noise levels set forth in WAC 173.60.040 and this chapter shall not be permitted.</p> <p>Maximum Permissible Environmental Noise Levels from a Noise Source in an Industrial Zone:</p> <table> <tr> <th>Property Receiving Noise by Zone</th><th>Commercial</th><th>Industrial</th></tr> <tr> <td>Residential</td><td>65 dBA</td><td>70 dBA</td></tr> <tr> <td></td><td>60 dBA*</td><td>50 dBA*</td></tr> </table> <p>*Between the hours of 10 p.m. and 7 a.m. the noise limitations shall be reduced by 10 dBA for receiving property in residential zones.</p> <p>At any hour of the day or night the applicable noise limitations may be exceeded for any receiving property by no more than:</p> <ol style="list-style-type: none"> 1. 5 dBA for a total of 15 minutes in any one hour period 2. 10 dBA for a total of 5 minutes in any one hour period 3. 15 dBA for a total of 1.5 minutes in any one hour period <p>Exemptions to the maximum permissible noise levels cited in this chapter shall be as enumerated in WAC 173-60-050, Maximum Environmental Noise Levels Exemptions.</p>		Property Receiving Noise by Zone	Commercial	Industrial	Residential	65 dBA	70 dBA		60 dBA*	50 dBA*
Property Receiving Noise by Zone	Commercial	Industrial									
Residential	65 dBA	70 dBA									
	60 dBA*	50 dBA*									

17.40.070 Containment Within a Building: In the I Zone: All industrial uses including but not limited to manufacturing, processing, warehousing, distribution, and fabrication shall be carried on within a building. This is not to be construed as prohibiting open sales lots or outside storage subject to Section 17.40.110 of this chapter.

17.40.080 Commercial Coach: A commercial coach may be used as an office in the L-I and H-I zones in association with an existing building. A commercial coach is not allowed in the MLIP zone, except under the provisions of Section 17.40.090,

Temporary Structures.

- 17.40.090 Temporary Structures: A commercial coach or recreational vehicle may be used as a temporary office for a period of time not to exceed one hundred twenty (120) days in duration in specific instances where a permanent structure housing an existing licensed business has been destroyed or damaged to the extent that it is rendered unusable. The siting of temporary structures shall be approved by the Building Official, and shall not require site plan review in compliance with Chapter 17.49. Temporary structures shall maintain a twenty foot (20') separation from property lines and/or other buildings or structures.
- 17.40.100 Construction Code Requirements: All uses in the industrial zones must be in compliance with the applicable requirements of the Building Code, the Fire Code, the Mechanical Code, and the Plumbing Code except as may be provided in this chapter.
- 17.40.110 Storage Areas: All storage located on a lot which adjoins a residential or commercial zone shall be wholly within a building or enclosed by a sight obscuring screen not less than eight feet (8') in height. All storage shall be kept in a manner so that it will not create a fire hazard or a nuisance. In the case of the open storage of combustible material, a roadway shall be provided and maintained to permit free access of fire trucks at any time. This shall not be construed to prohibit open sales lots.
- 17.40.120 Fences and Walls: Fences and walls not exceeding eight feet (8') in height may be permitted subject to the requirements of this section. All fences, walls, or screening plantings will require a fence permit to be issued by the Building Official prior to construction or installation. Electric fences are prohibited. Security fences containing barbed wire may be permitted subject to review by the Building Official regarding the safety of such a fence. All applications for permits to construct or install fences or walls shall be reviewed by the Building Official and City Engineer for vehicular and pedestrian safety.
- 17.40.130 Buffer Strips: Site plan review by the Planning Agency will be required for any contiguous industrial and residential development. Buffer strips, in addition to the perimeter landscaping requirements in Chapter 17.57, may be required by the Planning Agency to separate developed contiguous industrial and residential uses from each other in order to eliminate nuisances. The Planning Agency may allow or require plantings, screening fences, walls, sound deadening walls, berms, or any combination thereof. Buffer strips shall be suitably landscaped and maintained.
- 17.40.140 Storm Water and Drainage:

- A. Each use shall provide for approved on-site or off-site detention or control of excess storm water run off or drainage resulting from the use. No use shall cause down stream property owners to receive storm water run off at a higher peak flow than would have resulted from the same event had the use or improvement not been present.
- B. Storm water run off or drainage shall be controlled and contained on-site except where adequate off-site storm drainage systems are available. Storm water run off and/or drainage resulting from a use must be controlled so that water will not flow on to a public sidewalk or on to adjacent property. Drainage into city storm sewer or onto a city street must be approved by the City Engineer.

CHAPTER 17.42

OPEN SPACE RECREATIONAL (O-SR)

Sections:

17.42.010 Purpose.

17.42.020 Permitted uses.

17.42.030 Conditional uses.

17.42.040 Building height.

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

17.42.020 Permitted uses: In the O-SR district, permitted uses are as follows:

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

17.42.030 Conditional uses: In the O-SR district, conditional uses are as follows:

- A. Grazing of livestock;
- B. Golf courses;
- C. Sports complex;
- D. Swimming pool.

17.42.040 Building height: In the O-SR district, building heights are the same as in the R-1 district.

CHAPTER 17.43

OPEN SPACE URBAN RESERVE

Sections:

17.43.010 Purpose

17.43.010 Purpose: These lands serve in a temporary function as open space until needed for urban development. Those areas are restricted to agricultural uses until the full range of urban services are available.

CHAPTER 17.49

SITE PLAN REVIEW

Sections:

17.49.010	Intent
17.49.020	Applicability
17.49.030	Site Plans and Review
17.49.040	Preliminary Site Plan Conference
17.49.050	Contents of Application
17.49.060	Application Open for Public Inspection
17.49.070	Duration of Approval
17.49.080	Amendments to a Site Plan

17.49.010 Intent: This chapter is intended to provide procedures for the review of site plan applications. Site plan review is intended to insure that new development projects carried out in given zoning districts are executed in a manner consistent with existing ordinances concerning public utilities, traffic, facilities, and services and provide unified site design, access, landscaping, screening, building placement, and parking lot layout. The site plan review process is not intended to review and determine the appropriateness of a given use on a given site. It is intended to insure that development of a site will provide the features necessary to protect the health, safety, and general welfare of the citizens of the city.

17.49.020 Applicability:

- A. Site plan review and approval shall be required prior to issuance of a building permit when provided under this chapter.
- B. Site plan review and approval shall be required for all new non-residential uses and for any multi-family residential development of 3 or more units

17.49.030 Site Plans and Review: Any use that is subject to the requirements for a site plan review prior to issuance of building permits shall be processed in accordance with the following procedures:

- A. Application: An application for site plan approval may be filed by the property owner, lessee of the property with more than a month-to-month tenancy, or authorized agent of the property owner. These shall be submitted to the City for transmittal to the Planning Agency with analysis and recommendation.
- B. Planning Agency Review: The Zoning Administrator shall assign a date no earlier than two (2) weeks after the date of certification of a complete application for a public hearing before the Planning Agency. The site plans will be forwarded to the Planning Agency which shall consider the approval of the site plans with specific attention to the following:
 - 1. Compatibility with the city's comprehensive plan.
 - 2. Compatibility with the surrounding buildings' occupancy and use factors.
 - 3. All relevant statutory codes, regulations, ordinances, and compliance with the same.
- C. The review and decision of the Planning Agency shall be in accordance with the provisions of Chapter 17.49 of this code.

17.49.040 Preliminary Site Plan Conference: Prior to applying for site plan review, a developer may present to city staff a preliminary site plan, which shall contain in a rough and approximate manner all of the information required on the site plan application. The purpose of the conference is to enable the developer to obtain the advice of city staff as to the intent, standards, and provisions of this chapter with regard to the proposed plan. Information presented for preliminary site plan discussion shall be considered confidential.

17.49.050 Contents of Application: Each application for site plan review shall contain the following information:

- A. An Environmental Checklist when required.
- B. The title and location of the proposed development, together with the names, addresses, and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address, and telephone number of any architect, Planner, designer, or engineer responsible for the

preparation of the plan, and of any authorized representative of the applicant.

- C. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces.
- D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site.
- E. A topographic map delineating contours, existing and proposed, at five foot (5') intervals and which locates existing streams, marshes, and other natural features.
- F. Site plans drawn to a scale no smaller than one inch (1") equals thirty feet (30') showing location and size of uses, buffer areas, yards, open spaces, and landscaped areas and any existing structures, easements, and utilities.
- G. A circulation plan drawn to a scale acceptable to the City illustrating all access points for the site, the size and location of all driveways, streets and roads with proposed width and outside turning radius, the location, size and design of parking and loading areas, and existing and proposed pedestrian circulation system.
- H. A drainage and stormwater runoff plan.
- I. A utility plan.
- J. A plot plan of all proposed landscaping including the treatment and materials used for open spaces, and the types of plants and screening to be used.
- K. Typical building elevation and architectural style.
- L. Landscaping and Irrigation Plan
- M. Any other information deemed pertinent by the city staff.

17.49.060 Application Open for Public Inspection: From the time of the filing of the application until the time of final action by the city, the application together with all plans and data submitted shall be available for public inspection upon request.

17.49.070 Duration of Approval: Construction on the project must commence within twenty-four (24) months from the date of final Agency action; otherwise, the approval of

the project becomes null and void. Construction may include approved site work or building construction.

17.49.080 Amendments to a Site Plan:

- A. Minor adjustments may be made and approved when a building permit is issued. Any such alteration must be approved by the Zoning Administrator. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ten percent (10%) from the original, but shall not exceed the standards of the applicable district.
- B. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and recommendation by the Planning Agency.

CHAPTER 17.51

CONDITIONAL AND UNMENTIONED USES

Sections:

- 17.51.010 Conditional Uses
- 17.51.020 Unmentioned Uses

17.51.010 Conditional Uses: Conditional uses shall only be permitted after a public hearing before the Planning Agency finding that:

- A. The use furthers the intent of the zone in which it will be located and conforms to the general plan.
- B. The use will not create undesirable traffic congestion or parking problems.
- C. The use will not be detrimental to surrounding properties or their uses because of appearances, noise, use, or other undesirable features.
- D. The use will meet all standards and regulations for the zone in which it is to be located.
- E. The use will not create undesirable environmental problems:

1. The Agency can made special requirements in conjunction with its decision following a public hearing if they are necessary to more closely fulfill the intent of the zone in which a development is permitted.
2. Conditions, if any, which may be imposed on any proposed project requiring a conditional use permit, shall be endorsed on the conditional use permit and failure to comply therewith shall be grounds for revocation of the conditional use permit. Revocation of the conditional use permit shall be final after thirty (30) days written notice of the violation is given by certified mail to the owner and/or occupant of the land or improvements for which the conditional use permit was issued, if in the mean time, the violation is not corrected.
3. If no development has taken place on the proposal or if no building permits or subdivision applications have been issued or received within atwelve (12) month time limit from the date of issuance, the conditional use permit shall become null and void.
4. The decision of the Agency in approving or conditionally approving a conditional use permit shall stipulate whether the conditional use permit is issued to a person or whether the permit shall run with the land. Person shall be defined as an individual, corporation, company, firm, association, partnership, or joint stock company, a state, and all political subdivisions of a state or any agency or any instrumentality thereof having an ownership interest in the land as an owner, renter, or lessee. A use permitted as a conditional use is subject to the limits in the permit and conveys no greater rights than expressly permitted. A request for a revision to a conditional use permit shall be processed as an application for a new conditional use permit.

17.51.020 Unmentioned Uses: Unmentioned uses which are not deemed similar to permitted uses by the Zoning Administrator shall be permitted only by a public hearing before the Planning Agency and their finding that:

- A. The use is similar in nature to the uses permitted in the zone and is dissimilar to those prohibited.
- B. The use furthers the intent of the zone in which it will be located and conforms to the general plan.

- C. The use will not create undesirable traffic or parking conditions.
- D. The use will not be detrimental to surrounding properties or their uses.
- E. The use will meet all standards and regulations for the zone in which it is to be located.
- F. The use will not create undesirable environmental problems.

The Agency may make special requirements following its hearing and review if they are necessary to more closely fulfill the intent of the district in which a use is permitted.

CHAPTER 17.54

OFF-STREET PARKING AND LOADING

Sections:

- 17.54.010 Off-Street Parking and Loading Mandatory
- 17.54.020 Specific Parking Requirements
- 17.54.030 Size of Parking Space
- 17.54.040 Location of Parking Area
- 17.54.050 Improvement of Parking Lots
- 17.54.060 Specific Loading Requirements
- 17.54.070 Size of Loading Space
- 17.54.080 Location of Loading Area

17.54.010 Off-Street Parking and Loading Mandatory: Every building hereafter erected, enlarged, converted, or relocated shall provide usable permanent off-street parking and loading areas as required by this title, except that no off-street parking shall be required for home occupations nor for businesses located within the C-1, Central Business District. The parking and/or loading areas shall have reasonable access and a capacity according to the use of the building listed in the following sections. Where a use is not listed, the Zoning Administrator shall determine the required parking and/or loading space based on similar uses for which the requirements are specified. When an existing building is occupied by a new use which would require greater parking and/or loading space than is provided within the building, the Zoning Administrator may waive the additional parking requirement provided he finds existing development renders compliance with the requirement impractical.

17.54.020 Specific Parking Requirements: The number of off-street parking spaces required of each use shall be as follows, except that for lots having less than eighty feet (80') frontage in non-residential zones where compliance may prove a hardship, the Planning Agency may modify the requirements.

A. Residential:

- | | |
|----------------------------|---|
| 1. Single Family Dwellings | 2 per unit |
| 2. Duplex | 2 per unit |
| 3. Multiple Family | 1 ½ per unit one bedroom and efficiency units |
| | 2 per unit for two or more bedrooms |

In addition to the above requirements for Multiple Family additional “visitor” parking at a rate of 1 space for every two units will be required.

No lot or portion thereof shall be used for parking or storing of truck or other motor vehicles exceeding one (1) ton net capacity (see subsection L of this section), or commercial, industrial, and agricultural equipment or machinery, or recreational vehicles or trailers which exceed twenty-five feet (30') in length.

B. Retail Business in all Zones:

	<u>Spaces per 1,000 square feet of gross floor area</u>
1. Department and clothing stores	3.3
2. Variety and drug stores	3.3
3. Furniture stores	1
4. Grocery stores	3.3
5. Auto sales	1

C. Personal Services:

- | | |
|--|-------------|
| 1. Barber shops and beauty shops, self-service laundries, etc. | 2 per chair |
| 2. Motels and hotels | 1 per unit |

D. Financial Institutions:

- | | |
|--------------------------------|-----|
| 1. Banks, savings & loan, etc. | 2.5 |
|--------------------------------|-----|

E. Offices:

- | | |
|---|---|
| 1. Human services (clinics, welfare employment offices) | 1 |
|---|---|

	2. Professional offices	2.5
	3. Other offices	2.5
F.	<u>Shopping Centers:</u>	5
G.	<u>Eating Establishments:</u>	
	1. Sit-down restaurants	10
	2. Taverns	10
	3. Drive-in restaurants	14
H.	<u>Industrial:</u>	
	1. Industrial warehouses, freight terminals, manufacturing, etc.	1 per shift employee
I.	<u>Public and Semi-Public Places of Assembly:</u>	
	1. Churches	1 per 6 seats or 12 feet of bench
	2. Theaters and auditoriums	1 per 4 seats or 8 feet of bench
	3. Schools:	
	Pre-School	1 ½ per teacher
	Elementary	2 per classroom
	High School	1 per 2 students
	College or Commercial	1 per 2 students
	4. Libraries	1 per 400 square feet of gross floor area
J.	The Planning Agency shall determine the adequate parking spaces for special uses such as airports, depots, swimming pools, and other recreational uses.	
K.	Buildings having mixed occupancies shall provide parking for each use as required. Multiple use buildings shall provide parking for the most intensive use.	
L.	Parking of trucks exceeding one ton net capacity are regulated under separate ordinance as adopted by the City of Royal City	
M.	Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs.	
N.	Formula used for determining square footage of gross floor are:	
	Main Floor	100%
	Basement and Second Floor	50%
	Additional Stories	25%

Equals square footage of gross floor area

17.54.030 Size of Parking Space: Each parking space shall not be less than nine feet (9') in width and twenty feet (20') in length.

17.54.040 Location of Parking Area:

- A. Residential: Required parking space shall be located adjacent to the residence.
- B. Commercial: Required parking shall be on site or within three hundred feet (300') of the building. Businesses located within a parking district shall be exempt from the parking requirement.

17.54.050 Improvement of Parking Lots: All parking lots established in an "R" zone, or on a lot adjacent to a lot in an "R" zone, or adjacent to an existing paved street, shall be improved as follows:

- A. The required front yard shall be planted or maintained in lawn or shrubbery.
- B. Screening shall be provided along the property line(s) which adjoin any lot in an "R" zone, except along the front yard. The screening shall comply with the fence requirements of the zone.
- C. Any of the lot which is to be driven on by automobiles shall be maintained in hard surface paving. A six inch (6") by six inch (6") inner curb between drives located on the property line adjoining a street shall be required for service stations in all zones.

17.54.060 Specific Loading Requirements:

- A. Commercial, industrial and public utility uses, except hotels and motels, shall provide truck loading and unloading space as follows:

<u>Square Feet of Floor Area</u>	<u>No. of Spaces Required</u>
Less than 10,000	0
10,000 - 30,000	1
30,001 - 100,000	2
100,001 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreational or entertainment facilities, and any similar use shall provide off-street truck loading or

unloading spaces as follows:

<u>Square Feet of Floor Area</u>	<u>No. of Spaces Required</u>
Less than 30,000	1
30,000 - 100,000	2
100,001 and over	3

- 17.54.070 Size of Loading Space: A loading space shall consist of a space not less than ten feet (10') wide, thirty-five feet (35') long, and a height clearance of fourteen feet (14'). Where vehicles generally used for loading and unloading exceed these dimensions, the required length of these spaces shall be increased. The Building Official may waive the height requirement upon receipt of evidence that such height is unnecessary.
- 17.54.080 Location of Loading Area: The required off-street loading area shall be located on the same lot with the use it is intended to serve and may occupy any side or rear yard thereon; provided that it shall be enclosed when required by this title. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs.

CHAPTER 17.55

HOME OCCUPATIONS

Sections:

- 17.55.010 Intent
- 17.55.020 Definition
- 17.55.030 Application for Home Occupation Uses and Appeals
- 17.55.040 General Requirements
- 17.55.050 Notification

- 17.55.010 Intent: It is the purpose of this ordinance to protect residential areas from potential adverse impacts as a result of activities which may be deemed commercial in nature. It is also the purpose of this ordinance to permit residents of the community a reasonable use of their residence as a place of livelihood and/or for the supplementing of personal/family income.
- 17.55.020 Definition: A home occupation means any endeavor conducted for financial gain or profit in a dwelling unit where the endeavor is not generally characteristic of activities for which dwelling units are intended or designed, provided, that endeavors where the only activities include the receipt of mail, the use of a telephone, the occasional commercial delivery of goods and materials not inconsistent with such

deliveries in residential neighborhoods, and occasional vehicular traffic not inconsistent with such vehicular traffic in residential neighborhoods, are not considered home occupations subject to permitting requirements under this title. To be defined as a home occupation, the occupation or activity:

- A. Must be carried on entirely within a residence by the occupants.
- B. Must be clearly incidental to the use of the residence as a dwelling.
- C. Must not change the residential character of the dwelling.
- D. Must be conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term.
- E. Must not infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended.

An occupation which does not meet this definition or which is incapable of or does not comply with the general requirements of this ordinance shall not be deemed a home occupation.

17.55.030 Application for Home Occupation Uses and Appeals: An application for a home occupation use shall be submitted to the Planner for consideration. The application shall be reviewed by the Zoning Administrator or other similar position or a designee. Such uses may be permitted by the Zoning Administrator or the individual designated to review the applications subject to the provisions of this chapter. Any party aggrieved by a decision rendered by the Zoning Administrator or other individual reviewing the application may appeal the decision to the Hearing Examiner, subject to the provisions of Chapter 18.11.

17.55.040 General Requirements: The general requirements for a home occupation are as follows:

- A. There shall be no structural alteration to accommodate the occupation. Entrance to the space devoted to the occupation shall be from within the residence, except when otherwise required by law.
- B. The use, including all storage space, shall not occupy more than two hundred (200) square feet of the residence's floor area which is finished for living purposes including an attached garage. No home occupation shall occupy an accessory building or a detached garage.

- C. No home occupation shall have any outside storage of goods and materials associated with the home occupation.
- D. Only members of the family who reside on the premises and in any case no more than three (3) persons in any dwelling unit shall be engaged in the occupation(s).
- E. There shall be no window display nor shall sample commodities be displayed outside the building.
- F. Home Occupation Signs:
 - 1. Signs identifying home occupations which are unlighted, placed flat against the structure, and which do not exceed two (2) square feet in size are permitted in the R-2 Zone and the R-3 Zone.
 - 2. Signs identifying home occupations located in the R-1 Zone are prohibited except as required by law. Such signs, if allowed, shall not exceed two (2) square feet in size except as may be allowed by this chapter.
 - 3. Signs identifying home occupations may be permitted to exceed two (2) square feet in size subject to the review and approval of the Planning Agency and after it has been shown that the sign will not adversely affect adjacent residential uses and that the extra size is essential to the sign being seen.
- G. No material or mechanical equipment shall be used which will be detrimental to the residential use of the residence or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factor.
- H. Materials or commodities delivered to or from the residence which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer, or the parking of customer's automobiles in a manner or frequency causing disturbance or inconvenience to nearby residences or so as to necessitate a public parking lot shall be prima-facie evidence that the occupation is a primary business, and not a home occupation.
- I. Examples of uses or occupations which might normally satisfy the criteria of this section are: "bed and breakfast" facilities, custom florists, professional service providers, dressmakers, photographers, home canners, watch repairers, licensed massage therapists, and other similar uses.

- J. The following shall not be deemed permissible uses or home occupations: nursing homes, massage parlors, woodworking and cabinet shops, household appliance, furniture and electronic equipment repair shops, fumigation services shops, upholstering shops, car repair shops, small engine repair shops, taxi businesses, barber shops or hair stylists and other uses deemed as “similar” by the Zoning Administrator or other similar position or a designee.
- K. A home occupation issued to one person shall not be transferable to any other person nor shall a home occupation permit be valid at any address other than the one appearing on the permit.
- L. Any person engaging in a home occupation shall register as a business under Chapter 5.06 of this code.

17.55.050 Notification: Application for a home occupation use shall require notification to adjacent property owners of the proposed use. Notification shall be provided at least ten (10) days before a decision is to be made on the application. Written or oral comments should be provided to the Zoning Administrator or other individual reviewing an application before the decision is to be made on the application. Adjacent property owners shall also be notified of any appeal scheduled before the Hearing Examiner. A notice of the action before the Hearing Examiner shall be mailed to adjacent property owners at least ten (10) days prior to the scheduled appeal.

CHAPTER 17.57

LANDSCAPING

Sections:

- 17.57.010 Purpose and Intent
- 17.57.020 Applicability
- 17.57.030 General Requirements
- 17.57.040 Specific Requirements
- 17.57.050 Landscape Buffers - Types and Descriptions
- 17.57.060 Submittal Requirements
- 17.57.070 Approval of Landscape Plan and Installation of Landscaping
- 17.57.080 Preservation and Care of Significant Trees
- 17.57.090 Maintenance Requirements
- 17.57.100 Prohibited Plants
- 17.57.110 Alteration of Landscape Requirements
- 17.57.120 Deviations.

17.57.010 Purpose and Intent: The purpose of this chapter is to establish landscaping provisions to achieve the following:

- A. Provide a smooth transition between adjacent properties and buffer different intensities of land uses
- B. Maintain and enhance the character and appearance of the city
- C. Soften the visual impact of paved surfaces and blank building walls
- D. Reduce the effects of light, noise, glare, exhaust fumes, heat, wind, erosion, and other adverse effects
- E. Provide shade

17.57.020 Applicability

A. Other than the exceptions listed in 17.57.020.B, the requirements of this chapter shall apply to all of the following:

- 1. New development
- 2. Any change in the use of a property requiring a land use permit
- 3. Any change in the use of a property requiring a change of occupancy permit
- 4. Any addition, remodel, alteration, or repair of a structure that increases the gross floor area by more than twenty percent (20%) or where the cost of the addition, remodel, alteration, or repair exceeds twenty-five percent (25%) of the existing assessed value of the structure.

B. Exceptions

- 1. This chapter does not apply to any use or development in the C-1 Zone, other than parking lots.
- 2. An individual one- or two-family dwelling unit on an individual lot that is not part of a subdivision or planned development district application is only required to comply with the following sections of this chapter:
 - a. 17.57.040.C.1, Residential Front Yard Setbacks

- b. 17.57.080, Preservation and Care of Significant Trees
- c. 17.57.090, Maintenance Requirements
- d. 17.57.100, Prohibited Plants

17.57.030 General Requirements: All required landscaped areas shall comply with the following:

- A. Landscaping shall be primarily vegetative and consist of combinations of trees, shrubs, and ground cover. Non-living natural features may also be incorporated. At least eighty percent (80%) of the ground area required to be landscaped shall be covered by living plant materials.
- B. Required landscape plantings shall be suited to the climate, location, and physical conditions of the site. The use of drought-tolerant species is encouraged.
- C. All landscaped areas shall be graded to prevent erosion and to facilitate the installation, growth, and maintenance of the landscaping. All turf areas located in public right-of-ways shall have a grade of no greater than 4(h):1(v).
- D. Trees and shrubs shall be chosen and located to avoid interference with underground and overhead utility lines or public improvements.
- E. Landscaping shall be designed to insure adequate visibility and safety of vehicular traffic, bicyclists, pedestrians, and other users, on and off the proposed site. Height and/or spacing of landscaping may be modified to accommodate sight distances.
- F. Other than a fence around an individual one-or two-family dwelling, all fences shall be placed on the inward side of any required perimeter landscaping.
- G. To protect against the possibility of all trees in one project being destroyed by disease or pests, a mix of tree species shall be provided in accordance with the following table:

Required Number of Trees	Minimum Number of Species	Maximum Percent of Any One Species
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Required Number of Trees	Minimum Number of Species	Maximum Percent of Any One Species
11-20	2	55
21-30	3	35
31-40	4	27
41+	5	22

H. Minimum Plant Sizes at Installation:

Type of Plant	Minimum Size at Installation
street trees and other deciduous trees	Two inch caliper
multi-stemmed trees, e.g. vine maple	Six feet tall
evergreen trees	Six feet tall
small shrubs	Twelve inches tall
medium and tall shrubs	Eighteen inches tall

I. Living ground covers shall provide at least fifty percent (50%) coverage at the time of planting and one hundred percent (100%) coverage within three (3) years, except that grass sod areas shall provide one hundred percent (100%) coverage at installation. Living ground cover is preferred, however materials such as river rock, decorative gravel, wood chips, and bark may be used in limited amounts.

J. If approved by the city, required street frontage landscaping may be placed in city right-of-way. This area shall be maintained by the owner of the property that abuts the right-of-way. The city and other public services shall have the right to remove landscaping placed on city right-of-way for repair, replacement, or installation of utility services. The city will not accept liability for damages to said landscaping from future street expansion, meter reading, or utility installation, inspection, or repair.

K. All required landscaping shall be served by irrigation systems appropriate for the plants.

L. The incorporation of existing vegetation, especially healthy trees, is strongly encouraged. Where existing trees and associated vegetation

serve the same or similar function as the required landscaping, they may substitute for the required landscaping, provided trees are healthy and appropriate for the site at mature size. When necessary, existing vegetation shall be supplemented with new plantings to accomplish the specific intent and purpose of this chapter.

M. Landscape requirements contained in this chapter are minimums. Additional landscaping is encouraged.

N. In the event of a conflict between the content of this chapter and other regulations, the more restrictive regulations shall apply.

17.57.040 Specific Requirements

A. Buffers: When adjacent to the uses listed, the subject property shall provide the type and width of landscaping listed in the table below along the entire property line between the subject property and the adjacent use, except for vehicular and pedestrian access points. If a building is located in the buffer area, the landscaping displaced by the building shall be located elsewhere on the site. Types of landscaping are as described in Section 17.57.050.

ADJACENT USE	SUBJECT PROPERTY USE				
	1 & 2 Family Subdivision	Multi-family	Manufactured Home Park	Commercial/ Institutional	Industrial
freeway or highway	Type I 20 feet wide	Type I 20 feet wide	Type I 20 feet wide	Type II 10 feet wide	Type II 10 feet wide
street frontage	Type III 5 feet wide	Type III 5 feet wide	Type III 5 feet wide	Type III 10 feet wide	Type II 20 feet wide
1 & 2 Family or vacant land zoned R-1 or R-2		Type II 5 feet wide	Type II 10 feet wide	Type II 10 feet wide	Type I 15 feet wide
Multi-family or vacant land zoned R-3	Type II 10 feet wide	Type III 5 feet wide	Type II 10 feet wide	Type II 10 feet wide	Type I 15 feet wide
Manufactured Home Park	Type II 10 feet wide	Type III 5 feet wide		Type II 10 feet wide	Type I 15 feet wide
Commercial/Institutional or vacant land zoned C-1 or C-2	Type II 10 feet wide	Type II 5 feet wide	Type II 10 feet wide		Type II 10 feet wide
Industrial or vacant land zoned I-L	Type II 10 feet wide	Type I 5 feet wide	Type II 10 feet wide	Type II 10 feet wide	

B. Parking Areas: Parking areas shall be landscaped to provide shade

and visual relief while maintaining clear lines of sight.

1. Landscaping shall be provided within and/or around all surface parking lots containing ten (10) or more parking stalls. Landscaping shall be provided at a rate of twenty (20) square feet per parking stall. Other required landscaping may not be counted toward this total. At a minimum, landscaping shall consist of ground cover and shade trees with a minimum mature canopy spread of fifteen feet (15').

2. The minimum area per planter shall be one hundred (100) square feet.

3. Landscaped areas shall be distributed around and/or throughout the parking lot so that the maximum distance between the trunk of shade tree and any parking stall shall be no more than fifty feet (50').

4. Permanent curbs or structural barriers shall be provided to protect the landscape plantings from vehicle overhang.

5. Trees shall be planted at least four feet (4') from the outside edge of the planting area.

6. No plant material greater than twelve inches (12") in height shall be located within two feet (2') of the edge of a landscaped area adjacent to a parking stall.

C. Residential Landscaping

1. Front Yard Setback: The required front yard setback of all residential uses shall be landscaped within one (1) year of occupancy and maintained. For the purposes of this section, landscaping shall be defined as the addition of lawn, trees, plants, shrubs, and other natural and decorative features.

2. Multi-family Structures: Multi-family residential uses shall also landscape the required open space areas so that they are usable for outdoor recreation.

3. Manufactured Home Parks: All areas within the boundaries of the manufactured home park shall be landscaped. All lawns, trees, landscaping, occupied and unoccupied manufactured home spaces, recreation areas, and open space areas shall be

continually maintained. A permanent irrigation system shall be installed and maintained for planted common areas.

D. Building Facade Landscaping: Blank building facades more than twenty feet (20') in height or fifty feet (50') in width or length shall be landscaped with Type III landscaping to provide visual relief and soften the effect of the new building on the surrounding area.

17.57.050 Landscape Buffers - Types and Descriptions: When the following types of buffers are required by this chapter, the minimum standards shall be as described below. As an alternative, in all cases except for street frontage landscaping, the shrubs may be eliminated if a six foot (6') sight-obscuring fence or wall is installed.

A. Type I Landscaping: Type I landscaping is a "full screen" that functions as a visual barrier. This landscaping is typically found adjacent to freeways and between residential and non-residential areas. Type I landscaping shall consist of:

1. Primarily evergreen or densely-branching deciduous trees and shrubs placed to form a continuous all-season screen at least six feet (6') tall within three (3) years of planting. Trees and shrubs may be offset or staggered, rather than in a single line. Other deciduous trees and shrubs may be incorporated for seasonal interest, provided the screening function of the landscaping is not compromised. Trees and shrubs shall be spaced so that they will touch or overlap at mature size.

2. Ground cover.

B. Type II Landscaping: Type II landscaping is a "filtered screen" that functions as a visual separator between similar uses. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the street. Type II landscaping shall consist of:

1. A mix of evergreen and deciduous trees and shrubs. Trees and shrubs may be offset or staggered, rather than in a single line.

2. At least one (1) tree and four (4) shrubs shall be provided for each twenty (20) lineal feet of property line being screened.

3. Required shrubs must achieve a height of four feet (4') within three (3) years.

4. Ground cover.

C. Type III Landscaping: Type III landscaping is a "see-through buffer" to provide visual relief between compatible uses and to soften the appearance of streets, parking areas, and building facades. This landscaping is typically found along street frontages or between apartment developments. Type III landscaping shall consist of:

1. One and two family residential subdivisions

a. A mix of trees, with one (1) tree for each forty (40) lineal feet of frontage. Trees may be spaced irregularly or clustered rather than uniformly spaced.

b. Ground cover.

2. All other uses

a. A mix of trees, with one (1) tree for each twenty-five (25) lineal feet of street frontage or facade length or width. Trees may be spaced irregularly or clustered rather than uniformly spaced.

b. A mix of evergreen and deciduous shrubs that do not exceed a height of four feet (4') at maturity, spaced not more than four feet (4') apart.

c. Ground cover.

17.57.060 Submittal Requirements: A landscape plan shall be prepared by a person experienced in the selection and installation of plants. For multifamily projects with five (5) or more units and non-residential projects with more than twenty thousand (20,000) square feet of gross floor area, the landscape plan shall be prepared by one of the following: licensed landscape architect, Washington State Certified Nurseryman, or Washington State Certified Landscaper. A landscape plan shall accompany all development applications and shall contain the following information at a minimum:

A. Name and address or location of project

B. Date of the plan

- C. North arrow and scale (1"=50' or larger)
- D. All property lines, rights-of-way, streets, walks, vehicular drives, parking lots, curbing, existing and proposed structures, building entrances, overhead and underground utilities, freestanding lights, service or loading areas, signs, open spaces, plazas, and recreation amenities, with materials noted.
- E. Proposed location of all trees, shrubs, ground cover, and any proposed or existing physical elements, such as fencing, walls, curbing, or benches, that may affect the overall landscape.
- F. A plant schedule which indicates the scientific and common names, quantities, spacing, and sizes at planting and maturity for all plants in the landscape plan.
- G. Location, sizes and species of existing significant trees as defined in section 17.57.080. Areas with existing vegetation that will be retained should be marked and described.
- H. A legend which shows symbols and types of plant.
- I. Location and details of irrigation system. The source of water and type of irrigation system shall be noted.
- J. Location and dimensions of any designated sensitive areas and required sensitive area buffers, as defined in Chapter 14.12.
- K. Plant materials shown on the landscaping plan at three-quarters (3/4) mature size in appropriate relation to the chosen scale of the plan, except that mature size shall be used for plants that will reach mature size within five (5) years of planting.
- L. A calculation of the square footage of landscaping proposed, with separate totals for living and non-living landscape.
- M. Such other submissions consistent with this chapter as may be required by the Planner.

17.57.070 Approval of Landscape Plan and Installation of Landscaping

- A. After receipt of a complete landscape plan, all development applications shall be reviewed by the Planner for compliance with this chapter concurrently with and as a part of the review process of the

principal use or structure and prior to issuance of any grading, building, or land use permit or approval.

B. No Certificate of Occupancy, or final inspection approval if no Certificate of Occupancy is required, shall be issued until one of the following occur:

1. The required landscaping is installed.

2. A bond or some other form of cash surety acceptable to the city is submitted at a value of one hundred twenty percent (120%) of the estimated cost to complete the landscaping according to the approved landscape plan. Upon completion of the landscape installation, the city shall promptly release the surety. If the required landscaping improvements are not made within six (6) months of occupancy of the building, the city may use the surety to install the landscaping.

17.57.080 Preservation and Care of Significant Trees: Developments shall retain significant trees to the maximum extent practical. Areas devoted to access and areas to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements are exempt from this requirement.

A. Significant trees are healthy trees that do not present a safety hazard, are not listed in Section 17.57.100 as prohibited, and that meet one or more of the following criteria:

1. Six inches (6") or greater in diameter measured four feet (4') above grade

2. Part of a grouping of five (5) or more trees with canopies that touch or overlap

3. Member of a unique or unusual species

4. Within twenty-five feet (25') of a sensitive area or buffer, as defined in Chapter 14.12.

B. The following measures shall be used to protect significant trees during construction:

1. There shall be no clearing or grading of the site until after approval of the landscape plan.

2. The developer shall install a temporary but immovable fence four feet (4') high around the tree at the dripline to prevent disturbance during construction.

3. There shall be no impervious surfaces, fill, excavation, or storage of materials within the fenced area.

4. If the grade level around the tree is to be raised by more than one foot (1') , a rock well shall be constructed around the tree, with the inside diameter of the well corresponding to the dripline of the tree. No fill is allowed inside the well area.

5. The grade level shall not be lowered within the larger of the two (2) areas defined as follows:

a. The drip line of the tree, or

b. An area around the tree equal to one foot (1') in diameter for each inch of tree trunk diameter measured four feet (4') above the ground.

C. Alternative protection measures may be used if the city determines they will provide equal or greater tree protection.

17.57.090 Maintenance Requirements

A. Plant Maintenance: The property owner shall maintain all landscape plant material for the life of the project. All unhealthy or dead plant materials shall be replaced within the next planting season, not to exceed one hundred eighty (180) days from the date of loss. Trees and shrubs shall only be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent a safety hazard. Planted areas shall be maintained free of trash and weeds.

B. Irrigation: All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of lack of maintenance and a violation of this ordinance.

C. Hardscape: Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, trellises, etc.

17.57.100 Prohibited Plants

- A. The following trees are prohibited within public right-of-way, including planter strips: poplar, willow, cottonwood, fruit trees other than ornamental, nut trees, Siberian or Chinese elm, or any other tree species that may be declared a nuisance by the city for reasons of disease, exotic characteristics, or impairing or destroying property necessary to the health, welfare, and safety of the citizens of the city.
- B. The following trees are prohibited within one hundred feet (100) of a public sewer: poplar, willow, elm, cottonwood, or any other tree species with invasive roots.
- C. Any plant listed by the Grant County Weed District as a noxious weed is prohibited.

17.57.110 Alteration of Landscape Requirements: The applicant may submit for consideration a landscaping plan that differs from the specific criteria set forth in this chapter. The applicant shall clearly and in detail state what adjustments of requirements are being requested and the reasons that such adjustments are warranted. The application shall be accompanied by supplemental data, such as sketches, surveys, and statistical information, as is deemed necessary to support the adjustment. The Planning Agency may approve, modify, or deny the requested adjustment. In approving the alteration, the Planning Agency shall make the following findings:

- A. The alteration would be in keeping with and preserve the intent of this chapter; and
- B. The alteration would not be contrary to the public interest; and
- C. The alteration is justified based on at least one (1) of the following:
 - 1. The requirements of this chapter would result in more than fifteen percent (15%) of the site area being landscaped. In such cases the Planning Agency may modify those requirements so that not more than fifteen percent (15%) of the site must be landscaped, provided that the landscaping and corresponding setbacks required are those most beneficial to the public. More intensive landscaping may be required if the reduction in area would reduce the effectiveness of landscaping to a point where the intent of the landscaping type cannot be satisfied.
 - 2. The inclusion of significant existing vegetation located on the site

would result in as good as or better satisfaction of the purposes of this chapter.

3. Three foot (3') berms or six foot (6') architectural barriers are incorporated into the landscape design. Adjacent to the berm or barrier, the width of the perimeter landscaping strip may be reduced up to twenty-five percent (25%) if the landscaping materials are incorporated elsewhere on site.
4. Existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures, or utilities would render application of this chapter ineffective.
5. An existing or proposed structure precludes installation of the total amount of required perimeter landscaping. In such cases, the landscaping material shall be incorporated on another portion of the site.
6. The proposed landscaping represents a superior result or is more effective than that which would be achieved by strictly following requirements of this section.

17.57.120 Deviations: A deviation from the regulations of this chapter may be obtained through the Hearing Examiner in compliance with the provisions of Royal City Municipal Code 17.70 entitled Hearing Examiner.

CHAPTER 17.58

SIGNS

Sections:

17.58.010	Purpose
17.58.020	Definitions
17.58.025	Calculation of Sign Area
17.58.030	Sign Regulations
17.58.040	Sign Work Exempt From Sign Permit
17.58.050	Sign Permit Requirements
17.58.060	Interpretations and Rulings
17.58.070	Appeals
17.58.080	Variances
17.58.090	Non-Conforming Signs
17.58.100	Sign for Non-Conforming Use
17.58.110	Planning Agency Review and Approval
17.58.120	Violation
17.58.130	Enforcement
17.58.140	Conflict

17.58.010 Purpose: The purposes of this chapter are to: 1) ensure that signs and sign structures are designed, installed, and maintained to prevent personal injury, and to avoid traffic and property hazards and public nuisances; 2) recognize that signs are necessary for public, private, business, community, and other purposes; and 3) impose limited controls on signs so that they are compatible with surrounding property uses and enhance the appearance of the Royal City community.

17.58.020 Definitions:

- A. Abandoned Sign: means a sign which no longer serves its intended purpose.
- B. Architectural Appendage Sign: means a building sign that is suspended from, attached to, applied to, or part of an awning, marquee, false mansard, canopy, or similar projection from the exterior walls of a building.
- C. Billboard: means an off-site sign that is substantial in size and construction, usually is owned by an outdoor advertising company, and contains advertising space that is for rent or lease.
- D. Building: means an enclosed structure for a use or occupancy.
- E. Building Sign: means any sign that is attached or applied to, mounted on, suspended from, painted on, or part of the exterior of a building or architectural appendage, including the roof and facade.
- F. Cabinet Sign: means a sign enclosure which has access for the replacement of one (1) or more sign faces and lamps, if internally-illuminated.
- G. Changeable Copy Sign: means a sign that is designed to easily rotate or alternate messages by whatever means. Examples of changeable copy signs are reader boards and electronic message centers.
- H. Community Sign: means a temporary sign that promotes, celebrates, or commemorates a community event, public awareness, community service, holiday season, or similar public function.
- I. Construction Sign: means a temporary standing or portable sign that is non-illuminated. A construction sign provides information about a construction project.
- J. Directional Sign: means a sign which only identifies a business or activity and directs traffic to that business or activity.
- K. Directory Sign: means a sign that has space which is limited to the name, address, and logo of the developed site and the names, addresses, and logos of several on-site businesses, organizations, or facilities.
- L. Double-Face Sign: means two (2) sign faces which are identical in size and message and either are displayed back-to-back or within 30° interior angle.

- M. Facade: means one (1) or more exterior walls of a building that face one (1) direction, including parapets and openings such as doors and windows.
- N. Flashing Sign: means a sign that has external or internal lighting which changes intensity, rotates, animates, travels, or switches on and off in a blinking manner. Examples of such lighting are lamp banks with blinking or traveling messages, traveling arrows and revolving beacons.
- O. Free-Standing Sign: means a sign that has vertical support which is permanently anchored in the ground. Examples are pole (or pylon), post, and monument signs.
- P. Freeway Interchange Sign: means a free-standing sign that is intended to attract the attention of traffic entering or exiting an Interstate 90 interchange. A freeway interchange sign is located within one thousand five hundred feet (1,500') of the interchange as measured from the centerline of Interstate 90 right-of-way and the intersecting right-of-way centerline.
- Q. Freeway Sign: means a free-standing sign that is intended to attract the attention of traffic on Interstate 90. A freeway sign is located within two hundred fifty feet (250') of Interstate 90 right-of-way.
- R. Garage Sale Sign: means a temporary sign for the sale of household items.
- S. Home Occupation Sign: means an on-site sign that advertises a home occupation as defined in Section 17.55.020 of this title.
- T. Incidental Sign: means a non-illuminated, on-site, convenience sign. Examples of incidental signs are credit card, telephone, and restroom signs.
- U. Monument Sign: means a free-standing sign in the shape of a monolith. Usually the sign is vertically supported on a base which is on a pedestal, but the sign may be a pole-covered sign. A monument sign is intended to be viewed at eye level.
- V. Non-Conforming Sign: means a permanent sign that was lawfully erected, installed, or otherwise displayed according to the applicable Grant County or city zoning regulations, but does not conform to the sign regulations of this chapter.
- W. Off-Site Sign: means a sign that is not related to an activity that is on the same site as the sign, or the sign is on a vacant site.
- X. Official Sign or Legal Notice: means an official sign or legal notice issued by a court, public agency, or as authorized by law or federal, county, or city authority.
- Y. On-Site Sign: means a sign that is related to an activity that is on the same site as the sign.

- Z. Permanent Sign: means any sign which is not a temporary sign as defined in Section 17.58.020.OO.
- AA. Pole (or Pylon) Sign: means a free-standing sign on one (1) or more upright supports in a foundation. The upright supports may be covered for aesthetic purposes. A pole sign is the same as a pylon sign.
- BB. Portable Sign: means a sign that either is a sign structure or is part of or affixed to a sign structure that is designed to be movable.
- CC. Private Warning/Directional Sign: means a permanent, portable, or temporary sign that is erected for a private purpose such as KEEP OUT, NO TRESPASSING, RIGHT TURN ONLY, STOP, SECURITY ALARM, or NO DUMPING.
- DD. Projecting Sign: means a type of building sign that either is: 1) mounted at right angle to a facade; 2) suspended under an architectural appendage and at right angle to a facade; or 3) a wall sign that extends eighteen (18) or more horizontal inches from the facade.
- EE. Public or Recreational Identification Sign: means a sign for a public or semi-public facility or area. Examples of such signs are park, school, or hospital signs.
- FF. Real Estate Sign - Other: means a sign that either advertises a parcel or lot of non-residential land, or the buildings thereon, or both which is for sale, lease, or rent.
- GG. Real Estate Sign - Residential Lot: means a sign that either advertises a parcel or lot of residential land, or the buildings thereon, or both which is for sale, lease, or rent. Residential land includes land that is vacant and within a residential zone or land that is in residential use, regardless of zone.
- HH. Residential Identification Sign: means a sign that identifies a residential subdivision, planned residential development, neighborhood, condominium development, manufactured home park, multi-family residential development, or similar residential developments.
- II. Residential Subdivision Sign: means a sign which advertises the sale of lots in a residential subdivision, parcels in a manufactured home binding site plan, or lots in a residential planned development.
- JJ. Right-Of-Way: means a corridor which either is reserved for or contains a public street, road, alley, pathway, highway, or freeway.
- KK. Roof Sign: means a building sign that is mounted on the roof of a building as defined in this section. A roof sign does not project beyond the vertical planes of the building facades.
- LL. Sandwich Board Sign: means a portable sign that is A-frame, does not

exceed four feet (4') in height or two feet (2') in width, and is non-illuminated.

- MM. Sign: means a visual message that is displayed to attract the outdoor attention of the general public. A sign may be: 1) advertising of a generic or specific product, item, or service; 2) a promotion of an activity or event; 3) any other implicit or explicit message which informs, alerts, directs attention to, or warns; 4) the name of a business, building, place, or organization; or 5) any combination of advertising, promotion, other message, or name. A sign may consist of, but is not limited to words, pictures, drawings, logos, symbols, other graphics, border, trim, frame, cabinet, background, space, material, or devices which are integral to the visual message. A sign may contain multiple visual messages which are related in content and proximity.
- NN. Sign Face: means one dimension of a sign that contains the visual message.
- OO. Sign Height: means the vertical distance as measured from finished grade at the base of a sign or sign structure to the top of the sign.
- PP. Sign Structure: means the horizontal and vertical support for a sign.
- QQ. Site: means either: 1) a parcel of unplatted land, a parcel in a binding site plan, a tract, or a lot in a subdivision; or 2) two (2) or more contiguous parcels, tracts, or lots under one (1) ownership without intervening right-of-way and identified or delineated as one (1) development site; or 3) two (2) or more contiguous parcels, tracts, or lots under different ownerships, without intervening right-of-way, and identified or delineated as one (1) development site.
- RR. Street Frontage: means that portion of a site boundary that borders one or more streets as defined in Section 17.06.590.
- SS. Temporary Sign: means a sign affixed to, applied on, or made from lightweight material, with or without a frame or backing which is designed to be displayed for a limited time. Examples of lightweight materials are vinyl, cardboard, card stock, corrugated plastic, and fabric.
- TT. Traffic Control Sign: means any permanent or temporary traffic control, traffic signal, or construction sign that is subject to: 1) the latest edition of the Standard Specifications for Road, Bridge, and Municipal Construction as published by the Washington State Department of Transportation in conjunction with the Washington State Chapter of the American Public Works Association, as amended by the City Community Street and Utility Standards; and 2) the Manual on Uniform Traffic Control Devices.
- UU. Vehicle Sign: means a sign that is affixed or painted on a vehicle which is primarily used for transportation rather than parked for the purpose of displaying the sign.
- VV. Wall Sign: means a building sign that is painted or flush-mounted on a facade, fascia, or architectural appendage, less than eighteen inches (18") horizontal

projection.

WW. Window or Door Sign: means a building sign that is suspended or mounted flush with an exterior window, or painted on a window or door, and directed outside.

17.58.025 Calculation of Sign Area: The area of a sign is the smallest circle, square, or rectangle that encloses a sign face or the largest plane of a three-dimensional sign. The area of a double-face sign is the area of a single face. The area of a multiple-face sign (other than a double-face sign) is the sum of the areas of all sign faces. Only the sign portion of a structure, material, space, or device is calculated for the purpose of sign area, except that the area of a cabinet sign or sign in a frame or border shall be based on the outside dimensions of the cabinet, frame, or border. The area of multiple signs on a structure, material, space, or device is the sum of the areas of all signs. The area of a sign with multiple messages is the smallest circle, square, or rectangle that encloses all of the messages.

17.58.030 Sign Regulations:

- A. Only a sign as defined in Section 17.58.020.MM is subject to the provisions of this chapter.
- B. A sign type that is listed “A” in the following table is allowed to be displayed, subject to the applicable sign regulations listed in this section and in the table.
- C. A sign type that is listed “P” in the following table is prohibited from display, unless it is a non-conforming sign as provided in Section 17.58.090.
- D. A sign type that is listed “E” in the following table is exempt from the provisions of this chapter.
- E. A sign type that is not listed in the following table is not allowed to be displayed.
- F. A sign shall comply with applicable provisions of the State Building Code and Chapter 15.20 of this code.
- G. A sign is subject to Chapter 8.21 of this code entitled Nuisances.
- H. State law (RCW 70.54.090) prohibits the attachment of a sign to a utility pole.
- I. No sign is allowed on or over right-of-way except as approved by City Council for city streets. No sign is allowed within right-of-way of the interstate or primary system where there are no curbs. A sign may be allowed within right-of-way of the primary system where there are curbs and other streets, subject to the following conditions and circumstances:
 - 1. A projecting sign is allowed over a sidewalk in right-of-way in the C-1 Zone and in the C-2 Zone where the building is not set back from right-of-way, provided that the sign does not project more than eighty percent (80%) of the distance between the right-of-way line and back

of curb line, and there is a minimum of eight feet (8') vertical clearance under the sign

2. A political sign is allowed in right-of-way subject to the remainder of the applicable sign regulations in this section and in the following table.

- J. No permanent sign is allowed on or over a public utility easement.
- K. A permanent sign may be allowed over but not on a municipal easement, upon approval by the City Engineer.
- L. Every sign shall be maintained in a safe and secure manner. A torn, broken, hazardous, dilapidated, or outdated sign, as determined by the Building Official, shall be repaired, replaced, or removed.
- M. The City Engineer shall review each application for a sign permit for sight distance. The City Engineer shall consider whether a sign would be located or constructed so as to obscure or obstruct an official traffic sign, signal, or device, or obstruct a motorist's view of approaching, merging, or intersecting traffic before approving or disapproving the application.
- N. Internal or external sign lighting shall be shaded, hooded, site screened, or directed so that the light's intensity or brightness shall neither adversely affect adjacent or nearby property, nor create a public nuisance, nor create a traffic hazard.
- O. A sign may be located within the front or exterior yard (as defined in sections 17.06.630 and 17.06.650 of this title) but shall not be located in the interior side or rear yard (as defined in sections 17.06.650 and 17.06.640 of this title).
- P. No sign shall be erected or maintained if it is visible from the main traveled way of the interstate or primary system except as permitted by Washington Administrative Code Chapter 468-66 entitled HIGHWAY ADVERTISING CONTROL ACT or Revised Code of Washington Chapter 47.42 entitled HIGHWAY ADVERTISING CONTROL ACT - SCENIC VISTAS ACT.

SIGN REGULATIONS

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Abandoned	P	NA	NA	NA	NA
Architectural Appendage	A	Sign may be flush-mounted or suspended under the architectural appendage	see Building sign	R	Sign allowed only in commercial and industrial zones. If the sign is suspended, there shall be at least 8' clearance above grade.

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Billboard	P	NA	NA	NA	NA
Building	See specific types of building signs	See specific types of building signs	The total area of building signs shall not exceed 25% of the overall area of each facade . None of this allowance is transferable from one facade to another facade. No individual building sign shall exceed 15% of the overall area of a facade.	See specific types of building signs	Sign allowed in commercial, industrial, agricultural, and municipal airport zones. Allowed in R-3 Zone on a site with a conditional use, with review and approval of the Planning Agency according to Section 17.58.110 of this chapter.
Changeable Copy	A	25' for Free-standing, Freeway or Freeway Interchange sign, or wall height for Wall sign	See Building, Freeway or Freeway Interchange, Free-standing, or Temporary Free-standing or Portable sign	R	Sign allowed only in commercial and industrial zones.
Community	A	See Building or Free-standing signs.	See Building, Free-standing, and Temporary Free-standing or Portable signs for other sign area regulations.	R if free-standing sign; NR if building sign	Sign allowed only in commercial, industrial, and public zones. Sign shall be temporary.
Construction	A	8'	32 sq. ft. per street frontage per construction site	NR	Sign may be erected a maximum of 30 days prior to start of construction, and shall be removed within 30 days after the end of construction. Sign shall be non-illuminated. Limited to one sign per street frontage per site.
Dilapidated or hazardous condition as determined by Building Official	P	NA	NA	NA	NA

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Directional	A	6' for Free-standing sign; same as for Wall sign.	8 sq. ft. per sign	R	Sign allowed only in commercial and industrial zones
Directory	A	Same as for Free-standing, and Freeway or Freeway Interchange sign	See Building, Freeway or Freeway Interchange, or Free-standing sign	R	Sign allowed only in commercial and industrial zones, or on a site with a conditional use in the R-3 Zone. Prior to issuance of a sign permit, a sign for a conditional use in the R-3 Zone shall require Planning Agency review and approval according to Section 17.58.110 of this chapter.
Flashing	P	NA	NA	NA	NA
Freeway or Freeway Interchange	A	45'	350 sq. ft. per site	R	Allowed only in commercial and industrial zones

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Free-standing	A	25'	150 square feet per site in a commercial or industrial zone, except that a site which has street frontage exceeding 300 lineal feet is allowed 150 square feet per increment of 300 lineal feet of street frontage. A site where there is a conditional use in the R-3 Zone is allowed any combination of free-standing and building signs not to exceed a total of 12 square feet, except as provided in Other Sign Regulations in this row.	R	Sign allowed only in commercial and industrial zones or on a site where there is a conditional use in the R-3 Zone. A site without street frontage shall be limited to one free-standing sign structure. The number of free-standing sign structures that are allowed on a site with street frontage shall be limited to two per increment of 300 lineal feet of street frontage. If a site exceeds one free-standing sign structure, then the structures shall be separated a minimum of 100 lineal feet. Landscaping (as defined in section 17.57.030.A of this title) is required around the base of a new free-standing sign. The landscaping perimeter for a pole sign shall be not less than the largest sign dimensions as vertically projected to the ground. The landscaping perimeter for all other free-standing signs shall be not less than 1' larger than the base of the sign structure. Prior to issuance of a sign permit, a free-standing sign on a vacant site, or where there is a conditional use in the R-3 Zone, shall require Planning Agency review and approval according to Section 17.58.110 of this chapter.
Garage Sale	A	NA	NA	NR	Sign allowed in all zones. The sign shall not be displayed for more than four consecutive days.
Government Flags	E	NA	NA	NA	NA
Home Occupation	A	Same as for Wall sign	2 sq. ft. per residential dwelling unit with home occupation license	R	Sign shall be a non-illuminated wall sign. Limited to one sign per residential dwelling unit with home occupation license.

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Incidental	A	Same as for Wall, Freeway, Freeway Interchange, and Freeway signs	2 sq. ft. per sign	NR	Shall be non-illuminated and on-site.
Monument	A	8'	Same as for Free-standing Sign	R	Sign allowed only in commercial and industrial zones
Non-conforming	See Section 17.58.090 for limitations on non-conforming signs				
Official Sign or Legal Notice	E	NA	NA	NA	NA
Open, Closed, Business Hours, Address, or Greeting	E	NA	NA	NA	NA
Political	A	NA	NA	NR	Shall be removed within 10 days after an election. May be located on private property with permission from property owner. May be placed in right-of-way adjacent to the private property of the abutting land owner and only with the permission of the private property owner/abutting land owner, provided that it is not in a location or condition that is prohibited.
Private Warning/ Directional	E	NA	NA	NA	NA
Projecting Sign	A	Same as for Wall or Architectural Appendage sign	See Building sign	R	See Section 17.58.030 I of this chapter
Public or Recreational Identification	A	Same as for Free-standing or Building sign	See Free-standing or Building sign	R	Allowed in commercial, industrial, and public zones
Public Zone (other than Public or Recreational Facility Identification signs)	A	Same as for Free-standing or Building sign	see Free-standing or Building sign	R	Requires Planning Agency approval according to Section 17.58.110.

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Real Estate - Other	A	8' for Free-standing Sign; wall height for Building Sign	32 sq. ft. per sign	NR	Shall be non-illuminated. Shall be removed from display within five days after sale, lease, or rent.
Real Estate - Residential Lot	A	No limit	6 sq. ft. per sign	NR	Shall be non-illuminated. Shall be removed from display within one day after sale, lease, or rent.
Residential Identification	A	8'	32 sq. ft. per site	R	Allowed in residential zones. Requires Planning Agency review and approval according to Section 17.58.110 of this chapter.
Residential Subdivision	A	8'	32 sq. ft. per residential subdivision, manufactured home binding site plan or residential planned development	R	A
Roof	A	10' above roof height as measured from intersection of the roof and lowest point of the sign, sign structure, or point of attachment	See Building sign	R	Allowed in commercial and industrial zones.
Sandwich Board	A	4'	8 sq. ft. each face	R	Sign allowed only in commercial and industrial zones. May be located in right-of-way adjacent to the site that is the object of the sign with Planning Agency recommendation and City Council approval. Otherwise, sign shall be on-site. Shall be removed from display at the end of each business day.

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Sign which could be confused with or obstructs the view of a traffic sign or signal, as determined by City Engineer	P	NA	NA	NA	NA
Sign which restricts ingress to or egress from a building	P	NA	NA	NA	NA
Sign on vehicle other than Vehicle sign	P	NA	NA	NA	NA
Temporary Sign on free-standing structure or Portable	A	See Free-standing if on free-standing structure; 8' height if portable	32 sq. ft. per street frontage per site. If no street frontage, then 32 sq. ft. per site. The total sign area shall be restricted to one, contiguous, designated area per street frontage. The designated area shall not exceed 12 lineal feet parallel to street frontage.	R - one time per location. Ownership change of business license requires new sign permit.	Allowed only in commercial and industrial zones. Sign shall be repaired, replaced, or removed when torn, worn, broken, or dilapidated.
Temporary Gas Pump	A	NA	2 sq. ft. per sign, one sign per dispenser	NR	NA
Temporary Sign On Wall	A	Same as Wall sign	See Building sign	NR	NA
Traffic Control	E	NA	NA	NA	NA
Vehicle	A	Flush-mounted to vehicle	NA	NR	Non-illuminated
Wall	A	The sign shall be contained within the outline of the facade.	See Building sign	R	NA

Sign Type	Prohibited, Allowed, or Exempt	Maximum Sign Height	Maximum Sign Area	Sign Permit	Other Sign Regulations
Window or Door	A	The sign shall be contained within the perimeter of the window or door	See Building sign	NR for temporary sign; R for permanent sign	NA
A = Allowed E = Exempt NA = Not Applicable NR = Not Required P = Prohibited R = Required					

17.58.040 Sign Work Exempt From Sign Permit: The replacement of the face or faces of a cabinet sign, maintenance of a sign or sign structure (by repair, replacement of parts, cleaning, or touch-up), and sign removal without any sign installation is exempt from the requirement for a sign permit.

17.58.050 Sign Permit Requirements: A new sign or sign structure, or the replacement of an existing sign or sign structure, shall require an application for city review and issuance of a sign permit prior to work, except for types of signs that do not require a permit as listed in Table A, or sign work that is exempt from a sign permit. The application shall include:

- A. Two (2) copies of a scaled drawing of the site plan which shows the site boundary, sidewalk and curb, driveways, buildings, other relevant site development or site limitations, and the location of the proposed building or free-standing sign or signs. The location of free-standing signs should be shown as dimension lines from nearest lot or parcel boundaries.
- B. Two (2) copies of scaled plans and elevations of the sign work, including sign and sign structure dimensions, sign height, structural detail, description, drawing, or picture of the sign copy, footing details, method of sign attachment to sign structure, building, or architectural appendage, illumination, specifications, and calculations for wind loads.
- C. An inventory of each and every existing sign on the site, including a description of the sign copy, type of sign, and sign dimensions.
- D. The Building Official may waive the submission of plans, specifications, and calculations when the structural aspect is of minor importance.
- E. A completed application with an inventory of each and every sign that will be installed or removed, and the type of sign.

17.58.060 Interpretations and Rulings: Recognizing that there may be ambiguities in any chapter and that it may be necessary to obtain an interpretation or ruling regarding intent, interpretation, or definition, the Zoning Administrator may forward a request to the Planning Agency for an interpretation or ruling regarding the application of the provisions of this chapter to any existing or proposed sign.

- 17.58.070 Appeals: Any decision made by any administrator, officer, board, or agency in carrying out the provisions of this chapter may be appealed as provided for in Chapter 18.11.
- 17.58.080 Variances: The Hearing Examiner shall hear and decide any request for a variance from the sign regulations contained in this chapter in accordance with Chapter 2.72 of this title.
- 17.58.090 Non-conforming Sign: Any non-conforming sign may continue to be maintained and used in compliance with Chapter 17.69 of this Code entitled, "Non-Conforming Uses". Any non-conforming sign which has been abandoned at least six (6) months shall be removed or conform to the applicable sign regulations of this chapter.
- 17.58.100 Sign for Non-Conforming Use: Any proposed sign for a non-conforming use may be allowed after review and approval by the Planning Agency upon a finding that the sign will be compatible with surrounding land uses. Conditions may be attached to an approval.
- 17.58.110 Planning Agency Review and Approval: Any sign in this chapter that requires Planning Agency review may be approved by the Agency upon findings that the sign meets the purpose of this chapter and the sign will comply with applicable sign regulations. Conditions may be attached to an approval.
- 17.58.120 Violation: Upon occurrence of a violation of the provisions of this chapter, the Code Enforcement Officer shall notify the responsible person representing the sign in violation that a violation of this chapter exists. A Notice of Violation and Order to Correct or Cease Activity as provided in Chapter 17.80 of this Title shall be issued.
- 17.58.130 Enforcement: The Code Enforcement Officer may cause the removal or demolition of an illegal sign or for failure to comply with a Notice of Violation upon seven (7) days written notice. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Building Official. If the amount specified in the notice is not paid within thirty (30) days of the notice, the city may institute a civil action to recover its costs. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Code Enforcement Officer.
- 17.58.140 Conflict: If any provision of this chapter is found to be in conflict with any other provision of any local, state, or federal regulations, the provision which establishes the higher standard shall prevail.

CHAPTER 17.60

FACTORY BUILT HOMES

Sections:

- 17.60.010 Placement Allowed

17.60.020 Basic Requirements

- 17.60.010 Placement Allowed: An individual factory built home may be placed on an individual single-family lot within any residential zone, providing it meets certain basic requirements as set out in Section 17.60.020.
- 17.60.020 Basic Requirements: The following are the basic requirements that must be met if a factory built home is to be placed in a residential zone:
- A. A factory built home must bear a state insignia from the Department of Labor and Industries, showing compliance with RCW 43.22.450 - 43.22.490 describing the rules and regulations for factory built housing.
 - B. Foundations for factory built homes must be provided in accordance with provision of the State Building Code. The home must then be adequately anchored to its foundation.
 - C. A factory built home unit must comply with all applicable codes for sewage disposal, water supply, and other utilities.
 - D. A factory built home unit must meet all setback and other requirements of the zoning title or subdivision regulations.

CHAPTER 17.65

MANUFACTURED HOME PARKS

Sections:

- 17.65.010 Intent
- 17.65.020 Binding Site Plan
- 17.65.030 Permitted Uses and General Requirements
- 17.65.040 Manufactured Home Parks - Where Permitted
- 17.65.050 Prohibited Uses
- 17.65.060 Density
- 17.65.070 Park size
- 17.65.080 Setbacks and Separations
- 17.65.090 Walkways
- 17.65.100 Screening
- 17.65.110 Landscaping and Park Maintenance
- 17.65.120 Space Numbering
- 17.65.130 Signs
- 17.65.140 Parking Requirements
- 17.65.150 Utility Requirements
- 17.65.160 Common Open Space

- 17.65.170 Building Height
 - 17.65.180 Structures Over Public Easements or Right-of-Way
 - 17.65.190 Use Impacts
 - 17.65.200 Storage Area
 - 17.65.210 Drainage and Storm Water Control
 - 17.65.220 Roads and Streets
 - 17.65.230 Skirting
 - 17.65.240 Lighting
 - 17.65.250 Additions and Separate Accessory Buildings or Structures
 - 17.65.260 Satellite Receiving Antennas
 - 17.65.270 Reserved
 - 17.65.280 Park Administration
 - 17.65.290 Permit
 - 17.65.300 Set Up
 - 17.65.310 Insignia Requirement
 - 17.65.320 Variances
 - 17.65.330 Interpretations and Rulings
 - 17.65.340 Appeals
 - 17.65.350 Issuance of a Business License or a Certificate of Occupancy
 - 17.65.360 Non-Conforming Use
- 17.65.010 Intent: The purpose of this ordinance is to provide a means for the establishment and operation of manufactured home parks within the City of Royal City; to ensure a suitable living environment for owners of manufactured homes located within manufactured home parks; and, to establish standards to promote the health, safety, and general welfare.
- 17.65.020 Binding Site Plan: Manufactured home parks shall be established pursuant to the provisions of this chapter and Chapter 17.49 entitled "Binding Site Plan".
- 17.65.030 Permitted Uses and General Requirements: Subject to the provisions of this chapter, the following uses are permitted in a manufactured home park.
- A. Manufactured home units.
 - B. Additions to manufactured home units.
 - C. Accessory structures or buildings.
 - D. Recreational facilities located within the manufactured home park and intended solely for the use of the residents or the residents guests.
 - E. Bulk storage areas for materials and equipment owned by residents and located within the manufactured home park and limited to use by the

residents.

- F. Buildings and structures necessary for the operation of a public utility.
- G. Home occupations in compliance with Chapter 17.55 of this title.
- H. No space shall be rented or leased within a manufactured home park except for a manufactured home unit.
- I. The sale of manufactured home spaces within a manufactured home park is prohibited. Manufactured home park Binding Site Plans shall not authorize the sale or transfer of ownership of a space or spaces within a manufactured home park.
- J. No person, company, or corporation shall establish a new manufactured home park without first complying with the provisions and standards of this chapter and obtaining all necessary permits and approval.

17.65.040 Manufactured Home Parks - Where Permitted: Manufactured home parks are allowed in the R-2 and R-3 Zones as a conditional use subject to review and approval of the Planning Agency and in compliance with the standards and requirements of this chapter and the standards of the underlying zone. The standards and requirements of this chapter shall supersede the standards and requirements of the underlying zone.

17.65.050 Prohibited Uses: Any use not expressly permitted outright or as a conditional use in this chapter shall be prohibited, including but not limited to the following examples.

- A. Commercial uses except as provided in this chapter.
- B. Industrial uses.
- C. Keeping of livestock, poultry, rabbits, or bees.
- D. Occupancy of recreational vehicles
- E. Public nuisances as defined in this title.
- F. Outside storage , collection, or dumping of dismantled, partly dismantled, or wrecked vehicles, trailers, machinery or their parts.
- G. Outside storage or collection of any junk, scrap, garbage, unsightly material, litter, or debris.

- H. Abandoned sheds or buildings in a state of disrepair.
- I. Any use which does not or is not capable of conforming with the requirements of this chapter.
- J. Placement of Mobile Homes in any space intended for Manufactured Homes

17.65.060 Density: Manufactured home parks shall be developed at a density of not more than ten (10) dwelling units per acre.

17.65.070 Park Size: There shall be no minimum or maximum required manufactured home park size.

17.65.080 Setbacks and Separations: Setbacks and separations in the manufactured home park shall be as follows:

A. Set Backs:

1. The set back from a private road shall be ten feet (10') exclusive of hitches or towing devices.
2. The set backs from a public right-of-way shall be fifteen feet (15').
3. The set back from the exterior park boundary not abutting upon a public right-of-way shall be ten feet (10'). Except that separate accessory buildings or structures attendant to a manufactured home unit may be located not closer than five feet (5') from the exterior property line of a manufactured home park not abutting upon a public right-of-way.
4. Attached or free standing additions to a manufactured home unit including carports, awnings, storage rooms, habitable rooms, and other similar structures or buildings shall be considered to be a part of the manufactured home unit for set back purposes.
5. Open stairs, decks, and landings no higher than the floor level of the manufactured home unit may encroach to within five feet (5') of a private road, public right-of-way, or from the exterior park boundary.

B. Separations:

1. Manufactured home units and habitable additions thereto having a minimum 2 x 6 stud and sheet rock exterior wall construction or equal fire resistive wall construction shall maintain a minimum ten foot (10') separation from one manufactured home unit to another manufactured home unit of similar construction. Manufactured home units of lesser fire resistive exterior wall construction shall maintain a twenty foot (20') separation from one manufactured home unit to another manufactured home unit.
2. Attached or free standing non-habitable additions appurtenant to a manufactured home including stairs, decks, landings, awnings, carports, storage rooms, and other structures or buildings shall maintain a six foot (6') separation from another manufactured home.
3. Separate accessory buildings or structures shall not be located closer than six feet (6') from its attendant manufactured home or additions except as may be permitted by the Uniform Building Code.
4. Separate accessory buildings or structures attendant to one manufactured home unit shall not be located closer than six feet (6') from another manufactured home unit and its attendant additions or accessory buildings or structures.

- 17.65.090 Walkways: The manufactured home park shall contain designated hard surface pedestrian walkways to and from all service and recreation facilities; and between locations where pedestrian traffic might interfere with vehicular traffic.
- 17.65.100 Screening: The manufactured home park shall be enclosed on all sides with a permanently maintained sight obscuring fence, wall, berm, or combination thereof six feet (6') in height and tapering to a maximum of four feet (4') in height at the park entrances as approved by the City Engineer to ensure adequate sight distance.
- 17.65.110 Landscaping and Park Maintenance: Landscaping shall comply with Chapter 17.57. All natural and artificial barriers, driveways, lawns, trees, landscaping, buildings, occupied and unoccupied manufactured home spaces, recreation areas, and open spaces shall be continually maintained.
- 17.65.120 Space Numbering: Every manufactured home space shall be identified with an individual number in logical sequence which is uniformly located and clearly visible from the private street and so shown on the official binding site plan.

- 17.65.130 Signs: Signs identifying the manufactured home park shall conform to the applicable sign ordinance.
- 17.65.140 Parking Requirements:
- A. There shall be provided and maintained on each manufactured home space at least two (2) parking spaces. Each parking space shall contain a minimum area of one hundred eighty (180) square feet with a minimum width of nine feet (9') and minimum length of twenty feet (20').
 - B. In addition to occupant parking, guest parking shall be provided within the manufactured home park at a ratio of not less than .50 parking spaces for each manufactured home space. Such parking shall be hard surfaced and reserved solely for guest parking. Such parking shall be conveniently arranged throughout the manufactured home park or provided in parking lanes.
- 17.65.150 Utility Requirements:
- A. All manufactured home parks shall provide permanent electrical, water, and sewage disposal connections to each manufactured home in accordance with the applicable federal, state, and local regulations. All sewage and wastewater shall be discharged into a public sanitary sewer system.
 - B. All water, sewer, electrical, communication, and natural gas lines shall be installed underground except for access terminals and shall be approved by the agency or jurisdiction providing the service. Public utility shut off valves, meters, and regulators shall not be located beneath manufactured home units, additions, or accessory buildings or structures.
- 17.65.160 Common Open Space: A minimum of four hundred thirty-five (435) square feet per manufactured home unit shall be set aside and maintained as common open space for the manufactured home park. Such space and location shall be accessible and usable by all residents of the park. Parking space(s), driveways, storage areas, and private streets are not considered to be usable open space. The open space shall be of such grade and surface suitable for active or passive recreation. The following minimum ground area per manufactured home unit shall not be included as common open space:
- A. Single wide - 3,200 square feet
 - B. Double wide - 4,300 square feet

C. Triple wide - 5,400 square feet

Deviation from the common open space requirements of this section may be permitted by the Planning Agency as a conditional use in compliance with Chapter 17.51, entitled "Conditional and Unmentioned Uses," and the provisions of this chapter.

- 17.65.170 Building Height: No building or structure shall exceed thirty feet (30') in height.
- 17.65.180 Structures Over Public Easements or Right-of-Way: No building or structure shall be placed or constructed over a public easement or over dedicated right-of-way, except that fences may be placed over a public easement to the city subject to permission from the City of Royal City.
- 17.65.190 Use Impacts: Uses within a manufactured home park shall not inflict upon adjacent property or upon adjacent manufactured home units smoke, dust, glare, odor, vibration, noise, electrical interference, or excessive hazard. Noise in a manufactured home park shall not exceed the standards set forth in this Code.
- 17.65.200 Storage Area: A bulk storage area shall be provided for the storage of materials and equipment owned by the residents of the manufactured home park. A minimum of three hundred square feet (300') of space exclusive of driveways shall be provided for every ten (10) manufactured home units. Bulk storage areas shall be contained within the manufactured home park. Access to the storage area shall be through the manufactured home park. Access to the storage area shall not be onto a public street. A six foot (6') high sight obscuring fence shall be erected and maintained around the perimeter of the storage area. The requirements of this section shall be waived when the manufactured home park developer/ owner agrees to prohibit storage of such items in the manufactured home park and such prohibition is inscribed on the face of the binding site plan.
- 17.65.210 Drainage and Storm Water Control: Storm water run off or drainage shall be controlled and contained on-site except where adequate off-site storm water drainage systems are available. Storm water runoff and/or drainage resulting from the manufactured home park must be controlled so that water will not flow onto a public sidewalk or onto adjacent property except when water flows in a natural course from one property to another. Drainage into a city street gutter must be approved by the City Engineer. Manufactured home parks shall provide for on-site or off-site detention or control of excess storm water or drainage resulting from the use. The manufactured home park shall not cause down stream property owners to receive storm water run off at a higher peak flow than would have resulted from the same event had the use or improvement not been present.
- 17.65.220 Roads and Streets:

- A. All interior roads for manufactured home parks shall be private roads. All private roads shall be designed and maintained to carry emergency vehicles.
- B. Private road access to the manufactured home park shall be consistent with the existing pattern of vehicular movement and parking on public streets.
- C. Public streets shall be constructed to city design standards current at the time of construction.
- D. Vehicular movement, parking, and private streets shall be in compliance with the approved binding site plan.
- E. Vehicular movement and parking generated from a new manufactured home park shall not exceed the design capacity of public collector or public minor streets serving the new development.
- F. There must be vehicular and pedestrian access from a dedicated and improved public street(s) to the manufactured home park.
- G. Private roads and parking lanes shall have hard surface depths as proposed by a licensed engineer and approved by the City Engineer.
- H. Park roads and parking lanes shall have widths as follows:
 - 1. One way roads shall be a minimum of twenty-two feet (22') in width.
 - 2. Two way roads shall be a minimum of thirty feet (30') in width.
 - 3. Parking lanes shall be a minimum of ten feet (10') in width.
- I. Parking lanes shall be hard surfaced.
- J. A cul de sac turn around shall have a minimum pavement width of twenty feet (20') and a minimum diameter of fifty feet (50'), exclusive of any parking area.

17.65.230 Skirting: All manufactured homes shall have compatible foundation fascia of fire and weather resistant material, which must be continually maintained.

17.65.240 Lighting: Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid

adverse impact from glare on adjacent property.

17.65.250 Additions and Separate Accessory Buildings or Structures:

- A. Additions to manufactured home units and separate accessory buildings or structures shall be constructed in compliance with the standards specified by local codes including the State Building Code and the Mechanical Code, Plumbing Code and Fire Code adopted therein, and the requirements of the Department of Labor and Industries as may be applicable.
- B. Additions and accessory buildings or structures shall maintain the set back and separation requirements of this chapter.
- C. Additions or accessory structures shall not exceed sixteen feet (16') in height.

17.65.260 Satellite Receiving Antennas: Satellite receiving antennas shall be sited in compliance with the set back and separation standards of this chapter.

17.65.270 Reserved.

17.65.280 Park Administration: The owner and/or authorized operator of the manufactured home park shall be responsible for ensuring the maintenance of the manufactured home park and compliance with the provisions of this chapter.

17.65.290 Permit: Prior to the location, relocation, establishment, or initial occupancy of any manufactured home, the manufactured home owner or authorized representative shall obtain a set up permit from the City. Application for the permit shall be on forms prescribed and furnished by the City. The permit fee shall be established by the City. Each permit issued by the City shall be valid until the manufactured home is moved to another location.

17.65.300 Set Up: All manufactured homes shall be set up in accordance with the manufactures specifications and as required by the building official in accordance with any applicable federal, state, or local regulations.

17.65.310 Insignia Requirement: All manufactured homes not established as a residence within the city prior to the effective date of this ordinance shall bear the insignia of approval by the State of Washington or the U.S. Department of Housing and Urban Development indicating compliance with 42 U.S.C. Sec. 5401-5403 standards (as amended in 2000).

17.65.320 Variances, Waivers Deviations and Deferrals:

- A. Zoning: A variance of the bulk standards, the performance standards, and the dimensional standards of this chapter may be obtained through the Hearing Examiner in compliance with the provisions of Royal City Municipal Code 17.70 entitled, "Hearing Examiner".
- B. Design: A variance of the city design standards or of the requirements of Chapter 17.26 of the Royal City Municipal Code entitled "Binding Site Plan" may be obtained in compliance with City Code
- 17.65.330 Interpretations and Rulings: Recognizing that there may be ambiguities in any ordinance and that it may be necessary to obtain an interpretation or ruling regarding intent, interpretation, or definition, the Planner may forward a request to the Planning Agency for an interpretation or ruling regarding the application of the provisions of this chapter to any existing or proposed use.
- 17.65.340 Appeals: Any decision made by any administrator, officer, board, or Agency in carrying out the provisions of this chapter may be appealed as provided for in Chapter 18.11.
- 17.65.350 Issuance of a Business License or a Certificate of Occupancy: No certificate of occupancy or business license may be issued by the city for new development until the premises have been inspected by the Building Official and found to be in compliance with the provisions and requirements of this chapter.
- 17.65.360 Non-Conforming Use: Any land use, structure, lot of record or sign which was legally established prior to the effective date of this ordinance or subsequent amendment to it and which could not be permitted to be established as a new use in a zone in which it is located by the regulations of this ordinance, may be permitted to continue as a legal non-conforming use in compliance with Chapter 17.69 entitled "Non-Conforming Uses".

CHAPTER 17.67

PLANNED DEVELOPMENT DISTRICT OVERLAY ZONE

Sections:

- 17.67.010 Purpose
- 17.67.020 Permitted Planned Development Districts
- 17.67.030 General Planned Development District Application Requirements
- 17.67.040 Preliminary Planned Development District Requirements
- 17.67.050 Planned Development District Design Standards
- 17.67.060 Referral to Other City Departments
- 17.67.070 Planning Agency Public Hearing

17.67.080	Notice
17.67.090	Planning Agency Action
17.67.110	City Council Action
17.67.120	Final Planned Development District Application and Map
17.67.130	Final Review
17.67.150	Final Approval
17.67.160	Landscape Performance Bond
17.67.170	Street and Utility Improvements Performance Bond
17.67.180	Extension of Bond or Security Time Limit
17.67.190	Maintenance Bond
17.67.200	Inspection of Improvements
17.67.210	Changes and Modifications
17.67.220	Repeal of Planned Development District Overlay Ordinance

17.67.010 Purpose:

- A. The purpose of the planned development district ordinance is to allow some flexibility in the design of clustered residential, commercial, or industrial uses with sufficient and appropriate collective open space or a mixture of such uses by permitting specific modifications of the bulk and use regulations and performance standards of the underlying zone(s) as applied to a particular parcel of land. A planned development district is a floating district. Each approved planned development district is superimposed on the underlying zone to the extent that the planned development district shall modify and supersede the bulk and use regulations and performance standards of the underlying zone.
- B. A planned development district shall:
 1. Encourage flexibility in design and development that will result in a more efficient and desirable use of the land.
 2. Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, open spaces, off-street parking areas, and otherwise to better utilize the potentials of the site characterized by special features such as but not limited to geography, topography, or shape.
 3. Provide for maximum efficiency in the layout of streets, utilities, and other public improvements.
 4. Produce an integrated or balanced development of mutually supportive uses that might be otherwise inharmonious or incongruous.

17.67.020 Permitted Planned Development Districts:

- A. Planned development districts may be approved for any use or combination of uses listed in Chapter 17.12 through Chapter 17.65 of this title as currently existing. The uses permitted in any specific planned development district shall be enumerated in the ordinance establishing the planned development district.
- B. Approved planned development districts are permitted in all commercial, residential, and industrial zones existing in the City of Royal City's Municipal Code.
- C. Planned development districts may be used for the following types of development:
 - 1. Planned Unit Developments: An area to be planned and developed as a single district containing one or more residential clusters with sufficient and appropriate collective open space and one or more public, quasi-public, commercial, and/or industrial areas.
 - 2. Planned Unit Residential Development: An area to be planned and developed as a single district and containing one or more residential clusters with sufficient and appropriate collective open space. Appropriate commercial, public, or quasi-public uses may be included if such uses are for the exclusive benefit of the residential development.
 - 3. Planned Commercial Developments: An area to be planned, developed, operated, and maintained as a single district with sufficient and appropriate collective open space containing one or more structures to accommodate commercial, retail, business, or office uses or a combination of such uses.
 - 4. Planned Industrial Development: An area to be planned, developed, operated, and maintained as a single entity with sufficient and appropriate collective open space containing one or more structures to accommodate industrial uses.

17.67.030 General Planned Development District Application Requirements:

- A. Pre-Application Conference:
 - 1. Prior to submission of a planned development district application and map(s), the proponent shall schedule a pre-application

conference with the Planner and representatives of other affected city departments. The proponent shall present a conceptual plan of the planned development district including a general outline of the proposal represented by sketch plans. The Planner will respond informally and address potential items of concern to aid the proponent in preparing the planned development district application and map(s).

2. The Planner shall furnish the proponent with a written review of the conference regarding the relationship of the planned development district to the Comprehensive Plan and any applicable city zoning ordinances, design standards, and policies.
- B. Study Session: Prior to the submission of the planned development district application and map(s) to the Planner for action, the Planner shall schedule a Planning Agency study session. The Planner and the planned development district proponent shall present the conceptual planned development district to the Planning Agency so that the Planning Agency may study the proposal.
- C. Planned Development District Application and Maps: The planned development district application and map(s) shall be filed with the Planner on forms prescribed by the Planner. The application shall be accompanied by eleven (11) copies of the planned development district application and map(s). A non-refundable fee established by a resolution of the council shall accompany each and every application for a preliminary planned development district. If a development is planned for the zoning overlay district, a separate fee for the plat or binding site plan shall also be paid per the city's fee schedule for processing such developments.
- D. Environmental Information: Environmental information shall be prepared and submitted in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended and Chapter 14.06 of this Code entitled "Environmental Regulations." Said information is a part of and must accompany the planned development district application and map(s).
- E. Deviations: Requests for deviations of city Design Standards and Community Street and Utility Standards shall be submitted as a part of and must accompany the planned development district application and map(s). The Planning Agency shall recommend to the Council that the requested variance(s) be either approved, conditionally approved, or denied. The Council shall either approve, conditionally approve, or deny the requested

variance(s) based upon the recommendation of the Planning Agency and testimony presented before the Council.

Deviations of city Design Standards and Community Street and Utility Standards shall be listed in the ordinance conditionally approving and establishing the planned development district.

- F. Comprehensive Plan: The planned development district shall be consistent with the city's Comprehensive Plan.
- G. Findings of Fact: Every decision or recommendation made under this chapter by the Planning Agency or Council shall be in writing and shall include findings of fact and conclusions to support the decision or recommendation.
- H. Subdivision Approval: A planned development district for which subdivision or binding site plan approval is required may be submitted as a Planned Development District Short Plat, a Planned Development District Major Plat, or a Planned Development District Binding Site Plan. Such a planned development district shall be submitted and processed in conformance with the appropriate subdivision chapter of the Royal City Municipal Code and the requirements of this chapter. Redundant procedures or technical requirements shall be incorporated into the requirements and procedures of the appropriate subdivision chapter so as to not create unnecessary hardship or delay. Procedurally the preliminary and final planned development district element of a Planned Development District Short Plat, Major Plat, or Binding Site Plan must be approved prior to the required subdivision approvals. Such approvals may be given concurrently by the appropriate approving body.
- I. Titles: Planned development districts shall be appropriately entitled, i.e. Planned Unit Development District, Planned Unit Residential Development District, Planned Commercial Development District, or Planned Industrial Development District.

17.67.040 Preliminary Planned Development District Requirements: The preliminary planned development district application and map(s) shall depict or contain the following information:

- A. A legal description of the total site proposed for development including a statement of the present and proposed ownership and present and proposed zoning.

- B. A statement of the planning objectives to be achieved by the planned development district through the particular approach proposed by the applicant.
- C. An itemized list of the proposed modifications to the bulk and use regulations of the underlying zone(s).
- D. A development schedule indicating the approximate date when construction of the planned development district or stages of the planned development district can be expected to begin and be completed.
- E. A statement of the applicant's intention with regard to the future selling or leasing of all or portions of the planned development district.
- F. Quantitative data for the following: number and type of structures; parcel size; proposed lot coverage by buildings and structures; approximate gross and net residential densities; and the total amount of open space.
- G. Relationship of the property to the surrounding area including identification of adjacent land uses, zoning, and peripheral treatment of the planned development district to maximize compatibility and integration of the planned development district with adjacent uses.
- H. Proposed land uses and approximate building locations or buildable areas.
- I. A general landscape plan.
- J. Existing site conditions including contours at two foot (2') intervals and unique natural features.
- K. A list of the names and addresses of all owners of record of real property within five hundred feet (500') of the external boundaries of the proposed planned development district. In addition, the proponent shall submit a list of the names and addresses of all owners of record of real property within five hundred feet (500') of real property which lies adjacent to the external boundaries of the proposed planned development district and is owned by the proponent.
- L. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas, storage areas, and points of ingress and egress to the planned development district.

- M. Existing and proposed utility systems including sanitary sewers, storm sewers, water, electrical lines, natural gas lines, TV and radio cable lines, and telephone lines.
- N. The proposed pedestrian circulation system.
- O. The proposed treatment of the perimeter of the planned development district, including materials and techniques used such as screens, fences, and walls.
- P. Vicinity map showing adjacent subdivision.
- Q. The method of maintaining common facilities.
- R. Proposed lot lines.
- S. The location and size in areas or square feet of all areas to be conveyed, dedicated, or reserved as common open space, public parks, recreational areas, school sites, streets, and similar public, and semi-public uses.

17.67.050 Planned Development District Design Standards: Planned development districts shall be in compliance with the following design standards:

- A. Perimeters of the planned development district shall maintain all required building setbacks as specified in the applicable zone designation.
- B. The planned development district shall be compatible with adjacent land uses and shall not adversely affect the character of the area in which it is located.
- C. Performance standards for the uses enumerated in the planned development district shall be evaluated in light of the standards established in the Royal City Municipal Code for the underlying zone.
- D. Population density and building intensity shall be evaluated in light of the densities and intensities permitted in the underlying zone.
- E. All dedicated right-of-ways within a planned development district shall be evaluated in accordance with city street and utility standards. The location of sidewalks may be varied as deemed appropriate when it is found that the planned development district plan provides for the separation of vehicular and pedestrian circulation patterns.

- F. The vehicular movement and parking plan shall be consistent with the existing vehicular movement and shall not create an overburden.
1. Private streets are permitted. All private streets or roadways shall have direct access onto a dedicated street. Private streets and roadways shall be constructed in compliance with city street and utility standards subject to modification with Council approval. All private streets and roadways shall be designed and maintained to carry emergency vehicles.
 2. Off-street parking spaces and loading areas shall be provided as specified in Chapter 17.54 of this title. Parking areas shall be designed and constructed according to APWA standards. Parking lots for more than twenty-five (25) vehicles shall be interspaced with landscaped areas.
 3. The planned development district shall be located with respect to existing right-of-ways which are adequately designed to handle the generated traffic without creating additional traffic along minor streets in residential neighborhoods.
 4. Planned development district's shall be so located with respect to schools, parks, playgrounds, and other public facilities so as to have access in the same degree as would development in a form generally permitted in the area.

G. Utilities:

1. All utilities including electrical lines, telephone lines, and cable TV and radio lines shall be installed underground except for access terminals in residential zones or residential areas of a planned development district and commercial zones or commercial areas of a planned development district.
2. Planned development district's shall be so located in relation to sanitary sewers, water mains, storm and surface drainage systems, and other utility systems and installations that will be of adequate size to properly serve the planned development district and conform to the Comprehensive Water and Sewer Plan.

17.67.060 Referral to Other City Departments:

- A. Upon receipt of a complete and satisfactory preliminary planned development district application and map(s), the Planner shall distribute

copies of the preliminary planned development district to each of the following offices, departments, or agencies within two working days of receipt:

1. Public Works Department
2. Fire Department
3. Police Department
4. Building Official
5. Park and Recreation Department
6. PUD
7. Gas Company
8. Telephone Company
9. Cable Company

- B. Each department, office, or agency may file written recommendations with the Planner within fifteen (15) days from the date of filing of the planned development district with the Planner.
- C. The Planner may determine that a meeting shall be held to resolve major issues identified as a result of the recommendations. The proceedings and results of such a meeting shall be documented by minutes.

17.67.070 Planning Agency Public Hearing: When the Planner determines that the completed planned development district application and map(s) is acceptable the Director shall set a date for a public hearing on the planned development district before the Planning Agency.

17.67.080 Notice: The Planner shall give notice of the application and public hearing in the manner provided in Chapter 18.07.

17.67.090 Planning Agency Action:

- A. The Planner shall transmit the planned development district application and map(s), respective comments and recommendations from other offices, agencies, and city departments, and Planner comments and recommendations to the Planning Agency prior to the hearing.

- B. The Planning Agency shall review the planned development district application and map(s), municipal recommendations, testimony, and exhibits submitted at the hearing and make recommendations to the Council to assure conformance of the proposed planned development district with the provisions of this chapter and a determination that:
1. The planned development district shall be compatible with nearby developments and uses.
 2. Peripheral treatment insures proper transition between planned development district uses and nearby external uses and developments.
 3. The development will be consistent with the Comprehensive Plan and with the purpose of a planned development district.
 4. The planned development district can be completed within a reasonable period of time.
- C. Upon Planning Agency review of a planned development district application and map(s), the Planner shall prepare an ordinance providing for the designation of the subject property as a planned development district. That ordinance shall establish the planned development district as a floating district to be superimposed over the existing zone and provide for specific modifications of the bulk and use regulations and performance standards as provided for in the ordinance. The ordinance shall specify the specific modifications to the underlying zone's bulk regulations and performance standards. The ordinance shall provide that the applicant or the applicant's successor in interest shall be bound to the uses and modifications specified in the ordinance.
- D. The ordinance providing for the designation of the subject property as a planned development district shall conditionally approve the preliminary planned development district. The ordinance shall only confer development rights upon the applicant or the applicant's successor in interest upon the submission and approval of a final planned development district application and map(s) which shall be in substantial conformity with the preliminary planned development district application and map(s). Approval for the applicant to proceed with construction shall be contingent upon receipt and approval by the Council of a final planned development district application and map(s).

- E. The Planning Agency shall enter findings, conclusions, and decision that shall recommend to the City Council approval of an ordinance providing for the establishment of a planned development district.

17.67.110 City Council Action: Pursuant to Section 18.09.030 of this Code, the Council shall consider and adopt or reject the ordinance with respect to the recommendations of the Planning Agency.

17.67.120 Final Planned Development District Application and Map(s): Upon preliminary planned development district approval, the applicant shall prepare a final planned development district application and map(s) as needed.

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

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

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

- A. A title report from a title company licensed to do business in the State of Washington dated within thirty (30) days of the date of filing of the final planned development district application and map(s) confirming that the title of the lands described and shown on the application and/or map(s) is in the name of the owners signing the planned development district application and map(s) and/or instrument of dedication.

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

- B. Three (3) complete sets of preliminary construction plans and specifications prepared by a professional engineer licensed by the State of Washington showing all street and utility improvements required by the Council in granting planned development district approval. All construction plans and specifications shall be in conformance with city

design standards and the community street and utility standards. Construction plans and specifications must be approved by the City Engineer prior to the submission of the final planned Development District to the Council for approval.

1. Preliminary construction plans and specifications shall be submitted in compliance with Chapter 16.17.120 (A and B) of this Code entitled Major Subdivision, subsection Improvements.
- C. Required dedication of all streets, rights-of-way, parks, playgrounds, easements, reservation, irrigation water rights-of-way, and any area to be dedicated to public use, together with any restrictions or limitations thereon shall be submitted for Council approval and acceptance as a part of the final planned development district plan map(s) or as a separate instrument of dedication.
- D. All covenants proposed to run with the land.
- E. A non-refundable fee established by a resolution of the council shall accompany each and every application for a final planned development district approval.

17.67.130 Final Review:

- A. Planning Agency Action: Within forty-five (45) days of filing of the complete and satisfactory final planned development district application and map(s) with the Planner, the Planner shall set a date for Planning Agency review of the final planned development district application and map(s). The Planning Agency shall approve or disapprove the final planned development district application and map(s) unless the subdivider consents to an extension of such time period in writing.
- B. If the Planning Agency finds that the planned development district proposed for final approval conforms to all terms of the preliminary planned development district approval, the requirements of this chapter, applicable state laws, and any other requirements that were in effect at the time of preliminary planned development district approval, it may recommend approval of the final planned development district application and map(s).

17.67.150 Final Approval: No building permit shall be issued until final Council approval of the planned development district and/or until completion and/or fulfillment of the subdivision or binding site plan requirements of the Royal City Municipal Code.

17.67.160 Landscape Performance Bond:

- A. No building permit shall be issued until the applicant has posted a performance bond or other approved security in a form satisfactory to the City Attorney in such an amount to cover one hundred and fifty percent (150%) of the cost of completing all landscaping improvements as required by the Council in approving the final planned development district. All landscaping improvements listed in the bond or security must be completed within two (2) years of Council approval of the final planned development district.
- B. In the event that all landscaping improvements are not completed within the time limit specified in the performance bond or approved security, the bond may be forfeited and the city may undertake the installation and completion of all required landscape improvements.

17.67.170 Street and Utility Improvements Performance Bond:

- A. No building permit shall be issued until the applicant has posted a performance bond or other approved security in a form satisfactory to the City Attorney in such an amount to cover one hundred and fifty percent (150%) of the estimated cost, as determined by the City Engineer of all street and utility improvements required by the Council in granting planned development district approval. All street and utility improvements must be completed within two (2) years of Council approval of the final planned development district.
- B. In the event that all street and utility improvements are not completed within the time limit specified in the performance bond or approved security, the bond or security may be forfeited and the city may undertake the installation and completion of all required street and utility improvements.

17.67.180 Extension of Bond or Security Time Limit:

- A. The council may grant one (1) extension of any performance bond or approved security required by this chapter not to exceed one (1) year provided that the request for an extension is filed with the Planner at least sixty (60) days prior to the expiration date of the bond or security.
- B. In the event that a time extension is granted, a new performance bond or other approved security shall be submitted in an amount sufficient to cover one hundred and fifty percent (150%) of the cost of completing utility and street improvements or landscaping improvements. The bond will be

updated with new estimates of cost on all uncompleted improvements and all increased costs shall be passed onto the bond.

- C. Departments issuing recommendations for new performance bonds or approved security shall not modify the terms and requirements of the bond or security other than to pass on all increased cost estimates as determined by the City Engineer to the bond or security to cover the cost of completing utility and street improvements and/or landscaping improvements without the written consent of the applicant.

17.67.190 Maintenance Bond: Upon completion of the required public improvements and prior to acceptance by the Council, the subdivider/ developer must submit a maintenance bond or alternative security approved by the City Attorney in an amount determined by the City Engineer and approved by the City Engineer. The maintenance bond amount shall be one hundred percent (100%) of the actual cost of construction. An alternative security shall be in an amount not less than ten percent (10%) nor more than one hundred percent (100%) of the actual cost of construction. The amount shall be determined on a case by case basis based upon the City Engineer's estimated cost of repair or maintenance should repair or maintenance be required. The subdivider/developer shall submit documentation of the cost of construction to the City Engineer for his review and approval and use in determining the required bond or alternative security amount.

17.67.200 Inspection of Improvements: The City Engineer or a licensed professional engineer or engineering firm hired by the city shall be responsible for the inspection of all public or dedicated planned development district street and utility improvements to insure conformance with the approved plans and specifications. The applicant shall deposit an inspection fee in the amount of two and a half percent (2 1/2%) of the estimated cost of construction. The inspection fee shall be based on the actual cost of labor, materials, and equipment plus fifteen percent (15%) for overhead. If the cost is less than the amount deposited, the difference will be refunded.

17.67.210 Changes and Modifications:

- A. Major changes in the approved final planned development district shall be considered as a new application for preliminary planned development district approval. Major changes include, but are not limited to, the following:
 - 1. Change in use.
 - 2. Major change in vehicular circulation system.
 - 3. Increase in density or relocation of density pattern.
 - 4. Change in exterior boundaries except survey adjustments.
 - 5. Increase in building height.
- B. The Planner may approve changes in the final planned development district which are minor and of a technical nature and which are consistent with the approved plan.

17.67.220 Repeal of Planned Development District Overlay Ordinance:

- A. The Planner shall prepare and submit to the Planning Agency a proposed ordinance providing for the repeal of the ordinance establishing the planned development district upon the occurrence of the following:
 - 1. A final planned development district application and map(s) has not been submitted within three (3) years of adoption of the ordinance conditionally approving and establishing the planned development district unless an application for an extension has been approved by the Planning Agency.
 - 2. Construction has not commenced within two (2) years of final planned development district approval or in compliance with the final approved planned development district construction schedule

unless an application for an extension has been approved by the Planning Agency.

B. Application for Time Extension:

1. Sixty (60) days prior to the first reading of an ordinance to repeal the ordinance establishing the planned development district, the responsible party of record representing the planned development district shall be notified by certified letter via U. S. mail of the pending action and shall be afforded the opportunity to submit an application or an extension of the planned development district ordinance.
2. The Planning Agency may grant one (1) extension not to exceed one (1) year of the ordinance establishing the planned development district.
3. Application for an extension shall be made to the Planning Agency at least thirty (30) calendar days prior to the scheduled date of a first reading of the repeal ordinance. A non-refundable application fee established by a resolution of the council shall accompany each and every application for an extension.
4. The application shall include a statement of mitigating and/or hardship circumstances necessitating the request for an extension.
5. At a public meeting of the Planning Agency there shall be a consideration of a recommendation to the Council to adopt a repeal ordinance. At consideration of the recommendation to the Council to adopt the repealing ordinance the Planning Agency may grant the requested extension based upon the testimony given at the meeting.
6. If the extension is approved, the consideration of a recommendation to the Council concerning a repealing ordinance will be redocketed for consideration at the termination of the one (1) year extension period. In the event that a final planned development district application and map(s) has not been submitted within the one (1) year extension period or in the event that construction has not commenced within the one (1) year extension, there shall be a recommendation to the Council to repeal the ordinance creating the planned development district.

CHAPTER 17.69

NON-CONFORMING USES

Sections:

- 17.69.010 Continuation of Non-Conforming Use
- 17.69.015 Non-Conforming Uses, Conditions Upon Continued Existence When - Procedure
- 17.69.020 Non-Conforming Structure
- 17.69.030 Change of a Non-Conforming Use
- 17.69.040 Change of District
- 17.69.050 Remodeling a Non-Conforming Use
- 17.69.060 Rebuilding Duplexes in R-1 Zones

- 17.69.010 Continuation of Non-Conforming Use: The use of land existing at the time of the passage of the ordinance codified in this title although such use does not conform to the provisions of this title, may continue upon such conditions as prescribed by the Planning Agency. After this ordinance becomes effective, and if such non-conforming use is abandoned, or is discontinued for a period of six months or more, subsequent use of the land shall be in conformity with the provisions of this title. The extension of a non-conforming use to a portion of a structure which was arranged or designed for the non-conforming use at the time the ordinance codified in this title becomes effective, shall not be considered an extension of a non-conforming use.

The conditions prescribed by the Planning Agency for the continued use of a non-conforming use must bear a substantial relation to the alleviation of a hazard to the health, morals, safety, or general welfare of the entire affected community and in particular that of surrounding inhabitants. Conditions may be prescribed including, but not limited to, those situations existing because of fumes, odors, glare, noise, smoke, dust, unsightly materials, or other objectionable factors. If, in fact, conditions are prescribed by the Planning Agency because of the continuation of the non-conforming use, the matter is to be reviewed by the Planning Agency no less frequently than two years and/or upon change of ownership.

An appeal may be taken of the Planning Agency's rulings to City Council as prescribed in Chapter 18.11.

- 17.69.015 Non-Conforming Uses, Conditions Upon Continued Existence, When, Procedure:
- A. Those non-conforming uses allowed to continue to exist pursuant to Section 17.69.010, as now enacted or as hereafter amended, may be conditioned as provided in this section.
 - B. The Planner, upon receipt of any claim, complaint, report, or information that a non-conforming use exists within the city shall investigate such

claim, complaint, report, or information and make a determination as set forth below.

- C. At the conclusion of his investigation, the Planner shall determine if the use is a non-conforming use.
- D. If the use is found to be a non-conforming use, the Planner shall determine whether or not the use is allowed to continue pursuant to Section 17.69.010. If the use is not found to be a use allowed to continue pursuant to Section 17.69.010, the Planner shall proceed as provided in this chapter to terminate the use.
- E. If the use is found to be a non-conforming use allowed to continue pursuant to Section 17.69.010, the Building Official, Fire Chief, and Planner shall make written summary of their findings and submit them, together with any conditions that, in their opinion, should be attached to the use, to the Planning Agency.
- F. Upon completion of the documentation described in subsection B, the Planning Agency shall proceed to set a date for a public hearing within sixty (60) days of the receipt of the information, unless waived by the subject property owner, before the Planning Agency. The purpose of that hearing shall be to determine what conditions, if any, shall be attached to the continuing non-conforming use pursuant to 17.69.010. Notice of the hearing shall be published at least once prior to the hearing in a newspaper of general circulation in the city. Additionally, the Planner shall cause notice of the public hearing to be delivered to the adjacent land owners and occupants by mailing, posting, or personal notification, whichever the Planner determines is likely to give actual notice of the hearing to those persons.
- G. At the conclusion of the public hearing, the Planning Agency shall make a finding on whether or not conditions need to be imposed pursuant to Section 17.69.010. If the Planning Agency finds conditions are necessary, it shall make findings as to what conditions and the reasons therefore.
- H. Any non-conforming use found to be required to be conditioned, will be allowed to continue as long as the person, firm, partnership, or corporation responsible for that non-conforming use agrees to abide by and be governed by the conditions imposed by the Planning Agency within the time limit set by the Planning Agency. The conditions imposed by the Planning Agency may be for a period of up to 24 months. The Planning Agency may require more frequent review of the conditions imposed on the use as it may direct at the initial public hearing or any subsequent review.

- I. Additionally, the Planner may bring a set of conditions on for review before the date provided at the time the conditions were set, upon a complaint being brought to its attention by the Planner or any citizen. The Planning Agency shall determine from a review of the complaint whether or not the allegation is sufficient to warrant a further hearing on the question. If a further hearing is deemed appropriate, the Planning Agency shall cause to be sent to the person, firm, partnership, or corporation responsible for the non-conforming use a notice of a hearing before the Planning Agency setting the date, time, and place of the hearing. The notice shall provide, in all capital letters, in a conspicuous place thereon: "THIS HEARING COULD DETERMINE WHETHER OR NOT YOUR NON-CONFORMING USE IS ALLOWED TO CONTINUE." Said notice shall be delivered in the same manner as personal service of summons to the responsible person, or posted upon the real property in question, or sent by United States mail service, postage prepaid, to the address of the responsible person. Said notice shall allow the responsible party five days time before the hearing within which to prepare, unless the Planning Agency findings at the time it considers the allegation of non-compliance that the public health, safety, and morals require a hearing before that time.
- J. Either prior to or at least at the time of the hearing to consider the allegations of complaint concerning non-compliance with conditions, the Planning Agency shall inform the person, firm, partnership, or corporation responsible for the non-conforming use of the notice of the alleged violation. The Planner shall present the evidence of the failure to comply. The responsible person shall then be allowed to respond if that person so desires. The Planning Agency shall then make its findings. It shall find whether or not the conditions have been violated; whether or not any violation has occurred of such magnitude to require additional conditions, more frequent reviews of conditions, or termination. If termination of the privilege to continue the non-conforming use is determined by the Planning Agency as the only method that can protect the public health, safety, and morals to an acceptable degree, the Planning Agency shall determine the date and time of termination. Once the privilege is terminated for failure to observe conditions, the Planning Agency shall proceed to direct the Planner to enforce the provisions of this chapter to terminate the use.
- K. Any person aggrieved by the decision of the Planning Agency may appeal to the City Council as provided in Chapter 18.11.

17.69.020 Non-Conforming Structure: A structure conforming with respect to use but non-conforming with respect to height, setback, or coverage may be altered or extended if the alteration or extension does not deviate further from the standards of this title, unless otherwise stated in this chapter.

- 17.69.030 Change of a Non-Conforming Use: If a non-conforming use is replaced by another use, the new use shall conform to this title and shall not subsequently be replaced by a non-conforming use.
- 17.69.040 Change of District: The provisions of this chapter shall also apply to non-conforming uses in districts hereafter changed or established and any time limit for the suspension of a non-conforming use of land shall date from the date of the enactment of the ordinance codified in this title or any amendment of district boundaries.
- 17.69.050 Remodeling a Non-Conforming Use: Recognizing that there are non-conforming buildings or structures which are now existing which should be upgraded or improved by replacement, rebuilding, or addition thereto, the City Council may, after a public hearing before the Planning Agency, issue a permit for the replacement, rebuilding, or addition to an existing non-conforming building or structure. As a condition to the issuance of the permit the City Council shall require plans and specifications of the proposed replacement, rebuilding, or addition be filed and that a bond in an amount to be set by the Council be posted to assure compliance with the plans and specifications so filed. No permit shall be issued unless the City Council finds that the proposed replacement, rebuilding, or addition will be compatible with the lot or tract of land involved and, further, that it will not be detrimental to the health, safety, or welfare of the surrounding area.

The aforesaid section shall not apply to duplexes in areas currently zoned R-1 or areas subsequently zoned R-1 either through a rezoning or upon territory being annexed into the corporate limits of the City of Royal City which are intended to be replaced, rebuilt, or added to totally or partially because of destruction. In the case of such replacement, rebuilding, or addition Section 17.69.060 shall apply.

- 17.69.060 Rebuilding Duplexes in R-1 Zones: In areas currently zoned R-1 or areas subsequently zoned R-1 either through a rezoning or upon territory being annexed into the corporate limits of the City of Royal City if a duplex exists as a non-conforming use and is destroyed, it may be replaced, rebuilt, or added to by the owner/purchaser/ vendee of the duplex without reference to the provisions of Section 17.69.050. In the case of such aforesaid replacement, rebuilding, or addition, the duplex may be replaced, rebuilt, or added to upon obtaining a building permit as is required for all construction in the City of Royal City under Chapter 15.20, provided, that the replacement, rebuilding, or addition otherwise complies with all other current or subsequently enacted ordinances of the City of Royal City including but not limited to ordinances referencing the State Building Code, Chapter 15.20 of this Code and ordinances referencing the R-1 Single Family Residential Zone Royal City Municipal Code 17.16.010 through 17.16.140 inclusive.

If an exclusion from any of the above referenced ordinances is desired,

application must be made to the City Council who may allow the sought after exclusion if the City Council finds that strict adherence to the ordinances would work an injustice against the owner/purchaser/vendee of the duplex and further would not be detrimental to the health, safety, or welfare of the surrounding area.

CHAPTER 17.71

RECREATIONAL VEHICLE PARKS

Sections:

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| 17.71.010 | Purpose |
| 17.71.020 | Definitions |
| 17.71.030 | Recreational Vehicle Park - Where Permitted |
| 17.71.040 | Permitted Uses |
| 17.71.050 | Prohibited Uses |
| 17.71.060 | Recreational Vehicle Park Development |
| 17.71.070 | General Requirements |
| 17.71.080 | Completion of Improvements Prior to Operation |
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| 17.71.110 | Park Responsibility |
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| 17.71.130 | Interpretation and Ruling |
| 17.71.140 | Appeal |
| 17.71.150 | Expansion or Modification of a Recreational Vehicle Park |
| 17.71.160 | Non-Conforming Use |
| 17.71.170 | Enforcement |
- 17.71.010 Purpose: The purpose of this chapter is to ensure that each recreational vehicle park is located, developed, expanded, modified, and managed in accordance with standards and regulations which will protect public health, safety, and general welfare.
- 17.71.020 Definitions: The words and phrases used in this chapter shall have the following meanings, unless the context or subject matter clearly requires otherwise:
- A. Improvements: means any combination of: paving; curbs; gutters; walkways; traffic signs; drainage structures; sewer, water, or gas lines; road lighting; telephone, cable, and electrical utilities, other utilities and utility structures, and other site development required by this chapter.
- B. Park Space: means an improved plot of ground with a definite boundary that is located within a recreational vehicle park for the set-up and temporary occupancy of a recreational park trailer, recreational vehicle, or tent.

- C. Recreational Park Trailer: means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use that meets the following criteria:
1. Built on a single chassis and mounted on wheels
 2. Gross trailer area does not exceed four hundred (400) square feet (37.15 square meters) in the set-up mode
 3. Is certified by the manufacturer as complying with American National Standards Institute, Inc. (ANSI) Standard A119.5.
 4. If sold, leased, or offered for sale in the State of Washington, is identified by a state-plan insignia issued by the Department of Labor and Industries, signifying compliance with Chapter 296-150P WAC and ANSI A119.5.
- D. Recreational Vehicle: means a vehicular type unit that is primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles include camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers. A recreational vehicle that is sold or leased in the State of Washington is required to have either a state-plan or self-certified insignia from the Washington State Department of Labor and Industries that signifies compliance with Chapter 296-150R WAC and ANSI A119.2.
- E. Recreational Vehicle Park: means a tract or parcel of land within a major or short subdivision which is divided according to an approved binding site plan, and has been developed to rent or lease park spaces to guests.
- F. Sanitary Dumping Station: means a facility for receiving body waste and liquid waste that is discharged from recreational park trailer and recreational vehicle holding tanks.
- G. Tent: means a confined space, collapsible, light-weight shelter that is set up for recreation or vacation purposes.

17.71.030 Recreational Vehicle Park - Where Permitted: A recreational vehicle park may be permitted as a conditional use in the C-2 and R-3 zones in compliance with this chapter's standards and requirements. These standards and requirements shall supersede the standards and requirements of the underlying zone(s), unless otherwise specified.

17.71.040 Permitted Uses: The following primary and accessory uses are permitted in a recreational vehicle park, in conformance with Section 17.71.060:

A. Primary Uses:

1. Recreational park trailers that are occupied by the park owner or manager
2. A manufactured home that is occupied by the park owner or manager.
3. Recreational vehicles
4. Tents

B. Accessory Uses:

1. Utilities and utility buildings, facilities, and equipment to serve a recreational vehicle park
2. Maintenance and storage buildings for management of a recreational vehicle park
3. Collection and recycling of solid waste that is generated within a recreational vehicle park
4. Roadways, pathways, parking lanes, overflow parking areas, and similar infrastructure
5. Open space, recreational facilities for guests, and related amenities
6. Office building, restrooms, showers, laundry rooms, and convenience store
7. Landscaping buffers and perimeter fencing in conformance with Section 17.71.090.K
8. Signs in conformance with Section 17.71.090.L
9. Other uses ruled by the Planning Agency as similar to and compatible with the uses listed in this section.

17.71.050 Prohibited Uses: Uses not listed in Section 17.71.040 are prohibited.

17.71.060 Recreational Vehicle Park Development: A recreational vehicle park shall be developed according to the requirements of this chapter and upon:

- A. Planning Agency approval of a conditional use permit per Chapter 17.51 of the Municipal Code entitled “Conditional and Unmentioned Uses.”

- B. Planning Agency site plan approval per Code Chapter 17.49 entitled “Site Plans,” in conformance with applicable requirements in this chapter.
- C. Binding site plan application, review, and approval according to Chapter 16.26 of the Municipal Code entitled “Binding Site Plan.”
- D. Compliance with Title 15 of the Municipal Code entitled “Buildings and Construction,” and all other relevant development codes, standards, and ordinances.
- E. Conformance with Municipal Code Chapter 14.10 regarding the protection and conservation of resource lands and critical areas, including wetlands.
- F. Consistency with the City of Royal City Comprehensive Plan.

17.71.070 General Requirements:

- A. A recreational vehicle, recreational park trailer, or tent in a recreational vehicle park shall be set up in park spaces, and all park spaces shall be reserved for recreational vehicle, recreational park trailer, or tent uses.
- B. The total number of recreational park trailers allowed in a recreational vehicle park shall not exceed five percent (5%) of the park spaces.
- C. No recreational vehicle, recreational park trailer, tent, or associated vehicles, items, equipment, and portable structures shall remain in a park space for more than one hundred eighty (180) consecutive days.
- D. Recreational vehicles and recreational park trailers in the set-up mode shall maintain a minimum side-to-side separation of fifteen feet (15') and end-to-end separation of twelve feet (12').

17.71.080 Completion of Improvements Prior to Operation: Recreational park improvements shall be satisfactorily completed according to the standards and provisions of this chapter prior to issuance of a business license and recording of the binding site plan.

17.71.090 Design and Development Standards: A recreational vehicle park shall be designed and developed to meet or exceed the following standards:

- A. Park Density: The number of park spaces shall not exceed twenty (20) spaces per gross acre or fraction thereof. The park density may be reduced as a condition of the conditional use permit.
- B. Park Size: The minimum recreational vehicle park size shall be two (2)

acres, excluding critical areas.

- C. Park Spaces: Each park space shall be a minimum of twenty-four feet (24') width and contain a paved pad for parking a recreational vehicle or recreational park trailer.
- D. Underground Utilities: All utilities shall be installed underground.
- E. Street Access: A recreational vehicle park road at a street intersection shall be designed for safe, convenient, and limited ingress and egress to minimize friction with free movement of traffic on adjacent streets. The street access shall conform to city driveway and access control standards. The street access shall be designed for a minimum of one hundred feet (100') sight distance for grade intersection with stop control. Sight distance is defined as the distance that a driver of a stopped vehicle on a park road can see along the street in either direction, as compared to the distance required for safe operation. The City Engineer may increase the required sight distance based on accepted intersection design principles.
- F. Overflow Parking Area: At least one (1), paved, overflow parking area shall be provided in a convenient park location. The paved area shall accommodate at least one nine foot (9') x twenty foot (20') parking space per eight (8) park spaces.
- G. Internal Park Roads and Walkways: All internal park roads and walkways shall be privately owned and maintained and meet the following standards:
 - 1. All park roads shall be paved, as defined in code section 17.06.510.
 - 2. The main or central road through the park shall have a width of not less than twenty-eight feet (28') exclusive of parking lanes.
 - 3. Roads other than the main road shall have a width of not less than fourteen feet (14') per each travel lane.
 - 4. One-way roads shall be permitted only where drive through park spaces are provided. One-way roads shall have a width of not less than twelve feet (12').
 - 5. Parking lanes shall have a width of not less than ten feet (10').
 - 6. All walkways shall be not less than five feet (5') in unobstructed width.
- H. Open Space Recreation: A minimum of twenty percent (20%) of the

recreational vehicle park area, excluding the area dedicated to permitted uses, accessory uses, and critical areas, shall be set aside and maintained for guest open space recreation. The open space shall be accessible and usable. The area requirement may be reduced to fifteen percent (15%) if substantial and appropriate recreational facilities such as recreational buildings, swimming pool or tennis courts are provided.

- I. Limitation on Area Covered by Accessory Uses: A maximum of five percent (5%) of a recreational park area may be covered by the sum of the areas in accessory uses listed in Section 17.71.040.B.1, 17.71.040.B.2, and 17.71.040.B.6.
- J. Setbacks: All park spaces, buildings, and structures other than fencing and utilities equipment shall be set back the following minimum distances from the recreational vehicle park boundary as shown on the binding site plan:
 - 1. Fifteen feet (15') from the front lot line of an interior or through lot
 - 2. Fifteen feet (15') from the front and exterior side lot lines of a corner lot
 - 3. Ten feet (10') from the interior side or rear lot lines
- K. Buffer Landscaping and Fencing: A ten foot (10') width, Type II landscaping buffer, as described in Section 17.57.050.B, and a minimum six foot (6') height fence shall be installed along all sides of the recreational vehicle park boundary. The fence is not required to be sight-obscuring. Both the landscaping buffer and the fence shall be installed according to a landscape plan that has been submitted and approved per Sections 17.57.060 and 17.57.070. The landscape plan shall meet the general requirements of Section 17.57.030. The landscaping buffer shall be maintained per Section 17.57.090. A fence installation permit is required prior to installing the fence.
- L. Signs: The following signs may be permitted in a recreational vehicle park:
 - 1. One directional or free-standing sign at park entrance as part of site plan review and approval, in conformance with Chapter 17.58.
 - 2. Building signs that are directed toward persons traveling in street or highway right-of-way, as part of site plan review and approval and in conformance with Chapter 17.58.
 - 3. Warning/directional signs needed for recreational vehicle park

operations

4. Signs required by state law and rules, state and city codes, and city ordinances

M. Utilities: All utilities within the park shall be constructed and maintained in accordance with all applicable codes.

1. Full Utility Hookups: Electricity, water, and sewer connections and a watering station for filling recreational vehicle water storage tanks shall be provided to at least seventy-five percent (75%) of all park spaces.
2. Sanitary Dumping Stations: Each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of one for every one hundred (100) recreational vehicle sites or fractional part thereof. Sanitary stations shall consist of at least a trapped four-inch (4") sewer riser pipe connected to the sewage disposal system and surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitable hinged cover; and, a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only, not for drinking.
3. Solid Waste Collection: Refuse containers shall be placed in convenient locations throughout the recreational vehicle park. A grouping of refuse containers shall be screened from public view on three (3) sides. All recreational vehicle parks shall be maintained free of litter and garbage. At least one (1) large (4 cubic yards or greater) refuse bin shall be placed according to the approved site plan, and shall be screened from public view on three (3) sides.
4. Storm Water Drainage: All storm water drainage shall be contained in the park, unless the approved recreational vehicle park construction plans allow connection to the city storm drain system.

N. Restroom and Shower Facilities: One restroom and shower facility shall be provided and properly identified for each gender. Additional restroom and shower facilities may be provided. Each restroom and shower facility shall contain one (1) toilet, one (1) shower, and one (1) sink per gender per twenty-five (25) park spaces. The showers shall have hot and cold running water.

17.71.100 Accessory Use Standards:

- A. Accessory uses shall be for the convenience of guests rather than for the general public. Accessory uses shall be screened, located in the park interior, or incorporated in an entrance design so as to avoid a general commercial theme.
- B. Accessory uses shall be maintained in good condition.
- 17.71.110 Park Responsibility: The owner of a recreational vehicle park shall be responsible for its development, improvement, maintenance, and management. A recreational vehicle park shall have an on-site manager available twenty-four (24) hours per day, seven (7) days per week.
- 17.71.120 Deviations: The Hearing Examiner shall hear any request for a deviation from the setback requirements of Section 17.71.090.J.
- 17.71.130 Interpretation and Ruling: Upon request, the city Zoning Administrator shall issue a written administrative interpretation of the meaning or application of Titles 14 through 17 of this code per Section 18.03.020.B.
- 17.71.140 Appeal: Any decision made by any administrator, officer, board, or Agency in carrying out the provisions of this chapter may be appealed as provided in Chapter 18.11 and Section 18.09.030.A.2.a of this code.
- 17.71.150 Expansion or Modification of a Recreational Vehicle Park: An expansion or modification of a recreational vehicle park shall conform to the requirements of this chapter.
- 17.71.160 Non-Conforming Use: Any non-conforming recreational vehicle park may continue to be maintained and used in compliance with Royal City Municipal Code
- 17.71.170 Enforcement: This chapter may be enforced per Chapters 17.88 and 18.13.

CHAPTER 17.73

CABARETS AND ADULT ENTERTAINMENT

Sections:

	17.73.003	Purpose
	17.73.007	Findings
17.73.010	Definitions	
17.73.020	License Required	

- 17.73.030 License Prohibited to Certain Classes
 - 17.73.040 Application
 - 17.73.050 License Fees
 - 17.73.060 Appeal
- 17.73.070 Standards of Conduct and Operation- Adult Cabaret or Adult Entertainment Business
- 17.73.073 Mini-Theaters and Motion Picture Theaters
- 17.73.076 Adult Arcades
- 17.73.080 License Term - Assignment - Renewals
- 17.73.090 License Suspension and Revocation - Hearing
- 17.73.100 Liquor Regulations
- 17.73.110 Violation an Infraction
- 17.73.120 Nuisance Declared
- 17.73.130 Additional Enforcement

17.73.003 Purpose: It is the purpose of this Chapter to regulate adult entertainment businesses to promote the health, safety, and general welfare of the citizens of Royal City, and to establish reasonable and uniform regulations of adult entertainment businesses within the City. The provisions of this chapter have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented material to their intended market. Neither is it the intent or effect of this chapter to condone or legitimize the distribution of obscene material.

17.73.007 Findings:

- A. The operation of adult entertainment businesses has historically and regularly been accompanied by secondary effects that are detrimental to the public health, safety, morals and general welfare of the community. Such secondary effects include significant criminal activity and activities injurious to the public health, safety, morals and general welfare of the community, detrimental effects on nearby businesses and residential areas and a decline in property values in the area of the adult entertainment businesses. This history of criminal and injurious activity includes prostitution, narcotics and liquor law violations, breaches of the peace, assaults, employment or involvement of minors, sexual conduct between customers or between customers and entertainers, the opportunity for the spread of sexually transmitted diseases, use and distribution of obscenity, and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants. Accordingly, there is a compelling need and interest to regulate adult entertainment businesses as provided in this chapter to protect and promote the public health, safety, morals and general welfare of the citizens of Royal City.

- B. In the absence of regulation, these activities occur regardless of whether adult entertainment is presented in conjunction with the sale of alcoholic beverages.
- C. The resources available for responding to problems associated with adult entertainment businesses are limited and are most efficiently and effectively utilized through a licensing and regulatory program.
- D.. The license fees required in this ordinance are necessary as reasonable fees imposed to help defray the costs of processing the license applications and the substantial expenses incurred by Royal City in regulating the adult entertainment industry.
- E. Licensing is a legitimate and reasonable means of accountability to ensure that operators of adult entertainment businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- F. Adult entertainment businesses have historically engaged in practices that involve secreting ownership interests for such purposes as money laundering, skimming profits, and tax evasion. These hidden ownership interests have, on occasion, been held by individuals and entities reputed to be involved in organized crime. To detect and discourage the involvement of organized crime in the adult entertainment industry, to effectively deploy its limited law enforcement resources, and to effectively protect the public health, safety, morals, and general welfare of its citizenry, the city must be fully apprised of the actual and controlling interests of adult entertainment businesses and the identities and criminal backgrounds of persons responsible for the management and control of such businesses.
- G. To detect and discourage the involvement of organized crime in the adult entertainment industry, to prevent the exploitation of minors, to assure the correct identification of persons working in adult entertainment businesses, to effectively deploy its limited law enforcement resources, and to effectively protect the public health, safety, morals, and general welfare of its citizenry, the city must be fully apprised of the identity, age, and criminal background of managers in adult entertainment businesses.
- H. It is necessary to have a licensed manager on the premises of an adult entertainment business during all hours of operation so there will be a person responsible for the overall operation of the business, including the actions of customers, entertainers, and other employees. To monitor the actions of these individuals, a manager must be able to observe these

individuals at all times.

- I. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors, to ensure that each such entertainer is an adult, to ensure that such entertainers have not assumed a false name which would make regulation of the entertainer difficult or impossible, and to ensure that such entertainers are not involved in criminal activity.
- J. Contact between entertainers and patrons of adult entertainment businesses facilitates sexual conduct, prostitution, transactions involving controlled substances, and other crimes. The concern over unlawful sexual activities and related crimes is a legitimate health concern of the city which demands reasonable regulation of adult entertainment businesses in order to protect the health and well-being of the citizens.
- K. To prevent sexual conduct from occurring between entertainers and customers, customers must be prohibited from any stage where adult entertainment occurs and be prohibited from passing tips, gratuities, or other payments directly to entertainers performing on stage.
- L. Adult entertainment businesses have historically attempted to prevent law enforcement and licensing officials from detecting sexual conduct, prostitution, sale and distribution of controlled substances, and other violations of law occurring on the premises by employing warning systems, maintaining a low level of lighting, and other techniques. It is necessary, to effectively enforce this ordinance and to protect the public health, safety, morals and general welfare of the city's citizenry, that adult entertainment businesses be required to maintain a minimum level of lighting, that warning devices and systems be prohibited, and that unannounced inspections be permitted by city licensing and law enforcement personnel.

M. Adult arcades provide booths for individual viewing of live performances, videos, and films distinguished or characterized by an emphasis on nudity or sexual conduct. To detect and deter sexual conduct by customers, to require maintenance of clean and sanitary conditions, and to reduce the potential for the spread of sexually transmitted diseases, it is necessary to regulate the configuration and facility specifications of adult arcades as set forth in this chapter, including but not limited to restricting the occupancy of a booth to one person.

N. An adult arcade might attempt to circumvent the limit of one (1) person per booth by creating a small room, labeled a "mini theater" rather than a booth, in which two (2) , three (3), or a small number of individuals would be able to view videos and films distinguished or characterized by an emphasis on nudity or sexual conduct. Moreover, traditional-sized theaters might also show such videos or films. Customers have used both traditional adult theaters and "mini theater" within arcades as places to engage in sexual conduct. To detect and deter such conduct and reduce the potential for the spread of sexually transmitted diseases, it is necessary to regulate the configuration and facility specifications, as set forth in this chapter, of spaces used by more than one (1) individual to view adult entertainment. In particular, it is necessary to require that any group viewing area for such videos and films have a minimum of eight (8) seats which may be accessed by customers without reservation in order to prevent or diminish a sense of privacy and intimacy which would be conducive to and enabling of sexual conduct between customers.

O. To assure that minors are not subjected to adult entertainment, it is necessary to prohibit adult entertainment businesses from allowing adult entertainment performances, or pictorial representations of adult entertainment performances displaying nudity or sexual conduct, from being visible from outside the business.

P. To discourage customers of bars and other alcohol-serving businesses from moving to adult entertainment businesses at two (2) a.m. for "after hours" activities, and the increased likelihood of breaches of the peace and other criminal conduct that arise from those customers, and to reduce the adverse secondary effects of adult entertainment businesses on minors and the community, it is necessary to restrict the closing time of adult entertainment businesses.

Q. The detrimental secondary effects are serious and pose the greatest threat to the welfare of the citizens of Royal City when conducted in close proximity to places where minors gather. The need to protect minors from the criminal and other unlawful activities associated with adult entertainment establishments is compelling. Regulation is necessary to ensure that adult entertainment businesses are located a reasonable

distance away from places where minors regularly gather, to reduce the likelihood of minors becoming victims of crimes or gaining access to such businesses.

- R. Protecting the character of residential neighborhoods is important to the welfare of the citizens of Royal City. Adult entertainment businesses are not compatible with residential neighborhoods due to the documented secondary effects. The setback from residential areas required by this ordinance are necessary to minimize these secondary effects.
- S. Adult entertainment businesses have adverse secondary effects on the economic vitality of nearby businesses. Adult entertainment businesses also cause declines in property values in both commercial and residential areas that are near such businesses.
- T. The adverse economic and social effects and the increased criminal activity that adult entertainment businesses can bring to a community cannot be understated. Allowing concentration of these businesses only serves to further magnify the level of these secondary effects. The requirement for significant distance between these businesses will reduce these effects and will ensure that no one (1) area will be burdened with a disproportionate number of these businesses.

17.73.010 Definitions: For the purpose of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

- A. “Adult cabaret or adult entertainment business” means any commercial premises, including any cabaret premises, to which any member of the public is invited or admitted and where an entertainer provides live adult entertainment to any member of the public.
- B. “Adult entertainment” means:
 - 1. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - 2. Any exhibition, performance or dance of any type conducted in a premise where such exhibition, performance or dance is

distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

- a. Human genitals in a state of sexual stimulation or arousal,
 - b. Acts of human masturbation, sexual intercourse or sodomy, or
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
3. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

C. "Adult Entertainment Business" means an establishment to which customers are invited or permitted access, and which, for consideration of any kind, offers adult materials to such customers when any live, video, or film materials are displayed to customers while on the premises. Adult entertainment businesses include, but are not limited to, any adult mini-theater, adult motion picture theater, adult arcade, or live adult entertainment establishments, as defined below.

D. "Adult arcade", "adult panorama theater" or "adult panorama" means any place to which the public is permitted or invited and where coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."

E. "Adult material" means any material, conveyed or communicated by live performance, still photograph, printed or pictorial matter, motion picture film, slide, video cassette, digital video disk, recorded graphic or visual imagery, human conduct, or any other medium, which material is intended to provide sexual stimulation or sexual gratification, and which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical

areas. "Adult material" also includes any instrument, device, or paraphernalia designed for use in connection with specified sexual activities.

F. "Adult motion picture theater" means an enclosed or drive-in theater with a capacity of 8 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

G. "Adult mini theater" means an enclosed or drive-in theater used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

H. "Adult panorama theater" or "adult panorama" means any place to which the public is permitted or invited and where coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."

I. "Applicant" means the individual or entity seeking a cabaret license in the City of Royal City.

J. "Applicant control persons" means all partners, corporate officers and directors and any other individuals in the applicant's business organization who hold a significant interest in the adult cabaret or adult entertainment business, based on responsibility for management of the adult cabaret or adult entertainment business.

K. "Cabaret" means any room, place or space whatsoever in the city in which any music, singing, dancing, or other similar entertainment is permitted in connection with any hotel, restaurant, café, club, tavern, eating place, directly selling, serving, or providing the public, with or without charge, food or liquor. The words "music and entertainment" as used herein, shall not apply to radios or mechanical devices.

L. "Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment business.

M. "Entertainer" means any person who provides live adult entertainment within an adult entertainment business as defined in this

Section whether or not a fee is charged or accepted for entertainment.

N. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.

O. "Liquor" means all beverages defined in RCW 66.04.200.

P. "Live Adult Entertainment Establishment" means any building or portion of a building to which any member of the public is invited or admitted and where any employee or entertainer, on a regular basis or as a substantial part of the premises activity, conducts any exhibition, performance, or dance of any type which contains:

1. Specified sexual activities;
2. Any display of specified anatomical areas; or
3. Any conduct intended to sexually stimulate any member of the public, including but not limited to any such exhibition, performance, or dance performed for, arranged with, or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid either directly or indirectly for such activity, and commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

Q. "Manager" means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult cabaret or adult entertainment business, and includes assistant managers working with or under the direction of a manager to carry out such purposes.

R. "Operator" means any person applying for or operating, conducting, or maintaining any adult entertainment business.

S. "Operator Control Person" means all partners, corporate officers and directors and any other individuals in the Operator's business organization who hold a significant interest in the adult entertainment business, based on the responsibility for management of the adult entertainment business.

T. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

U. "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to a cabaret.

V. "Public Place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles, whether moving or not.

W. "Sexual Conduct" means any act of:

1. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight;
2. Any penetration of the vagina or anus, however slight, by an object;
3. Any contact between persons, involving the sex organs of one person, whether clothed or unclothed, and the mouth or anus of another, whether clothed or unclothed;
4. Masturbation, manual or instrumental, of oneself or of one person by another; or
5. Touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

X. "Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Y. "Specified anatomical areas" means:

1. Less than completely or opaquely covered:
 - a. Human genitals, pubic hair, vulva;
 - b. Buttocks, anus; and
 - c. Female breasts below a point

immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

17.73.020 License Required:

- A. It is unlawful for any person to conduct, manage or operate a cabaret unless such person is the holder of a valid and subsisting license from the city to do so, obtained in the manner provided in this chapter.
- B. It is unlawful for any person to conduct, manage or operate an adult cabaret or adult entertainment business unless such person is the holder of a valid and subsisting license from the city to do so, obtained in the manner provided in this chapter.
- C. It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an unlicensed adult cabaret or adult entertainment business.
- D. It is unlawful for any entertainer to perform in an adult cabaret or adult entertainment business unless such person is the holder of a valid and subsisting license from the city to do so.
- E. It is unlawful for any manager to work in an adult cabaret or adult entertainment business unless such person is the holder of a valid and subsisting license from the city to do so.

17.73.030 License Prohibited to Certain Classes: No license shall be issued to:

- A. A natural person who has not attained the age of twenty-one (21) years, except that licenses may be issued to persons who have attained the age of eighteen (18) years with respect to cabarets where no intoxicating liquors are served or provided.
- B. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee, or in the case of a manager of an adult cabaret or adult entertainment business, the manager has obtained a manager's license.
- C. A copartnership, unless all the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or agent thereof.
- D. A corporation, unless all the officers and directors thereof are qualified to

obtain a license as provided herein. Such license shall be issued to the manager or agent thereof.

17.73.040 Application:

- A. Cabaret License: Any person desiring a cabaret license required under the provisions of this chapter shall file written application with Planning Department on forms provided by the Department for that purpose. All applications shall be signed by the applicant and notarized or certified as true under penalty of perjury. A failure to provide all information required on the form will constitute an incomplete application and will not be processed. The Planning Agency upon presentation of a complete application and before acting upon the same shall refer such application to the police department for a full investigation as to the truth of the statements contained therein, and as to any or all other matters which would aid the Planning Agency in determining whether or not such application should be granted. After the Police Department has reported back to the Planning Agency the result of such investigation, and within fourteen (14) days of the date of filing of the complete application, if the Planning Agency is satisfied that the statements contained in such application are true and that the applicant meets all requirements of this chapter, the Planning Agency shall issue the license applied for, provided however, that if the application does not meet the requirements of this code, then the Planning Agency shall deny such license application.
- B. Adult Cabaret or Adult Entertainment Business License:
 - 1. All applications for an adult cabaret or adult entertainment business license shall be submitted to the Planning Department in the name of the person or entity proposing to conduct an adult cabaret or adult entertainment business on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, which shall require the following information:
 - a. For the applicant and for each applicant control person, provide: Names, any aliases or previous names, driver's license number, if any, social security number if any, and business, mailing, and residential address, and business telephone number.
 - b. If a partnership, whether general or limited; and if a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and

name and address of any registered agent for service of process.

- c. Whether the applicant or any partner, corporate officer, or director of the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panoramas, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.
- d. A summary of the business history of the applicant and applicant control persons in owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.
- e. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions including the dates of conviction, nature of the crime, name and location of court and disposition.
- f. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application.
- g. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the application.
- h. The location and doing-business-as name of the proposed adult cabaret or adult entertainment business, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
- i. Two (2) two-inch (2") by two-inch (2") color photographs of the applicant and applicant control persons, taken within six (6) months of the date of application showing only the full face.
- j. A complete set of fingerprints for the applicant and each

applicant control person, by Royal City police department employees.

- k. A scale drawing or diagram showing the configuration of the premises for the proposed adult cabaret or adult entertainment business, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult cabaret or adult entertainment business shall include building plans which demonstrate conformance with Code Section 17.73.070.
2. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The Planning Agency may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.
3. A non-refundable application fee of two hundred fifty dollars (\$250) must be paid at the time of filing an application in order to defray the costs of processing the application. This is in addition to any fees imposed for other services performed by city departments for other services such as fingerprinting.
4. Each applicant shall verify, under penalty of perjury that the information contained in the application is true.
5. If any person or entity acquires, subsequent to the issuance of an adult cabaret or adult entertainment business license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the city Planning Department, no later than twenty-one (21) days following such acquisition. The notice required shall include the information required for the original adult cabaret or adult entertainment business license application.
6. The adult cabaret or adult entertainment business license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult cabaret or adult entertainment

business. The permit shall be posted in a conspicuous place at or near the entrance to the adult cabaret or adult entertainment business so that it can be easily read at any time the business is open.

7. No person granted an adult cabaret or adult entertainment business license pursuant to this chapter shall operate the adult cabaret or adult entertainment business under a name not specified on the license, nor shall any person operate an adult cabaret or adult entertainment business under any designation or at any location not specified on the license.
8. Upon receipt of the complete application and fee, the Planning Agency shall provide copies to the Health Department, Fire Department, Police Department, and the Building Official for their investigation and review to determine compliance of the proposed adult entertainment business with the laws and regulations which each department administers. Each department shall, within thirty (30) days of the date of such application, inspect the application and premises and shall make a written report to the Planning Agency whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises is not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult entertainment business license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed adult entertainment business is not in conformance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite the specific reason therefor, including applicable laws.
9. An adult cabaret or adult entertainment business license shall be issued by the Planning Agency within thirty (30) days of the date of filing a complete license application and fee, unless the Planning Agency determines that the applicant has failed to meet any of the requirements of this chapter or provide any information required under this subsection or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. The Planning

Planning Agency shall grant an extension of time in which to provide all information required for a complete license application upon the request of the applicant. If the Planning Agency finds that the applicant has failed to meet any of the requirements for issuance of an adult cabaret or adult entertainment business license, the Planning Agency shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the Planning Agency fails to issue or deny the license within thirty (30) days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable law, to operate the business for which the license was sought. If the Planning Agency determines that the license should have been denied, the Planning Agency shall provide written notice of such decision to the applicant and shall schedule a hearing before a judge of the Municipal Court for a judicial review of the Planning Agency's decision to deny the license. Such notice shall contain a written statement of the reasons why the license should be denied and shall cite the specific reasons therefor, including applicable laws. At such judicial hearing, the Planning Agency shall submit the evidence relied upon to determine the license should have been denied, including reports from the agencies and departments contacted by the Planning Agency to review the application. If the court determines the Planning Agency has established on a more probable than not basis a reason to deny the license, the burden of going forward and establishing the evidence used by the Planning Agency is not sufficient to meet that burden shall shift to the applicant. Pending such hearing, the applicant shall be permitted to continue to operate the business applied for as provided above.

10. Upon request, the Planning Agency will schedule a pre-licensing conference with all pertinent city departments to assist the applicant in meeting the regulations and provisions of this ordinance.

C. Adult Cabaret or Adult Entertainment Manager and Entertainer Licenses:

1. No person shall work as a manager, assistant manager or entertainer at an adult cabaret or adult entertainment business without an entertainer's or manager's license from the city. Each applicant for a manager's or entertainer's license shall complete an application on forms provided by the city containing the information identified below. A non-refundable application fee of

one hundred dollars (\$100) shall accompany the application. A copy of the application shall be provided to the Police Department for its review, investigation and recommendation. All applications for a manager's or entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer's license application shall require the following information:

- a. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Royal City Police Department employees, social security number, and any stage names or nicknames used in entertaining.
- b. The name and address of each business at which the applicant intends to work.
- c. Documentation that the applicant has attained the age of eighteen (18) years. Any two (2) of the following shall be accepted as documentation of age:
 - i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A state issued identification card bearing the applicant's photograph and date of birth;
 - iii. An official passport issued by the United States of America;
 - iv. An immigration card issued by the United States of America; or
 - v. Any other identification that the city determines to be acceptable.
- d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five (5) years immediately preceding the date of the application, except parking violations or minor traffic infractions.
- e. A description of the applicant's principal activities or services to be rendered.
- f. Two (2) two-inch (2") by two-inch (2") color photographs

of applicant, taken within six (6) months of the date of application showing only the full face.

- g. Authorization for the city, its agents and employees to investigate and confirm any statements set forth in the application.
 - h. Every adult entertainer shall provide his or her license to the adult cabaret or adult entertainment business manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the city at any time during business hours of the adult cabaret or adult entertainment business.
- 2. The Planning AgencyPlanning Agency may request additional information or clarification when necessary to determine compliance with this chapter.
- 3. An adult cabaret or adult entertainment manager's or an adult entertainer's license shall be issued by the Planning AgencyPlanning Agency within fourteen (14) days from the date the complete application and fee are received unless the Planning AgencyPlanning Agency determines that the applicant has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent Ordinance No. 2130 statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the Planning AgencyPlanning Agency determines that the applicant has failed to qualify for the license applied for, the Planning AgencyPlanning Agency shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the Planning AgencyPlanning Agency has failed to approve or deny an application for an adult cabaret or adult entertainment business manager's license within fourteen (14) days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as an adult cabaret or adult entertainment business manager in a duly licensed adult cabaret or adult entertainment business. If the Planning AgencyPlanning Agency determines that the license should have been denied, the Planning AgencyPlanning Agency shall provide written notice of such decision to the applicant and shall schedule a hearing before a judge of the Municipal Court for a judicial review of the Planning AgencyPlanning Agency's decision to deny the license. Such notice shall contain a written statement of the reasons why the license should be denied and shall cite the specific reasons

therefor, including applicable laws. At such judicial hearing, the Planning Agency shall submit the evidence relied upon to determine the license should have been denied, including reports from the agencies and departments contacted by the Planning Agency to review the application. If the court determines the Planning Agency has established on a more probable than not basis a reason to deny the license, the burden of going forward and establishing the evidence used by the Planning Agency is not sufficient to meet that burden shall shift to the applicant. Pending such hearing, the applicant may continue to work as an adult cabaret or adult entertainment business manager in a duly licensed adult cabaret or adult entertainment business as provided above.

4. An applicant for an adult entertainer's license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license will automatically expire on the fourteenth (14th) day following the filing of the complete application and fee, unless the Planning Agency has failed to approve or deny the license application in which case the temporary license shall remain valid. If the Planning Agency determines that the license should have been denied, the Planning Agency shall provide written notice of such decision to the applicant and shall schedule a hearing before a judge of the Municipal Court for a judicial review of the Planning Agency's decision to deny the license. Such notice shall contain a written statement of the reasons why the license should be denied and shall cite the specific reasons therefor, including applicable laws. At such judicial hearing, the Planning Agency shall submit the evidence relied upon to determine the license should have been denied, including reports from the agencies and departments contacted by the Planning Agency to review the application. If the court determines the Planning Agency has established on a more probable than not basis a reason to deny the license, the burden of going forward and establishing the evidence used by the Planning Agency is not sufficient to meet that burden shall shift to the applicant. Pending such hearing, the applicant may continue to work as an adult entertainer in a duly licensed adult cabaret or adult entertainment business as provided above.

17.73.050 License Fees:

- A. Any person desiring to obtain a cabaret license shall first pay a license fee of four hundred dollars (\$400) per year.

- B. Any person desiring to obtain an adult cabaret or adult entertainment business license shall first pay a license fee of seven hundred dollars (\$700) per year.
- C. Any person desiring to obtain an adult cabaret or adult entertainment manager's license shall first pay a license fee of one hundred dollars (\$100) per year.
- D. Any person desiring to obtain an adult cabaret or adult entertainment entertainer's license shall first pay a license fee of one hundred dollars (\$100) per year.

17.73.060 Appeal:

- A. Denial of License. Any person aggrieved by the action of the Planning Agency in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the City Council, or to such other hearing body as may hereafter be established by the City Council for the hearing of license appeals, by filing a notice of appeal with the Planning Department within fourteen (14) days of notice of the refusal to issue or renew. The appeal shall be processed under Chapter 20.11. The City Council or other hearing body shall set a date for hearing such appeal, to take place within forty-five (45) days of the date of receipt of the notice of appeal. At such hearing the appellant and other interested persons may appear and be heard, subject to rules and regulations of the City Council or other hearing body. The City Council or other hearing body shall render its decision on the appeal within fifteen (15) days following the close of the appeal hearing.
- B. Appeal to Superior Court. Any person aggrieved by the decision of the hearing examiner or hearing body may appeal to the superior court for a writ of review, prohibition or mandate.

17.73.070 Standards of Conduct and Operation - Adult Cabaret or Adult Entertainment Business:

- A. The following standards of conduct must be adhered to by employees of any adult cabaret or adult entertainment business while in any area in which members of the public are allowed to be present:
 - 1. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches (18") above the

immediate floor level and removed at least eight feet (8') from the nearest member of the public.

2. No employee or entertainer mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subdivision 1 of this subsection, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.
3. No employee or entertainer mingling with members of the public shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva, genitals, anus, any portion of the pubic region, or buttocks.
4. No employee or entertainer shall caress, fondle or erotically touch any member of the public. No employee or entertainer shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or entertainer.
5. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter 7.48A RCW, the Washington Moral Nuisances Statute.
6. No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the non-stage area of the adult cabaret or adult entertainment business unless that dance, performance or exhibition is performed at a distance of no less than four feet (4') from any member of the public.
7. No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the adult cabaret or adult entertainment business or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the non-stage area of the adult cabaret or adult entertainment business shall be placed into the hand of the adult entertainer or into a receptacle provided by the

adult entertainer, and not upon the person or into the clothing of the adult entertainer.

8. No employee may perform actual or simulated acts of sexual conduct as defined in this chapter, or an act that constitutes a violation of chapter 7.48 RCW, Washington's moral nuisance statute, or any other provisions regulating offenses against public morals.

- B. At any adult cabaret or adult entertainment business, the following are required:
1. City employees in the performance of their duties shall be permitted into all areas of the cabaret during business hours and upon reasonable notice to the operator thereof for purposes of making inspections to confirm the cabaret is in compliance with this chapter and all city laws including the building codes enforced by the city and all health and safety codes.
 2. Admission must be restricted to persons of the age of eighteen (18) years or more. It is unlawful for any owner, operator, manager or other person in charge of an adult cabaret or adult entertainment business to knowingly permit or allow any person under the minimum age specified to be in or upon such premises.
 3. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult cabaret or adult entertainment business.
 4. No member of the public shall be permitted at any time to enter into any of the nonpublic portions of the adult cabaret or adult entertainment business, which shall include but are not limited to: the dressing rooms of the entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas; except that persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.
- C. The responsibilities of the manager of an adult cabaret or adult entertainment business shall include but are not limited to:
1. A licensed manager shall be on duty at an adult cabaret or adult entertainment business at all times adult entertainment is being

provided or members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours. The manager shall be responsible for verifying that any person who provides adult entertainment within the premises possesses a current and valid entertainer's license.

2. The licensed manager on duty shall not be an entertainer.
3. The manager or an assistant manager licensed under this chapter shall maintain visual observation of each member of the public at all times any entertainer is present or video or movie is showing in the public or performance areas of the adult cabaret or adult entertainment business. Where there is more than one performance area, or the performance area is of such size or configuration that one manager or assistant manager is unable to visually observe, at all times, each adult entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter shall be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the adult cabaret or adult entertainment business.
4. The manager shall be responsible for and shall assure that the actions of members of the public, the adult entertainers and all other employees shall comply with all requirements of this chapter.

D. Premises - Specifications:

1. Performance Area. The performance area of the adult cabaret or adult entertainment business where adult entertainment as described in Code Section 17.73.070.A.1 is provided shall be a stage or platform at least eighteen inches (18") in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet (8') from all areas of the premises to which members of the public have access. A continuous railing at least three feet (3') in height and located at least eight feet (8') from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms or stalls wherein adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.
2. Lighting: Sufficient lighting shall be provided and equally distributed throughout the public areas of the premises so that all objects are plainly visible at all times. A minimum lighting level

of thirty (30) lux horizontal, measured at thirty inches (30") from the floor and on ten foot (10') centers is hereby established for all areas of the adult cabaret or adult entertainment business where members of the public are admitted.

3. Signs: A sign at least two feet (2') by two feet (2'), with letters at least one inch (1") high shall be conspicuously displayed in the public area(s) of the premises stating the following:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY
THE CITY OF ROYAL CITY. ENTERTAINERS ARE:

- A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT
- B. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE, EXCEPT ON STAGE
- C. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN ADVANCE OF THEIR PERFORMANCE
- D. NOT PERMITTED TO ACCEPT TIPS DIRECTLY FROM PATRONS WHILE PERFORMING UPON ANY STAGE AREA

4. Record Keeping Requirements:

- a. All papers, records, and things required to be kept pursuant to this chapter shall be open to inspection by the city during the hours when the licensed premises are open for business, upon two (2) days' written notice. The purpose of such inspections shall be to determine whether the papers, records, and things meet the requirements of this chapter.
- b. Each adult entertainment business shall maintain and retain for a period of two (2) years the name, address, and age of each person employed or otherwise retained or allowed to perform on the premises as an adult entertainer, including independent contractors and their employees, as an entertainer. This information shall be open to inspection by the city during hours of operation of the business upon twenty-four (24) hours' notice to the licensee.

5. Inspections: In order to insure compliance with this chapter all areas of licensed adult cabarets or adult entertainment business which are open to members of the public shall be open to

inspection by city agents and employees during the hours when the premises are open for business. The purpose of such inspections shall be to determine if the licensed premises are operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this chapter.

6. No person shall operate or maintain a warning device or system for the purpose of warning or aiding and abetting the warning of an entertainer, employee, customer, or other person that the police, health, fire or building inspector, or other public official is approaching or entered the premises.

E. It is unlawful for any adult cabaret or adult entertainment business to be operated or otherwise open to the public between the hours of 2:00 a.m. and 10:00 a.m.

F. This chapter shall not be construed to prohibit:

1. Plays, operas, musicals, or other dramatic works that are not obscene;
2. Classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or
3. Exhibitions, performances, expressions or dances that are not obscene.

These exemptions shall not apply to the sexual conduct defined in Section 17.73.010, or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

G. Whether or not activity is obscene shall be judged by consideration of the following factors:

1. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and
2. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2)(b); and
3. Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

H. Location: An adult entertainment business is allowed only in the

C-2 Zone. Adult entertainment businesses are prohibited in all other zones. No adult entertainment business shall be located:

1. Within five hundred feet (500') of the following uses, as measured property line to property line:
 - a. any residential zone;
 - b. any public or private school or preschool, or any trade or vocational school that on a regular basis has at least one student under the age of eighteen (18) years;
 - c. any church or other religious facility or institution;
 - d. any park or any public facility;
 - e. any property used for organizations, associations, facilities, and businesses which provide, as a substantial portion of their activities, function, or business, the provision of services to children and/or youth, so that the premises of the organization, facility or business would have children and youth in attendance or at the location during a predominant portion of the operational hours of an adult entertainment facility;
 - f. Any state-licensed day care facility.
2. Within fifteen hundred feet (1500') of another adult entertainment business.

17.73.073 Mini-theaters and Motion Picture Theaters: Every mini-theater and motion picture theater offering adult entertainment must meet the following standards:

- A. Seats must be equipped with immovable armrests between the seats. No bench seats allowing for more than one (1) person in a seat is permitted.
- B. A manager or other employee must walk through the theater portion of the building at ten (10) minute intervals when a film is showing and the lights are down. This employee and the manager or owner must ensure that no sexual conduct occurs in the theater, either by patrons or employees.
- C. Full house lights must comply with Section 17.73.060.A, and must come on for at least ten (10) minutes at the end of each feature.

17.73.076 Adult Arcades: Every adult arcade must meet the following standards:

- A. Every adult arcade must have a manager's station located in the common area of the premises. All adult arcade stations or booths must open to the public room so that the area and occupant inside the booth are fully and completely visible by direct line of sight to the manager located at the manager's station which shall be located at the main entrance way to the public room containing the arcade stations or booths. No curtain, door, wall, merchandise, display rack, or other non-transparent enclosure, material, or application may obscure in any way the manager's view of any portion of the activity or occupant of the adult entertainment establishment.
- B. The interior of the premises of an adult arcade must be configured so there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access except restrooms. Restrooms may not contain video reproduction equipment.
- C. If the premises has two (2) or more managers' stations, then the interior of the premises shall be configured so there is an unobstructed view of every area of the premises to which any patron is permitted access from at least one (1) of the managers' stations. The view required in this subsection must be by direct line-of-sight from the managers' station.
- D. The owners, manager, and any employees present in the premises, must ensure that the view area specified in subsections B and C remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all time, and that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
- E. No viewing room may be occupied by more than one (1) person at any time.

17.73.080 License term — Assignment — Renewals:

- A. There shall be no prorating of the license fees set out in Code Section 17.73.050, and such licenses shall expire on the thirty-first (31st) day of December of each year, except that in the event that the original application is made subsequent to June 30th, then one-half (½) of the annual fee may be accepted for the remainder of said year. Licenses issued under this chapter shall not be assignable.
- B. Application for renewal of licenses issued hereunder shall be made to the Planning Department no later than thirty (30) days prior to the expiration

of adult cabaret or adult entertainment business licenses, and no later than fourteen (14) days prior to the expiration of cabaret licenses and adult cabaret or adult entertainment business manager and entertainer licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the Planning Department, an additional charge, computed as a percentage of the license fee, on applications not made on or before said date, as follows:

Days Past Due Percent of License Fee

7 - 30:	25%
31 - 60:	50%
61 and over:	75%

- C. The Planning AgencyPlanning Agency shall renew a license upon application unless the Planning AgencyPlanning Agency is aware of facts that would disqualify the applicant from being issued the license for which he or she seeks renewal, and further provided that the application complies with all provisions of this chapter as now enacted or as the same may hereafter be amended.

17.73.090 License Suspension and Revocation — Hearing:

- A. The Planning AgencyPlanning Agency may, upon the recommendation of the Chief of Police or his designee and as provided in subsection B below, suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of fact; or for the violation of, or failure to comply with, the provisions of this chapter or any other similar local or state law by the licensee or by any of his servants, agents or employees when the licensee knew or should have known of the violations committed by his servants, agents or employees; or for the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises, or the conviction of any of his servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises in which his cabaret is conducted when the licensee knew or should have known of the violations committed by his servants, agents or employees.
- B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the license shall be suspended for a period of thirty

(30) days upon the first such violation, ninety (90) days upon the second violation within a twenty-four (24) month period, and revoked for third and subsequent violations within a twenty-four (24) month period, not including periods of suspension.

- C. The Planning AgencyPlanning Agency shall provide at least ten (10) days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision to the hearing examiner or other hearing body and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. The City Council or other hearing body render its decision within fifteen (15) days following the close of the appeal hearing. Any person aggrieved by the decision of the City Council or other hearing body shall have the right to appeal the decision to the superior court by writ of review or mandate within twenty-one (21) days of the filing of the examiner's written decision with the city Planning Department. The decision of the Planning AgencyPlanning Agency shall be stayed during the pendency of any appeal except as provided in subsection D below.
- D. Where the Building Official or Fire Chief or their designees or the Grant County Health District find that any condition exists upon the premises of a cabaret, adult cabaret or adult entertainment business which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with subsection C above. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the hearing examiner or other designated hearing body under the same appeal provisions set forth in subsection C above; provided, however, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.

17.73.100 Liquor Regulations: Any license issued pursuant to this chapter shall be subject to any rules or regulations of the Washington State Liquor Control Board relating to the sale of intoxicating liquor. In the event of a conflict between the provisions of this chapter and the applicable rules and regulations of the Washington State Liquor Control Board, the rules and regulations of the Washington State Liquor Control Board shall control.

17.73.110 Violation an Infraction: Any person violating any of the provisions of this chapter is guilty of an infraction punishable by a civil penalty of five thousand dollars (\$5,000) together with all applicable assessments and penalties attached to infractions to the fullest extent permitted by law.

17.73.120 Nuisance Declared:

- A. Public Nuisance. Any adult cabaret or adult entertainment business operated, conducted, or maintained in violation of this chapter or any law of the City of Royal City or the State of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult cabaret or adult entertainment business contrary to the provisions of this chapter.
- B. Moral Nuisance. Any adult cabaret or adult entertainment business operated, conducted or maintained contrary to the provisions of Chapter 7.48A RCW, Moral Nuisance, shall be, and the same is declared to be, unlawful and a public and moral nuisance and the City Attorney may, in addition to or in lieu of any other remedies set forth herein, commence an action or actions, to abate, remove and enjoin such public and moral nuisance, or impose a civil penalty, in the manner provided by Chapter 7.48A RCW.

17.73.130 Additional Enforcement: The remedies found in this chapter are not exclusive, and, the city may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

CHAPTER 17.76

CARGO CONTAINERS

Sections:

- 17.76.010 Purpose
- 17.76.020 Submittal Requirements
- 17.76.030 Minimum Conditions
- 17.76.040 Additional Conditions for Permanent Containers
- 17.76.050 Additional Conditions for Temporary Containers

17.76.010 Purpose: The purpose of this chapter is to establish minimum standards for the placement of cargo containers as storage facilities in those zones where they are allowed by conditional use permit.

17.76.020 Submittal Requirements: The following shall be submitted along with an application for a conditional use permit for container placement:

- A. A site plan to a standard scale, showing:

1. The location and dimensions of the container(s) and the building to which it is appurtenant.
 2. The access to the building and the containers.
- B. A statement of what will be stored in the container(s), for review by the Fire Marshal.

17.76.030 Minimum Conditions: Where a conditional use permit has been granted for use of cargo containers as permanent or temporary storage facilities, the following minimum conditions shall be met:

- A. The cargo containers shall be used as an appurtenance to the primary use, such primary use being situated in an enclosed adjoining building.
- B. The cargo containers shall be placed on a level concrete or asphalt surface at all times.
- C. The cargo containers shall not be stacked.
- D. A fire apparatus access road shall be provided to both the containers and to the building the containers are appurtenant to. Fire apparatus access roads shall be a minimum of twenty feet (20') wide with thirteen feet six inches (13'6") vertical clearance, shall be hard surfaced, and shall provide access to within one hundred fifty feet (150') of any portion of the container(s). Access roads shall be either looped or provided with an approved turn around as specified in Title 15.
- E. The cargo containers shall not be visible to the motoring public or from residential neighborhoods immediately adjacent to the property where it is located unless other measures approved by the Planning Agency are employed to mitigate the visual impacts of the containers. However, the Planning Agency does not need to require mitigation measures if it determines that the motoring public or adjacent residential neighborhoods are not impacted.
- F. The cargo containers shall abide by all set back requirements applicable to the zone in which they are located.
- G. The recipient of the conditional use permit is the only party allowed to use the container(s).
- H. A container placement permit is required for each container. The permit shall be obtained from the Building Official prior to the arrival of the container on the site. The fee for the container placement permit shall be

as specified in a resolution of the council. The placement permit and fee is required each year for temporary containers.

17.76.040 Additional Conditions for Permanent Containers:

- A. The cargo containers shall be painted so as to blend in with the building to which they are associated.
- B. The cargo containers shall have a maximum allowable square footage of container storage area not to exceed five percent (5%) of the gross floor area of the building with which the container(s) is associated. In no event shall the number of permanent containers allowed as appurtenant storage facilities exceed three (3) in number.
- C. A cargo container shall not remain on site if the use it is appurtenant to is abandoned or changes use, unless a separate conditional use permit is granted.

17.76.050 Additional Conditions for Temporary Containers:

- A. The cargo containers shall have a maximum allowable square footage of container storage area not to exceed five percent (5%) of the gross floor area of the building with which the container(s) is associated. In no event shall the number of temporary containers allowed as appurtenant storage facilities exceed fifteen (15) in number.
- B. If more than five (5) containers are proposed for a site, an inventory statement must be provided to the Fire Department in order to determine if the site has adequate fire flow to support the storage configuration.
- C. The use of temporary storage containers shall not exceed ninety (90) consecutive days and shall be allowed only once in every twelve (12) month period. The applicant shall specify the placement dates in the application for the placement permit.
- D. Cargo containers not removed by the end of the ninety (90) day period may be issued a civil infraction notice for each day over the allowed ninety (90) days that the container remains on site.
- E. A significant change to any circumstances of container placement from one (1) year to the next, including an increase in the number of containers, or a different placement location, requires a new conditional use permit.

CHAPTER 17.78

PERSONAL WIRELESS SERVICE FACILITIES

Sections:

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17.78.010 Policies, Purpose and Goals:

- A. Provision of Opportunities for Wireless Providers: This Chapter is designed to provide opportunities for personal wireless service facilities consistent with the statutory rights of wireless communication service providers while providing for orderly development of the City and protecting the health, safety, and general welfare of the City's residents and property owners.
- B. Preservation of Character of City: A primary objective of this Chapter is to preserve the existing visual and aesthetic character of the City and its neighborhoods, as well as minimizing the noise impacts generated by personal wireless service facilities. Preserving the visual and aesthetic character of the City includes the protection of views within the City which create a special character for the community, high property values, and a tax base sufficient to support the City's operations, and limiting the intrusion of noise, visual, and aesthetic impacts associated with commercial and other uses into residential neighborhoods.
- C. The Goals of This Chapter Include:
 - 1. Establishing development regulations consistent with the city's comprehensive land use plan;
 - 2. Providing sites for locating personal wireless service facilities;

3. Providing personal wireless service facilities and infrastructure to serve city residents and visitors;
4. Encouraging the use of appropriate technology that has minimal adverse environmental, noise, and visual impacts on the city and the prompt removal of abandoned facilities;
5. Encouraging the location of facilities upon existing non-residential structures in commercial and industrial zoning districts, in such a manner that the facility is integrated, or appears to be integrated, into the structure;
6. Establishing standards for personal wireless service facilities to mitigate the visual and noise impacts associated with those facilities;
7. Facilitating the use of existing Grant County Public Utility District high voltage transmission towers in private rights-of-way in non-residential zones for personal wireless service facilities to reduce the impacts of facilities upon residential and other properties; and
8. Encouraging the development of personal wireless service facilities on a competitively neutral basis.

17.78.020 Definitions:

- A. Antenna: An antenna is a specific device which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.
- B. Antenna Array: An antenna array is two (2) or more devices used for the transmission or reception of radio frequency signals, microwave or other signals for commercial communications purposes.
- C. Applicant: An applicant is any person, firm or entity seeking to place a personal wireless service facility within the boundaries of the city.
- D. Camouflaged: Camouflaged means the use of shape, color and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. Camouflaged does not mean "invisible", but rather "appearing as part or exactly like the structure used as a mount."
- E. Co-location: Co-location means the placement and arrangement of more than one (1) provider's antennas and equipment on a single support

structure.

- F. Concealment: Concealment means fully hidden from view. For example, a personal wireless service facility is concealed when it is completely hidden or contained within a structure, such as a building, wall or roof.
- G. Developed Street: Developed street means any public right-of-way classified as an alley, access street, collector street, minor arterial, or principal arterial, which is partially or fully developed and devoted to transportation use by the public at large.
- H. Planning Agency: Planning Agency means the Planning Agency or his or her designee.
- I. Disguised: Disguised means that a personal wireless service facility is changed to appear to be something other than what it really is. For example, personal wireless service facilities are sometimes disguised to appear as trees or flagpoles.
- J. EIA: EIA means the Electronic Industries Association.
- K. Equipment Enclosure: Equipment enclosure means a structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, including any provisions for mechanical cooling equipment, air conditioning, ventilation, or auxiliary electric generators.
- L. FAA: FAA means the Federal Aviation Administration.
- M. Facility: Facility means a personal wireless service facility.
- N. FCC: FCC means the Federal Communications Commission.
- O. Guyed Tower: Guyed tower means a vertical support structure which consists of metal crossed strips or bars, and is steadied by wire guys in a radial pattern around the tower.
- P. Height: Height means the vertical distance measured from pre-existing ground level to the highest point on the personal wireless service facility, including, but not limited to the antenna or antenna array.
- Q. Lattice Tower: Lattice tower means a wireless communication support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three (3), four (4), or more sides.

- R. Licensed Carrier: Licensed carrier means any person, firm or entity licensed by the FCC to provide personal wireless services and which is in the business of providing the same.
- S. Monopole Tower or Monopole: Monopole means a vertical support structure, consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.
- T. Mount: Mount means any mounting device or bracket which is used to attach an antenna or antenna array to a street pole, building, structure, monopole, or tower.
- U. Panel Antenna: Panel antenna means a directional antenna designed to transmit and/or receive signals in a directional pattern which is less than three hundred sixty degrees (360°), typically an arc of approximately one hundred twenty degrees (120°);
- V. Personal Wireless Services: Personal wireless services means any of the technologies as defined by Section 704(a)(7)(c)(i) of the Federal Telecommunications Act of 1996, including Cellular, Personal Communications Services (PCS), Enhanced Specialized Mobile Radio (ESMR), Specialized Mobile Radio (SMR), and Paging.
- W. Personal Wireless Service Facilities: Personal wireless service facilities means any unstaffed facility for the transmission and/or reception of personal wireless services.
- X. Street Pole: Street pole means a telephone, electric, or cable television pole located in a developed street.
- Y. Whip Antenna(s): Whip antenna(s) means an omni-directional antenna(s) designed to transmit and/or receive signals in a three hundred sixty degree pattern.

17.78.030 General Provisions:

- A. The placement or modification of any personal wireless service facility at any location within the city is subject to the provisions of this chapter, except for temporary facilities providing emergency communication services during natural disasters or other emergencies which may threaten the public health, safety, or welfare.
- B. Personal wireless service facilities shall not be permitted on any building

or structure within an area of the city zoned residential, or on any building or structure that contains a residence or school unless completely enclosed (such as in a church steeple) or disguised (such as a flag pole at a school or public building.) and in such cases placement is subject to obtaining a Conditional Use Permit as identified in Chapter 17.51

- C. Facilities located within a designated critical area, as defined by Chapter 14.12, shall comply with the requirements of the appropriate chapter.
- D. Lattice and guyed towers shall not be permitted in any zoning district. Monopoles shall be permitted only as specified in Section 17.78.040.
- E. No variances or deviations from the provisions of 17.78.040 and 17.78.070 shall be permitted, except as specifically allowed in those sections.
- F. All applicable standards and requirements of the Uniform Building Code, FCC, FAA, EIA, and any other agency with the authority to regulate antennas and support structures must be met. If such standards and regulations are changed, then the owners of the support structures and antennas shall bring such structures and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency. Failure to bring structures and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the support structure or antenna at the owner's expense.
- G. Building Codes and Safety Standards. To ensure the structural integrity of antenna support structures, the owner of the structure shall ensure that it is maintained in compliance with standards contained in applicable building codes and the applicable standards that are published by the EIA, as amended from time to time. If upon inspection, the Building Official concludes that a structure fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the support structure, the owner shall have thirty (30) days to bring such structure into compliance. If the owner fails to bring the structure into compliance within thirty (30) days, the city may remove the structure at the owner's expense.
- H. A Personal Wireless Services Facility Permit shall be required prior to the construction or installation of each facility. A notice of application posted upon the subject property shall be the only form of public notice required for a personal wireless services facility permit.
- I. A building permit is required for all facilities. A conditional use permit is

also required for new towers.

- J. Interference. No antenna shall be permitted to be placed in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave, or other signals.
- K. Personal wireless facilities are not considered essential public facilities and shall not be regulated or permitted as essential public facilities.
- L. Lot size. For purposes of determining whether a facility complies with development standards such as setbacks, the dimensions of the entire lot shall control, even though a facility is located on a leased parcel within that lot.
- M. Lighting. Facilities shall not be lighted unless required by the FAA or other applicable authority. In no case shall a facility be approved which requires daytime or nighttime white strobe lights.
- N. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.

17.78.040 Personal Wireless Services Facilities - Permitted Locations: The following siting standards shall apply to all new facilities:

Zone Designation	Permitted Uses	Visual, Dimensional and Equipment Enclosure Standards	Noise Standards
Commercial, Industrial, and Public zones	<p>Facilities within developed streets are permitted.</p> <p>Facilities attached to existing structures that do not contain a residence or a school are permitted.</p> <p>Monopoles are permitted.</p> <p>Facilities attached to existing Grant County Public Utility District high voltage transmission towers are permitted.</p> <p>Facilities attached to existing monopole and lattice towers are permitted.</p>	<p>As per 17.78.070.A</p> <p>As per 17.78.070.B</p> <p>As per 17.78.070.C</p> <p>As per 17.78.070.D</p> <p>As per 17.78.070.E</p>	As per Chapter 8.28 and WAC 173-60-040.

17.78.050 Pre-application Requirement: Applications for Personal Wireless Service Facility Permits shall not be accepted by the Planning Agency unless the applicant has requested and attended a pre-application conference. The purposes of the pre-application conference are to acquaint the applicant with the requirements of this Code and project review procedures and for city staff to be acquainted with the proposed application for purposes of determining appropriate review procedures and facilitating the application and project review process. In order to insure that the pre-application conference is meaningful, the applicant must provide all information requested by the Planning Agency.

17.78.060 Contents of Complete Application: An application for a Personal Wireless Services Facility Permit is complete for the purposes of this section when it has been determined by the city to contain the information described below. The permit fee shall be established by resolution of the City Council. A complete application is sufficient for continued processing even though additional information may be required or modifications may subsequently be made. The city's determination of completeness shall not preclude the city from requesting additional information or studies, either at the time of the notice of completeness

or subsequently if new information is required or substantial changes in the application occur. Applications found to contain material errors shall not be deemed complete until such errors are corrected. The Planning Agency may waive the specific submittal requirements set forth in Sections 17.78.060.E.3-5 when determined to be unnecessary for review of the application. A complete application shall contain:

- A. A complete application form, permit fee, and attachments signed and dated by the owner or authorized representative. The application shall be on a standardized form approved by the Planning Agency and provided to the applicant by the Planning Department. For free-standing towers, a complete conditional use permit form is also required.
- B. The name, address, phone number and signature of the applicant or authorized representative.
- C. A complete legal description of the subject property.
- D. Locational maps, including:
 - 1. A city-wide map showing the location and service area of the proposed facility and the location and service area of any existing and known or planned future facilities of the licensed carrier within the city.
 - 2. A map depicting the area immediately around the proposed site, showing the zoning designation of the subject property and of all adjacent properties.
- E. Site plans and drawings, drawn to scale, depicting the proposed and existing improvements on the property. The drawings shall include a plan view and elevations, and contain the following information:
 - 1. Dimensions and shape of the lot, and street names.
 - 2. Location and dimensions of existing and proposed buildings and structures, including setbacks.
 - 3. Circulation. Adjacent street improvements, curb cut locations for ingress and egress, and parking layout in accordance with city standards.
 - 4. Existing and proposed landscaping, in accordance with this chapter, including the location of significant trees as defined in Chapter 17.57.

5. Existing watercourses, critical areas, utility lines, easements, deed restrictions, and other built or natural features restricting use of the subject property.
 6. Preliminary grading plan depicting proposed and existing grades at five-foot contours if grading is proposed in conjunction with the proposed facility.
 7. Storm drainage, sidewalks, and exterior lighting.
 8. Sight lines for the proposed facility. Said sight lines shall graphically depict the level of visibility of the facility as viewed from adjacent public rights-of-way. At least one (1) sight line shall be provided depicting the site from the north, south, east and west, or as determined by the Planning Agency.
 9. Elevation drawings for all proposed improvements on the site.
- F. Color photographs of the existing site, and computer-generated color photographs depicting the proposed facility incorporated into the site (photo simulations). At least one (1) color photograph and one (1) color photo simulation shall be provided depicting the site from the north, south, east and west, or as determined by the Planning Agency.
- G. Three (3) copies of all plans and photographs. One (1) paper reduction of each oversized plan to eleven by seventeen inches (11" x 17") shall also be provided.
- H. A description of the support structure or building upon which the facility is proposed to be located, and the technical reasons for the design and configuration of the facility.
- I. A signed statement that:
1. The applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional facilities by other providers on the applicant's structure;
 2. The applicant and/or landowner agree to remove the facility within ninety (90) days of abandonment;
 3. The applicant certifies that the facility will comply with all FAA and FCC regulations and EIA standards and all other applicable federal, state, and local laws and regulations; and
 4. The antenna will not interfere with other transmission or reception facilities.

- J. Design information, including equipment brochures, color and material boards, and dimensional information.
- K. Information necessary to demonstrate the applicant's compliance with FCC and FAA rules, regulations and requirements. This includes documentation of FAA approval and documentation that the applicant is licensed by the FCC, that the FCC has approved the proposed antenna and/or support structure, and that the proposed antenna complies with all applicable standards established by the FCC governing human exposure to electromagnetic radiation.
- L. Necessary information for review of environmental impacts, in accordance with Title 14, Environmental Regulations.
- M. Fees.
- N. A completed right-of-way placement permit application if the facility is to be located within a public right-of-way.
- O. For monopoles, written justification for why co-location on existing sites is not feasible. Justification shall address the following points, at a minimum. Technological and engineering opinions shall be certified by an independent electronic/communications engineer.
 - 1. There are no other towers or structures located within the geographic area required that meet the applicant's engineering requirements.
 - 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - 5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. Other limiting factors render existing towers and structures unsuitable.

17.78.070 Visibility and Dimensional Standards: All personal wireless services facilities locating within the city shall comply with the following standards:

A. Street Pole Mounted Facilities:

1. Antennas:

a. Antennas or antenna arrays shall be no greater in size than six feet (6') measured vertically, including the mount, and sixteen inches (16") in diameter measured horizontally. Antennas shall be mounted on street poles. Only one (1) facility shall be permitted on any street pole. Antennas shall be either fully concealed within the street pole or camouflaged to appear to be an integrated part of the street pole. Antennas not flush mounted on the side of the street pole shall be centered on the top of the street pole to which they are mounted and camouflaged or disguised.

b. In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antennas so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet (15') or the required separation, whichever is less. Any such mount shall not be greater in diameter than the existing street pole and shall be designed to blend into the colors and textures of the existing street pole.

c. Existing street poles may be replaced with a new street pole of the same height, dimensions and appearance as the existing street pole. In the event that a utility located upon the street pole requires vertical separation between its utility facilities and the antennas so mounted, the antenna may be raised by a mount to accommodate the separation requirement to an elevation not exceeding an additional fifteen feet (15') or the required separation, whichever is less. Antenna(s) located upon the new street pole shall meet the standards for mounting an antenna to an existing street pole, as set forth above.

2. Equipment Enclosures Placed in Developed Streets: Equipment meeting the standards set forth below may be located in developed

streets.

a. Dimensions:

1) Above ground equipment enclosures shall not be greater than six (6) cubic feet in volume. No single dimension shall exceed three feet (3').

2) Below ground equipment enclosures shall not be greater than six (6) cubic feet in volume.

3) An underground equipment enclosure may be connected to an above ground equipment enclosure with a combined total volume of no greater than twelve (12) cubic feet.

b. Appearance: The equipment enclosure shall be constructed so as to minimize its visual impact. Evergreen landscape plantings shall be installed and maintained which completely obscure visibility of the equipment enclosure from the developed street and adjacent properties.

3. Horizontal Separation: For facilities located within developed streets, there shall be a minimum horizontal separation of three hundred feet (300') between the facilities of a single licensed carrier and a minimum horizontal separation of one hundred feet (100') between the facilities of any other licensed carrier.

4. Above Ground Equipment - Not Located Within Public Rights-of-Way:

a. Appearance. See Section 17.78.070.F.

b. Screening and Noise Standards. See Section 17.78.070.G.

c. Landscaping. See Section 17.78.070.G.

d. Setbacks. See Section 17.78.070.H.

B. Attached Facilities:

1. Antennas: Antennas and support structures attached to an existing building or structure shall not exceed twenty feet (20') above the highest portion of the building or structure.

a. The following are not required to be concealed or camouflaged:

- 1) Any antenna attached to an existing monopole or tower, in compliance with 17.78.070.E.
- 2) Any antenna attached to a City of Royal City water reservoir.
- 3) A whip antenna two inches (2") or less in diameter.
- 4) A dish antenna twenty-four inches (24") or less in diameter.
- 5) Any antenna which is not visible from a public right-of-way.

b. All other antennas must comply with the following standards:

- 1) Roof mounted antennas shall be placed to the center of the roof where possible, and shall either be completely concealed or be fully camouflaged into the building design. This may include the construction of false equipment penthouses on the roofs of buildings or some other concealment type structure, the design of which is approved by the Planning Agency. When a roof mount installation is performed, the antennas, mounting brackets and any concealment structures shall be exempt from the height limit of the underlying zone to the extent that the total height of such facilities does not increase the overall building height by more than twenty feet (20').
- 2) Wall-mounted antennas shall be mounted flush on the exterior walls of the building, not extend above the building parapet or other roof-mounted structure, and shall either be completely concealed or fully camouflaged into the building design. Whip antennas shall be painted a neutral color, or be fully concealed, at the discretion of the Planning Agency. In determining whether to require concealment of whip antennas, the Planning

Agency shall consider whether the site line diagrams, site plans, and photo simulations submitted by the applicant demonstrate that the whip antennas will not be visible from the public rights-of-way adjacent to the subject property.

2. Equipment Enclosures: Equipment enclosures shall be fully concealed within the interior of the building itself or designed in accordance with the following standards:

- a. Rooftops: Equipment enclosures located on the roof of a building shall be placed to the center of the roof where possible and shall either be completely concealed or fully camouflaged into the building with architecturally compatible design.
- b. Ground Mounted:
 - 1) Appearance. See Section 17.78.070.F.
 - 2) Screening and Noise Standards. See Section 17.78.070.G.
 - 3) Landscaping. See Section 17.78.070.G.
 - 4) Setbacks. See Section 17.78.070.H.

C. New Monopole Towers:

- 1. Antennas: Antennas shall be no greater in height than six feet (6'). The antenna array and mount, if any, shall extend no further from the center line of the pole than fifteen feet (15') measured horizontally. Antennas shall be painted a natural, non-reflective color matching the monopole that blends into the natural and built surroundings where it is located.
- 2. Support Structure: Monopoles shall be located in such a manner that a portion of the tower is screened by existing buildings or trees. Also, the pole shall be painted a natural non-reflective color to blend into the surroundings. The height of the monopole shall be no greater than one hundred ten feet (110').
- 3. Equipment Enclosures:
 - a. Appearance. See 17.78.070.F.

- b. Screening and Noise Standards. See 17.78.070.G.
- c. Landscaping. See 17.78.070.G.
- d. Setbacks: Monopole support structures and equipment enclosures shall be constructed with a setback of at least one hundred feet (100') from any residential structure or school, two hundred feet (200') from any residentially zoned property. Monopole support structures shall have a setback from property line of at least one hundred fifteen percent (115%) of the height of the structure.

D. Grant County Public Utility District Electric Transmission Towers Outside Developed Streets:

- 1. Antennas: Antennas shall be no greater in height than six feet (6'). The antenna array and mount, if any, shall extend no further from the center line of the tower than fifteen feet (15') measured horizontally. Antennas shall be painted a color matching the tower so as to blend into the existing tower.
- 2. Equipment Enclosures:
 - a. Appearance. See Section 17.78.070.F.
 - b. Screening and Noise Standards. See Section 17.78.070.G.
 - c. Landscaping. See 17.78.070.G.
 - d. Setbacks. See 17.78.070.H.

E. Co-Location on Existing Monopoles and Towers:

- 1. Antennas: Antennas shall be no greater in height than six feet (6'). On monopole towers, the antenna array and mount, if any, shall extend no further from the center line of an existing monopole than fifteen feet (15') measured horizontally. On lattice towers, the antennas shall extend no further than ten feet (10'), measured horizontally, from the portion of the lattice tower to which the antennas are mounted. Existing monopole and lattice towers, and any additional equipment co-located thereon shall be painted a natural, non-reflective color that blends into the natural and built surroundings where it is located.
- 2. Equipment Enclosures:

- a. Appearance. See 17.78.070.F.
- b. Screening and Noise Standards. See 17.78.070.G.
- c. Landscaping. See 17.78.070.G.

3. Setbacks: New equipment enclosures associated with new facilities co-located upon existing monopoles or lattice towers shall be placed no closer to existing residential uses than any existing equipment enclosure on the subject property.

F. Appearance: Ground mounted equipment enclosures shall be of the smallest size necessary and painted a natural, non-reflective color so as to blend in with the surroundings. Any new building or structure constructed for housing equipment, other than self-contained equipment cabinets, shall be designed and constructed to be architecturally compatible with buildings in the immediate vicinity and to blend into the surroundings. The exterior of all such buildings or structures shall be finished with masonry or siding and shall have a peaked roof. Buildings or structures with non-masonry exterior finishing shall be painted a natural, non-reflective color. Pre-fabricated concrete and metal structures shall not be permitted unless treated with a facade meeting the requirements of this paragraph.

G. Landscaping, Screening and Noise Standards:

1. Facilities that produce noise: Unless the applicant demonstrates that the proposed facility will generate no increased sound levels, as measured at the property line of the subject property at any time of day or night, ground-mounted equipment cabinets and equipment enclosures shall be surrounded with a solid masonry or concrete wall on all four (4) sides, comprised of at least four inches (4") of solid masonry or concrete components. Said wall shall be located within five feet (5') of any noise source associated with the equipment enclosure and shall have a height that is at least three feet (3') above the highest point of the noise source. Gates or doors providing access to areas within said wall shall be constructed of a solid material and shall not be located on the wall immediately adjacent to the noise source. Any such noise source shall be oriented to minimize impacts on neighboring residential properties. The equipment enclosures shall be surrounded by a ten foot (10') wide Type III landscape buffer, located in front of the masonry or concrete wall of such structure, as specified in Chapter 17.57.

2. Facilities that do not produce noise: Ground mounted equipment enclosures which are not required to be surrounded by a

masonry or concrete wall shall be surrounded with a six foot (6') tall sight-obscuring fence and a five-foot (5') wide Type III landscape buffer, as specified in Chapter 17.57.

3. Alterations: The landscaping requirements of this subsection may be varied by the Planning Commission on a case-by-case basis when the Planning Commission determines that landscaping is not necessary, that the equipment enclosure is not visible to the public, that landscaping is not practical, or that an alternative landscaping or concealment plan would result in a greater degree of concealment of an equipment enclosure.

- H. Setbacks: All portions of a personal wireless services facility, including equipment enclosures, shall be constructed with a setback of at least one hundred feet (100') from any residential structure or school or residentially zoned property.

17.78.080 Co-location - Covenant of Good Faith:

- A. All new monopole towers, and any pre-existing monopole or lattice towers, owned by a licensed carrier, shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically co-located thereon. However, nothing in this chapter shall prevent such licensed carrier from charging a reasonable fee for the co-location of additional facilities upon said tower which does not exceed the fair market value for the space occupied.
- B. All licensed carriers shall cooperate with each other in co-locating additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a licensed carrier has exercised good faith in allowing other licensed carriers to co-locate upon its tower, the city may require a third party technical study to evaluate the feasibility of co-location at the expense of either or both licensed carriers. This covenant of good faith and fair dealing shall be a condition of any permit issued pursuant to this chapter for a new monopole tower.
- C. Any licensed carrier which allows co-location upon a tower permitted pursuant to this chapter may condition said co-location to assure that the co-located facility does not cause electronic or radio-frequency interference with its existing facility. In the event that the co-located licensed carrier is unable to remedy the interference, the owner of the tower shall be relieved of its obligation to allow co-location of the interfering facility upon its structure.

17.78.090 Recovery of City Costs:

- A. Each permit granted pursuant to this chapter shall contain a condition which requires the permittee to reimburse the city for all direct and indirect expenses reasonably incurred in connection with the issuance, modification, amendment, or transfer of the permit.
- B. Each permittee shall be required to reimburse the city for all direct and indirect expenses not otherwise covered by permit application fees reasonably incurred while reviewing, inspecting, and supervising the construction, installation, and/or maintenance of a facility authorized by a permit granted pursuant to this chapter.
- C. Costs incurred by the city in response to any emergency at the facility shall be included within the reimbursable expenses set forth in this section.

- 17.78.100 Maintenance of Facilities: Each permittee shall maintain its facility in a good and safe condition and preserve its original appearance and concealment, disguise, or camouflage elements incorporated into the design at the time of approval and in a manner which complies with all applicable federal, state, and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment, and maintenance of landscaping.
- 17.78.110 Modification: Any proposed change or addition to any facility shall require the issuance of a new Personal Wireless Services Facility permit, pursuant to the requirements of this chapter. This provision shall not apply to routine maintenance of a facility, nor to the replacement of any portion of the facility with identical equipment.
- 17.78.120 Testing of Personal Wireless Services Facilities Required - Radio Frequency Radiation:
- A. All licensed carriers shall conduct tests necessary to demonstrate compliance with all applicable FCC regulations regarding the radio-frequency emissions of the facility. All such tests shall be performed by or under the supervision of a radio frequency engineer competent to perform such tests and interpret the data gathered.
 - B. All licensed carriers shall submit a report, certified by a radio frequency engineer, setting forth the following:
 - 1. Measurement of existing or ambient radio frequency radiation (RFR);
 - 2. Existing RFR plus proposed facility: maximum estimate of RFR from the proposed facility plus existing ambient RFR;
 - 3. Existing RFR plus proposed facility plus cumulative: maximum estimate of RFR from the proposed facility plus the maximum estimate of RFR from the total addition of co-located facilities, if any, plus the existing ambient RFR;
 - 4. Certification, signed by a radio frequency engineer, stating that the RFR measurements are accurate and meet FCC guidelines.
 - C. Initial field measurements shall be performed prior to placing the facility into service and the initial compliance report shall be submitted within fourteen (14) days of the facility becoming fully operational.
 - D. Compliance reports shall be required on an annual basis thereafter. Annual compliance reports shall be submitted by January 1st of each calendar year. Provided, however, that a facility installed and initially tested within nine

(9) months prior to January 1st shall not be required to submit an annual compliance report until the following January 1st.

- E. The city may retain a technical expert in the field of radio frequency engineering to verify the RFR measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier or applicant.
- F. If at any time the radio-frequency emission tests show that the facility exceeds any of the standards established by the FCC, the licensed carrier shall immediately discontinue use of the facility and notify the city. Use of the facility may not resume until the licensed carrier demonstrates that corrections have been completed which reduce the radio-frequency emissions to levels permitted by the FCC.

17.78.130 Testing of Personal Wireless Services Facilities Required - Noise Emissions:

- A. Each licensed carrier shall conduct tests necessary to demonstrate compliance with all applicable local regulations regarding the noise emissions of the facility. All such tests shall be performed by or under the supervision of a qualified acoustical consultant competent to perform such tests and interpret the data gathered.
- B. All licensed carriers shall submit a report, certified by a qualified acoustical consultant, setting forth the observed noise levels at the property line of the property upon which the facility is located. The report shall account for background noise and other noise sources and demonstrate the noise levels emitted by the facility, including any air conditioning or ventilation equipment contained therein.
- C. Compliance reports shall be required on an annual basis and shall be submitted by January 1st of each calendar year, provided, however, that a facility installed and initially tested within nine (9) months prior to January 1st shall not be required to submit an annual compliance report until the following January 1st.
- D. The city may retain a technical expert in the environmental noise measurement to verify the noise measurements and certification. The cost of such a technical expert shall be borne by the licensed carrier.
- E. This section shall not apply to any facility that does not contain air conditioning equipment.

17.78.140 Security: All facilities shall be enclosed by a fence not less than six feet (6') in height with a locking gate; however, no barbed wire or razor wire shall be permitted. All support structures shall be equipped with anti-climbing devices and shall have their means of access located a minimum of eight feet (8') above

the ground. The Planning Agency may approve alternate means of protection from unauthorized access on a case-by-case basis consistent with the purpose of protecting the public health, safety, and welfare.

17.78.150 Abandonment of Facilities:

- A. The owner or operator of all facilities shall, on an annual basis, submit a written report to the city, signed under penalty of perjury, which demonstrates whether or not there has been a cessation in use of the personal wireless services facility for a period of three (3) months during the prior year. Annual compliance reports shall be submitted by January 1st of each calendar year. Failure to submit a report shall be considered evidence of abandonment. Provided, however, that a facility permitted and installed within nine (9) months prior to January 1st shall not be required to submit an annual compliance report until the following January 1st.
- B. Any personal wireless services facility that has had no antenna mounted upon it for a period of six (6) months, or if the antenna mounted thereon are not operated for a period of three (3) months, shall be considered abandoned, and the owner thereof shall remove the facility within ninety (90) days after receipt of a notice from the city to do so.
- C. In the event that more than one (1) wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this section.
- D. If the facility and associated equipment are not removed within ninety (90) days after receipt of a notice from the city requiring said removal, the city may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such facility is situated in an amount equal to the cost of removal.

17.78.160 Signs: No advertising or display shall be located on any antenna array; however, the owner of the antenna array shall place an identification plate indicating the name of the wireless service provider and a telephone number for emergency contact on the site. Nothing in this section shall be construed to prohibit the placement of safety or warning signs upon any portion of the facility which are required by law or which are designed to apprise emergency response personnel and the employees and agents of personal wireless services providers of particular hazards associated with equipment located upon the facility.

17.78.170 Violations: Upon occurrence of a violation of the provisions of this chapter, the Code Enforcement Officer shall issue a Notice of Violation and Order to Correct or Cease Activity as provided in Chapter 17.88 of this Title.

CHAPTER 17.79

ALTERNATIVE ENERGY FACILITIES

RESERVED

CHAPTER 17.81

AMENDMENTS AND ZONE CHANGES

Sections:

17.81.010 Amendments and Zoning Change Procedures

17.81.010 Amendments and Zoning Change Procedures: The regulations, classifications, or zone boundary lines may be amended by ordinance in the following manner:

- A. The Planning Agency, upon receipt of an amendment or zone change request, or after a motion of its own shall investigate the merits of the request and may set a public hearing date at which time the request can be considered.
- B. Following the hearing, the Planning Agency shall forward its recommendation and findings to the City Council.
- C. After receiving a recommendation from the Planning Agency and after a public hearing has been held before the Council, the Council may consider the request. If the Council finds the amendment is in the public interest, benefits the public welfare of the community, and is consistent with the city General Plan, it shall so amend this title.

CHAPTER 17.84

CERTIFICATE OF OCCUPANCY

Sections:

17.84.010 Required

17.84.010 Required: Before any use is established upon land or within a building, it shall be the responsibility of the owner of the land or building to inquire of the Zoning Administrator as to whether or not such use conforms to the regulations of the zone where it is to be located.

Upon written request of the owner, the Zoning Administrator shall, after

inspection, issue a Certificate of Occupancy for any building or land stating whether the use conforms to the provisions of this title, or is a lawful non-conforming use.

CHAPTER 17.88

GENERAL ADMINISTRATION AND ENFORCEMENT

Sections:

17.88.010	Purpose.	
17.88.020	Duties of Officials.	
17.88.030	Interpretations of this Title.	
17.88.040	Building Permits.	
17.88.050	Certificate of Occupancy.	
17.88.060	Fees.	
17.88.070	Right of Entry.	
17.88.080	Violations.	
17.88.090		Enforcement and Penalties.

17.88.010 **Purpose.** The purpose of this chapter is to establish provisions pertaining to the administration and enforcement of this title. It is the intent that all questions of interpretation and enforcement shall first be presented to the Planning Agency for resolution prior to seeking enforcement through litigation.

17.88.020 **Duties of Officials.**

- A. City Planning Agency. The city Planning Agency is responsible for the administration, interpretation, and enforcement of all parts of this title.
- B. City Engineer. The director of public works is responsible for providing engineering review of permit applications when such a review is needed, and for such other duties as set forth in this title. In the absence of a City Engineer, the the City may contract for such services and said person or firm shall perform the duties of the City Engineer under this chapter.
- C. Building Official. The Building Official is responsible for assuring that all building permits and certificates of occupancy are referred to the city Planner, as required by 17.88.030 and 17.88.040.
- D. Enforcement. All departments, officials, and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no such permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this title, and should any such permit or license be issued in error it shall be null and void from its issuance and the city shall not be required to seek an appeal or review of the issuance of that permit or license to be able to declare the same as null and void from

the date of its wrongful issuance.

- E. General Duty. None of the provisions of this title are intended to create a cause of action or provide the basis for a claim against the city, its officials, or employees for the performance or failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

17.88.030 **Interpretations of this Title.** The city Planner may, acting on his or her own initiative or in response to an inquiry, issue interpretations of any provision of this title for which the director of public works shall be responsible. The city Planner shall base his or her interpretations on the following:

- A. the defined or common meaning of the words of the provision;
- B. the general purpose of the provision; and,
- C. the meaning of the provision in relation to the Comprehensive Plan.

17.88.040 **Building Permits.** Building permits are required pursuant to the International Building Code as adopted by the State of Washington and the City of Royal City.

- A. The Building Official shall refer to the city Planner all applications for building permits for new construction and for additions which increase the square footage of usable space.
- B. Upon receiving an application for a building permit, the city Planner shall review it and make any necessary field inspections to determine whether the proposed construction or addition complies with this title.

17.88.050 **Certificate of Occupancy.**

- A. No building hereafter erected, moved, enlarged, or changed in use shall be occupied until a certificate of occupancy has been issued by the Building Official.
- B. Certificates of Occupancy for Conforming Uses, Buildings, and Structures.
 - 1. A certificate of occupancy shall be issued only after such building, enlargement, or relocation has been completed in conformity with the provisions of this title and any applicable permits and plans.
 - 2. Any use legally occupying an existing building at the time this Zoning Code becomes effective may be continued but shall not be changed, unless a certificate of occupancy for the new use shall have been issued by the Building Official after finding that the new

use conforms to any required conditions of any applicable permits and plans, and the city Planner finds that the new use conforms to this title.

3. Any transfer of ownership of the building or structure which does not involve a change of use shall automatically effect a transfer of the certificate of occupancy to the new owner.

C. **Certificates of Occupancy for Nonconforming Uses, Buildings and Structures.**

1. The owner or authorized agent of any legal nonconforming use, building or structure may, at any time, apply for a certificate of occupancy to continue as a nonconformity under the provisions of Chapter 17.69.
2. No certificate of occupancy for a nonconforming use, building or structure shall be issued until the applicant demonstrates that the nonconformity existed on the effective date of this title, or on the date when preceding versions of the city's zoning regulations became effective as to such building, structure, land or use, or that the building, structure, land, or use was rendered nonconforming by an amendment to this title subsequent to its effective date.
3. A certificate of occupancy for a nonconformity shall state the manner in which the property is nonconforming and the date when the property became nonconforming.
4. Any transfer of ownership of the building or structure which does not involve a change of use shall effect a transfer of the certificate of occupancy to the new owner.

17.88.060 **Fees.** All applications for permits, certificates of occupancy, rezones, variances, site plan approvals, and appeals shall be accompanied by the fees established for such applications by action of the council.

17.88.070 **Right of Entry.**

- A. Application Constitutes Permission for Entry. Application for any permit, certificate of occupancy, rezone, variance, site plan approval, or appeal constitutes permission for representatives of the city to enter on the property involved in order to make inspections necessary to permit review. A refusal to permit entry is considered to be an abandonment of the application and forfeiture of all fees charged and/or paid
- B. Investigation of Potential Violations. The city Planner may enter upon

private property to investigate potential violations of this title if he or she has a good faith belief that a violation exists on the property. Before entering upon private property, the cityPlanner shall present credentials to the owner or person in possession or charge of the property and request entry. If entry is refused, the city Planner may use any lawful means to obtain entry.

17.88.080 **Violations.**

- A. It is unlawful for any person to do or cause any act to be done contrary to or in violation of this title, and for any property owner to permit any act to be done contrary to or in violation of this title.
- B. It is also unlawful for any applicant or permittee to fail to perform any activity or obligation required by this title.
- C. Any violation of any provision of this title unless otherwise enforced per section 17.88.090 is a civil infraction subject to a penalty as provided in Chapter 1.10.
- D. Violations of this title are deemed to be public nuisances and are subject to abatement as such.

17.88.090 **Enforcement and Penalties.** When the city Planning Agency determines that a violation of this title, he or she may proceed against that violation using the procedures provided in this Section.

- A. Initiation of Review. A review under this subsection may be initiated by:
 - 1. the city Planning Agency;
 - 2. a motion of the city council;
 - 3. any aggrieved person believing that a violation or violations of this title is occurring by making a written complaint to the city Planning Agency.
- B. Review Procedure.
 - 1. The city Planning Agency shall within sixty (60) days after the receipt of such written allegations or motion of the city council complete an investigation of the alleged violation(s) to determine the merits thereof.
 - 2. Within fourteen (14) days after the city Planning Agency has completed the investigation, he or she shall take the following action:
 - a. If the city Planning Agency determines that no violation as

alleged or otherwise is occurring, then notification of that decision shall be given to the complaining person or a spokesperson for the complaining person, or in a written report to the city council.

- b. If the city Planning Agency determines that a violation is occurring or has occurred as alleged, a Notice of Violation and Order to Correct or Cease Activity shall be sent as specified in 17.88.090(3).
3. If the city Planning Agency determines that the way to correct a violation is for the property owner or violator to cease the activity, or for the city to impose new or changed conditions on a permit or plan that has been issued or approved, the city Planning Agency shall refer the matter to the hearing examiner, planning authority, or staff for review depending upon which entity made the final decision on the matter under review.
- a. The hearing examiner or planning authority shall hold a public meeting to review the permit or approval, using criteria required for the original,
 - b. If the hearing examiner or planning authority finds that a violation exists, and that it can be reasonably resolved by imposing new or changed conditions on the permit or plan, the conditions may be changed. The action of the hearing examiner or the planning authority shall be final as provided under Chapter 18.11
 - c. If the hearing examiner or planning authority determines that the way to correct the violation is for the permittee to cease the violation, and the permittee fails or refuses to cease the violation, the hearing examiner or planning authority may revoke the permit or approved plan and may order the activity allowed by the permit or plan to cease.
 - d. If the violation is of a condition which was imposed by staff and staff finds that the violation can be reasonably resolved by imposing new or changed conditions on the permit or plan, conditions may be changed by staff.
 - e. If the staff determines that the way to correct a violation is for the permittee to cease the violation and the permittee fails or refuses to cease the violation, the staff may revoke the permit or plan and may order activity allowed by the permit or plan to cease.

C. Notice of Violation and Order to Correct or Cease Activity.

1. General. If the city Planning Agency determines that any activity, condition, structure, or use exists that does not conform to this title, he or she may issue a Notice of Violation and Order to Correct or Cease Activity. This Notice will specifically indicate the following:
 - a. the name and address of the person(s) charged with the violation;
 - b. what provision of this title is being violated;
 - c. the street address and a brief legal description of the site on which the violation has been determined to exist;
 - d. what is necessary to correct the violation;
 - e. the time by which the violation is to be corrected or activity ceased; and,
 - f. a statement that the civil penalties established in 17.88.090(5) shall be assessed against the person(s) cited if the violation is not corrected within the specified time period.
2. Notice to Occupant and Owner. The city Planning Agency shall deliver or cause to be delivered the Notice of Violation and Order to Correct or Cease Activity by U.S. postal mail, or certified mail return receipt requested, or personal service to: the occupant or person in charge of the property if the occupant or person in charge of the property is the violator; or, the owner of the property if the owner of the property is the violator, or both if appropriate.

A copy of the Notice of Violation and Order to Correct or Cease Activity shall be sent to the complaining person or a spokesperson for complaining person.

- D. Appeals. Any Notice of Violation and Order to Correct or Cease Activity issued by the city Planning Agency shall be appealable to the hearing examiner under Chapter WMC 17.70.

E. Penalties.

1. Any violation for which a Notice of Violation and Order to Correct

or Cease Activity has been issued but which has not been corrected within the time specified shall incur a civil penalty of two hundred fifty dollars (\$250) per day up to a sum of five thousand dollars (\$5,000), beginning on the day the correction was to be completed. The cumulative penalty provided for in this paragraph shall not accrue while an appeal is pending, nor shall the penalty preclude the initiation of appropriate legal action to correct the violation.

2. If a penalty has been assessed pursuant to 17.88.090(5)(a), a Court shall assess that penalty and any additional penalty the Court considers appropriate plus court costs and attorney's fees.
- F. If the city Planner determines that the property owner or violator could reasonably correct the violation, but fails to do so within the time specified in the Notice of Violation and Order to Correct or Cease Activity, the city Planner may refer the matter to the city attorney for civil enforcement by injunction or other appropriate action.
 - G. Compromise, Settlement, and Disposition of Disputes or Litigation. The city Planner and the city attorney may negotiate a settlement or compromise, or otherwise dispose of a dispute or litigation when to do so would be in the best interests of the city.