

Title 19

ZONING

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***Editor's note** – Printed in this title 19 are the zoning regulations of the city as adopted by Ordinance _____, adopted _____, 2008. Amendments to the zoning ordinance as supplemented by the city, are indicated by parenthetical history notes following amended provisions. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions have been made for clarity.

Chapter 19.01 SHORT TITLE AND PURPOSE

Sections:

19.01.010 Short title.

19.01.020 Purpose of zoning code.

19.01.010 Short title.

This title shall be known and cited as the "Zoning Code, City of Ephrata."

19.01.020 Purpose of zoning code.

A. In adopting this title, the city recognizes that there is a continuing need to regulate the use of land to promote the public health, safety, and general welfare.

Chapter 19.02 DEFINITIONS

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19.02.001 Rules of construction.

For purposes of this title, certain terms or words used in this title shall be interpreted as follows:

A. The word *person* includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

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

C. The word *shall* is mandatory; the word *may* is permissive.

D. The word *used* or *occupied* includes the words "intended, designed, or arranged to be used or occupied."

E. The word *lot* includes the words "plot" and "parcel."

19.02.002 Applicability.

The definitions contained in this chapter are those that are generally used throughout this title; except for those definitions specified in EMC 19.08.035, which are specific to that respective section and chapter.

19.02.003 Accessory dwelling unit (ADU).

An *accessory dwelling unit (ADU)* is a habitable dwelling unit added to, created within, or detached from and on the same lot with a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

19.02.004 Accessory living quarters.

Accessory living quarters is a single residential dwelling unit within a commercial or manufacturing building which is incidental to the commercial or manufacturing use.

19.02.005 Accessory use or structure.

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

19.02.006 Adult entertainment.

Adult entertainment means any dance, amusement, show, display, merchandise, material, exhibition, pantomime, modeling, or any other like performance of any type, for the use or benefit of a member or members of the public or advertised for the use or benefit of a member of the public where such is characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas," as defined in this chapter, or the exhibition of "specified sexual activities," also as defined in this chapter, or in the case of live adult entertainment performances, which emphasizes and seeks to arouse or excite the patron's sexual desires.

Any patron of an adult entertainment business, as defined in EMC 19.02.007, shall be deemed a member of the public.

19.02.007 Adult entertainment business.

Adult entertainment business means any establishment providing adult entertainment as defined in EMC 19.02.006 including, but not limited to, adult arcade, adult bookstore, adult novelty store, adult video store, adult motion picture theater, and exotic dance studio, more specifically defined as follows:

A. *Adult arcade* means a commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, computer-generated or enhanced pornography, panoram, peep show, or similar

machines, or other image-producing machines, for personal viewing, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which provide materials for individual viewing by patrons on the premises of the business which are characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

B. *Adult motion picture theater* means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by an emphasis on the depiction, description, or simulation of "specified anatomical areas" or "specified sexual activities" are regularly shown for any form of consideration.

C. *Adult retail establishment* means any bookstore, adult novelty store, adult video store, or other similar commercial establishment, business, service, or portion thereof, which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of adult entertainment material as defined in this chapter. For purposes of this provision, it shall be a rebuttable presumption that thirty (30) percent or more of a business' stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial.

In determining whether or not the presumption is rebutted, the city administrator may consider the following factors, which are not conclusive:

1. Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;
2. Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;
3. Whether adult entertainment material is an establishment's primary or one of its principal business purposes; or
4. Whether thirty (30) percent or more of an establishment's revenue is derived from adult entertainment material.

An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an

adult retail establishment. Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified adult entertainment materials.

The city administrator shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

D. *Exotic dance studio*, also known as “topless bar” and “adult cabaret,” means a nightclub, bar, restaurant, or similar commercial establishment, or any premises or facility to which any member of the public is invited or admitted and where an entertainer provides live performances to any member of the public, which performances are characterized by an emphasis on the depiction, description, or simulation of “specified anatomical areas” or “specified sexual activities,” or which emphasize and seek to arouse or excite the patron’s sexual desires.

19.02.008 Adult uses.

Adult uses means and includes any adult entertainment business as defined by EMC [19.02.007](#).

19.02.009 Adult entertainment material.

Adult entertainment material means any books, magazines, cards, pictures, periodicals or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD roms, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized by an emphasis on the depiction, description or simulation of “specified anatomical areas” or “specified sexual activities.”

19.02.010 Agricultural use.

Agricultural use means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), or livestock, and that has long-term commercial significance for agricultural production.

19.02.015 Alley.

Alley means a public or private way not more than thirty (30) feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.

19.02.020 Apartment.

Apartment means a dwelling unit in a multifamily building.

19.02.027 Automobile body repair.

Automobile body repair includes those establishments primarily engaged in furnishing automotive vehicle body work and painting.

19.02.028 Automobile detailing.

Automobile detailing means any scratch and oxidation removal, buffing, interior and exterior washing or shampooing, paint overspray removal, stain removal, non-spray touch up painting, power washing, hand drying, window tinting, road tar removal, polishing, deodorizing of any type of passenger vehicles and trucks. Automobile detailing does not include cleaning of engines or engine parts.

19.02.030 Automobile repair.

Automobile repair includes fixing, incidental body or fender work, painting, upholstering, engine tune-up, adjusting lights or brakes, or supplying and installing replacement parts of or for passenger vehicles and trucks.

19.02.035 Automobile service station or gasoline filling station.

Automobile service station or gasoline filling station means a building or lot having pumps and storage tanks where fuels, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only, repair service is incidental and no storage or parking space is offered for rent.

19.02.040 Automobile wrecking or motor vehicle wrecking.

Automobile wrecking or motor vehicle wrecking means the dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

19.02.045 Basement.

Basement means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

19.02.050 Bed and Breakfast (homestay).

Bed and Breakfast (homestay) means a private owner occupied residence with one or two guestrooms. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than fourteen (14) days in any one-year period.

19.02.051 Bed and Breakfast Inn.

Bed and Breakfast Inn means a detached single-family residence that is owner-occupied and in which (1) three or more guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit, and (2) breakfast is customarily included in the charge for the room. A bed-and-breakfast lodging is not a hotel or motel, home occupation or other use defined or regulated elsewhere in this title, except that bed and breakfast (homestay) establishments containing one or two sleeping rooms may be considered a minor home occupation.

19.02.055 Boarding or lodging home.

Boarding or lodging home means a dwelling or part thereof, other than a motel or hotel, where lodging, with or without meals, is provided, for compensation, for not more than three (3) persons.

19.02.060 Building.

Building means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.

19.02.065 Building height.

Building height means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

19.02.067 Bulk retail uses.

Bulk retail uses are distinguished from other retail uses in that they typically combine retail sales with warehouse and storage of goods. These uses generally require large, high-ceiling buildings since they store large quantities of inventory on site. They also require large sites since adequate parking is essential.

19.02.070 Canopy.

Canopy means a rooflike projection.

19.02.071 Cargo containers.

Cargo containers means standardized, reusable vessels, designed without an axle or wheels, which were:

1. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Designed for or capable of being mounted or moved on a rail car; and/or
3. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

When used for any purpose other than those listed in subsection (1) of this section, a cargo container is a structure.

19.02.073 Clustering or cluster subdivision.

Clustering or cluster subdivision means a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract, or parcel.

19.02.075 Comprehensive plan.

Comprehensive plan means the document, including maps, adopted by the city council which outlines the city's goals and policies relating to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

19.02.080 Combining district.

Combining district means district regulations superimposed on an underlying zoning district which impose additional regulations for specific uses, and which are valid for a stipulated time period. Uses permitted by the underlying zone may also be developed.

19.02.085 Common open space.

Common open space means a parcel of land or an area of water or a combination of land and water within the site designated for a planned unit development, and designed and intended primarily for the use or enjoyment of the residents of such development.

19.02.088 Congregate care facilities.

Congregate care facilities mean a building or complex of dwellings which provides for shared use of facilities, such as kitchens, dining areas, and recreation areas. Such complexes may also provide kitchens and dining space in individual dwelling units.

Practical nursing care may be provided, but not nursing care as described in a convalescent home.

19.02.089 Convalescent home.

Convalescent home means any home, place, institution or facility which provides convalescent or chronic care, or both, for a period in excess of twenty-four (24) consecutive hours for three (3) or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable to properly care for themselves. Such establishment shall be duly licensed by the state of Washington as a "nursing home" in accordance with the provisions of Chapter 18.51 RCW.

19.02.090 Conditional use.

Conditional use means a use permitted in a zoning district only after review and approval by the hearing examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

19.02.091 Condominium.

Condominium means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded.

Condominiums must meet all provisions of Chapter 64.34 RCW.

19.02.095 Crop and tree farming.

Crop and tree farming means the use of land for horticultural purposes.

19.02.096 Density, maximum permitted.

Maximum permitted density refers to the maximum number of dwelling units permitted per acre, subject to lot size and other development standards of Ch. 19.04 EMC. When determining the allowed number of units for a subdivision or short subdivision, all site area may be included in the calculation. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows: fractions above one-half (1/2) shall be rounded up, fractions of one-half (1/2) and below shall be rounded down.

19.02.097 Dangerous wastes.

Dangerous wastes means those wastes designated in WAC 173-303-070 through 173-303-103 as dangerous wastes. This may include any discarded, useless, unwanted or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife or the environment because such wastes or constituents or combinations of such wastes:

A. Have short-lived toxic properties that may cause death, injury or illness or have mutagenic, teratogenic or carcinogenic properties; or

B. Are corrosive, explosive or flammable, or may generate pressure through decomposition or other means.

A moderate risk waste is not a dangerous waste.

19.02.098 Day-care center.

Day-care center means a day-care operation with thirteen (13) or more persons in attendance at any one (1) time.

19.02.099 Day-care Family home.

Day-care family home means a facility licensed to provide direct care, supervision and early learning opportunities for twelve (12) or fewer children in their home where the licensee resides and is the primary provider or as defined in WAC 170-296-0020.

19.02.100 Day-care operation.

Day-care operation means the temporary care of persons in a residence or structure (meeting the requirements of Chapter 388-148 WAC) for less than twenty-four (24) hours a day on a regular recurring basis for pay or other valuable consideration, including, but not limited to, the furnishing of shelter, sustenance, supervision, education or other supportive services.

19.02.101 Designated manufactured home.

Designated manufactured home means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

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

B. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

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

19.02.102 Designated zone facility.

Designated zone facility means any hazardous waste facility that requires an interim or final status permit under rules adopted under Chapter 70.105 RCW and Chapter 173-303 WAC, and that is not a preempted facility as defined in RCW 70.105.010 or in Chapter 173-303 WAC. A hazardous waste treatment or storage facility is a designated zone facility.

19.02.103 Development plan.

Development plan means a plan drawn to scale, indicating the proposed use, the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration, yards, setbacks, landscaping, off-street parking, ingress and egress, and signs.

19.02.105 Development standards.

Development standards means regulations including but not limited to setbacks, landscaping, screening, height, site coverage, signs, building layout, parking and site design and related features of land use.

19.02.107 Discontinuance.

Discontinuance means the abandonment or nonuse of a building, structure, sign or lot meeting the definition of a non-conforming designation for a period of one hundred eighty (180) days.

19.02.107 Discontinuance - conforming.

Discontinuance-conforming means the abandonment or nonuse of a structure for a period of one hundred eighty days. Resumption of conforming operations after 180 days of non use shall require compliance with all then current rules, regulations and standards as adopted.

19.02.110 District.

District means an area designated by this title, with specific boundaries, in which lie specific zones, which zones are described in this title.

19.02.111 Dock-high loading areas.

Dock-high loading areas means truck maneuvering areas and loading or unloading areas associated with loading doors that are located above the finish grade.

19.02.112 Drainage ditch.

Drainage ditch means a manmade channel with a bed, bank or sides which discharges surface waters into or out of a major or minor creek, lake, pond or wetland.

19.02.113 Drip-line.

Drip-line means a circle drawn at the soil line directly under the outermost branches of a tree.

19.02.113.1 Drive-in, drive-through facilities.

Drive-in, drive-through facilities means a business or portion of a business where a consumer is permitted or encouraged either by the design of physical facilities or by the provisions of services and/or packaging procedures, to carry on business while seated in a motor vehicle. This definition shall include but not be limited to drive-up windows, drive-through banks, and drive-in/drive-through restaurants.

19.02.114 Duplex.

Duplex means one (1) detached residential building containing two (2) dwelling units totally separated from each other by a one (1) hour fire wall or floor, designed for occupancy by not more than two (2) families.

19.02.115 Dwelling, single-family.

Single-family dwelling means a detached residential dwelling unit, other than a mobile home, designed for and occupied by one (1) family only.

19.02.125 Dwelling, multiple-family.

Multiple-family dwelling means a residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

19.02.130 Dwelling unit.

Dwelling unit means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property, and containing independent cooking and sleeping facilities.

19.02.131.5 Equitable distribution.

Equitable distribution means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one (1) county, or in any one (1) jurisdiction or community within a county, as relevant.

19.02.132 Erosion hazard areas.

Erosion hazard areas are defined as follows:

A. *Class 1 erosion hazard areas.* Class 1 erosion hazard areas means all areas of the city other than class 2 or 3 erosion hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Ch. 19.04 EMC pertaining to district regulations.

B. *Class 2 erosion hazard areas.* Class 2 erosion hazard areas means all soils mapped by the Soil Conservation Service as having moderate to severe erosion hazard potential. These soils in the city include Bakeoven, Malaga, Pedigo, Prosser and Scoon soils.

C. *Class 3 erosion hazard areas.* Class 3 erosion hazard areas means all soils mapped by the Soil Conservation Service as having a severe to very severe erosion hazard potential. These soils in the city include Licksillet, Outlook, Starbuck and Zen soils.

The Soil Conservation Service maps referenced in this section are on file with the city community development department.

19.02.133 Extremely hazardous waste.

Extremely hazardous waste means those wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous wastes. This may include any dangerous waste which:

A. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

1. Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife; and
2. Is highly toxic to man or wildlife.

B. Is disposed of at a hazardous waste disposal site in such quantities as would present an extreme hazard to man or the environment.

19.02.135 Family.

Family means one (1) or more individuals related by blood or legal familial relationship, or a group of not more than six (6) persons who need not be related by blood or a legal familial relationship, living together in a dwelling unit as a single, nonprofit housekeeping unit, excluding class I, class II and III group homes as defined in EMC 19.02.173.

19.02.140 Fence, sight-obscuring.

The minimum for a sight-obscuring fence is a chain-link fence with woven slats in every row or available space of the fence.

19.02.145 Fence, one hundred (100) percent sight-obscuring.

One hundred (100) percent sight-obscuring fence means a fence constructed of solid wood, metal, or other appropriate material which totally conceals the subject use from adjoining uses at six (6) feet above the base of the fence line, at twenty (20) feet from the subject property line.

19.02.147 Floor area ratio.

Floor area ratio is a measure of development intensity which is determined by dividing gross floor area by lot area.

19.02.150 Frontage, building or occupancy.

Building or occupancy frontage means the length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area or mall appurtenant to such building or occupancy, expressed in lineal feet and fractions thereof.

19.02.155 Garage or carport, private.

Private garage or carport means a building, or a portion of a building, principally for vehicular equipment such as automobiles, boats, etc., not more than one thousand (1,000) square feet in area, in which only motor vehicles used by the tenants of the buildings on the premises are stored or kept.

19.02.160 General conditional uses.

General conditional uses means uses described in EMC 19.08.030. Such uses shall be deemed conditional uses in all districts.

19.02.165 Grade.

Grade means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from such wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall

of a building and the property line if it is less than five (5) feet distant from such wall. In case walls are parallel to and within five (5) feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

19.02.170 Gross floor area.

Gross floor area means the area included within the surrounding exterior walls of a building expressed in square feet and fractions thereof. The floor area of a building not provided with surrounding exterior walls shall be the usable area under the horizontal projections of the roof or floor above.

19.02.172 Ground cover.

Ground cover means low-growing vegetative materials with a mound or spreading manner of growth that provides solid cover within two (2) years after planting. Examples include sod or seed lawn, ivy, junipers, cotoneaster, etc.

19.02.173 Group home.

A. *Class I group home.* Class I group home means publicly or privately operated residential facilities such as state-licensed foster homes and group homes for children; group homes for individuals who are developmentally, physically, or mentally disabled; group homes or halfway houses for recovering alcoholics and former drug addicts; and other groups not considered within class II or III group homes.

1. *Group home, class I-A.* A class I-A group home shall have a maximum of seven (7) residents including resident staff.
2. *Group home, class I-B.* A class I-B group home shall have a maximum of ten (10) residents including resident staff.
3. *Group home, class I-C.* The number of residents for a class I-C group home will be based upon the density of the underlying zoning district.

B. *Class II group home.* Class II group home means publicly or privately operated residential facilities for juveniles under the jurisdiction of the criminal justice system. These homes include state-licensed group care homes or halfway homes for juveniles which provide residence in lieu of sentencing or incarceration, and halfway houses providing residence to juveniles needing correction or for juveniles selected to participate in state-operated work release and pre-release programs. The community development director shall have the discretion to classify a group home proposing to

serve juveniles convicted of the offenses listed under class III group home in this section as a group home class III, and any such home shall be sited according to the regulations contained within the group III classification.

1. *Group home, class II-A.* A class II-A group home shall have a maximum of eight (8) residents including resident staff.

2. *Group home, class II-B.* A class II-B group home shall have a maximum of twelve (12) residents including resident staff.

3. *Group home, class II-C.* A class II-C group home shall have a maximum of eighteen (18) residents including resident staff.

C. Class III group home. Class III group home means privately or publicly operated residential facilities for adults under the jurisdiction of the criminal justice system who have entered a pre- or post-charging diversion program, or been selected to participate in state-operated work/training release or other similar programs as provided in Chapters [137-56](#) and [137-57](#) WAC. Such groups also involve individuals who have been convicted of a violent crime against a person or a crime against property with a sexual motivation and convicted or charged as a sexual or assaultive violent predator. Secure community transition facilities are considered class III group homes. Secure community transition facilities shall have a maximum of three (3) residents, excluding resident staff, unless the state agency proposing to establish and operate the facility can demonstrate that it has equitably distributed other secure community transition facilities with the same or a greater number of residents in other jurisdictions or communities throughout the entire geographic limits of Grant County.

19.02.174 Guest cottage.

Guest cottage means an accessory, detached dwelling without any kitchen facilities designed for and used to house transient visitors or nonpaying guests of the occupants of the main building.

19.02.175 Hazardous substance.

Hazardous substance means any liquid, solid, gas or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under Chapter [70.105](#) RCW or in WAC [173-303-090](#), [173-303-100](#), [173-303-101](#), [173-303-102](#), or [173-303-103](#).

19.02.176 Hazardous substance facility buffer zone.

Hazardous substance facility buffer zone means a setback area between the hazardous substance land use facility boundary and the nearest point of the hazardous substance land use property line, necessary to provide added protection to adjacent land uses or resources of beneficial use. All hazardous waste treatment and storage facilities must maintain at least a fifty (50) foot buffer zone.

19.02.177 Hazardous substance land use.

Hazardous substance land use means any use which is permitted under this title and which includes a designated zone facility or the processing or handling of a hazardous substance.

19.02.178 Hazardous substance land use facility.

Hazardous substance land use facility means the projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred in the past or will occur in the future. This does not include the application of products for agricultural purposes or the use, storage, or handling of hazardous substances used in public water treatment facilities.

19.02.179 Hazardous substance, processing or handling of.

Processing or handling of a hazardous substance means the compounding, treatment, manufacture, synthesis, use or storage of hazardous substances in excess of the following amounts in bulk quantities: five thousand (5,000) pounds of solid hazardous substances, five hundred (500) gallons of liquid hazardous substances, and six hundred fifty (650) cubic feet of gaseous hazardous substances.

19.02.180 Hazardous waste.

Hazardous waste means any dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components. A moderate risk waste is not a hazardous waste.

19.02.181 Hazardous waste facility.

Hazardous waste facility means the contiguous land and structures, other appurtenances and improvements on the land used for recycling, storing, treating, incinerating or disposing of hazardous waste.

19.02.182 Hazardous waste storage facility.

Hazardous waste storage facility means any designated zone facility which holds hazardous waste for a temporary period not to exceed five (5) years; this does not

include accumulation of hazardous waste by the generator on the site of generation, as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

19.02.183 Hazardous waste treatment facility.

Hazardous waste treatment facility means any designated zone facility which processes hazardous waste by physical, chemical or biological means to make such waste nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

19.02.184 Hazardous waste treatment or storage facility, offsite.

Offsite hazardous waste treatment or storage facility means any hazardous waste treatment or storage facility which treats or stores wastes that are generated off the site.

19.02.185 Hazardous waste treatment or storage facility, onsite.

Onsite hazardous waste treatment or storage facility means any hazardous waste treatment or storage facility which treats or stores only those wastes that are generated on the site.

19.02.186 Hearing examiner (land use).

Hearing examiner (land use) means a person appointed by the Mayor to conduct public hearings on applications outlined in the city ordinance creating the hearing examiner, and who prepares a record, findings of fact and conclusions on such applications.

19.02.190 Home occupation.

Home occupation means any use customarily carried on within a dwelling by the inhabitants thereof which use is incidental to the residential use and not primarily considered as a business and which complies with the conditions of EMC 19.08.040.

19.02.195 Homeowners' association.

Homeowners' association means an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot owner is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the common property, and (c) a charge, if unpaid, becomes a lien against the property.

19.02.200 Hotel.

Hotel means any building containing six (6) or more guestrooms which are intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

19.02.202 Impervious surface.

Impervious surface means that hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions preexistent to development, or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexistent to development. Common impervious surfaces include but are not limited to rooftops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water.

19.02.204 Institution.

Institution means a civic, religious, or other similar organization, including, but not limited to, an athletic field, hospital, university, religious institution, and community center.

19.02.205 Interior court.

Interior court means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

19.02.210 Junkyard.

Junkyard means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, auto and motor vehicle wrecking yards, house wrecking yards, used lumber yards and yards for use of salvaged house wrecking and structural steel materials and equipment.

19.02.215 Kennel.

Kennel means any premises on which four (4) or more dogs which are five (5) months old or older are kept.

19.02.220 Landscaping.

Landscaping means vegetative cover including shrubs, trees, flowers, seeded lawn or sod, ivy and other similar plant material.

19.02.222 Landslide areas.

A. *Class 1 landslide areas.* Class 1 landslide areas means all areas of the city other than class 2 or 3 landslide hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Ch. 19.04 EMC pertaining to district regulations.

B. *Class 2 landslide areas.* Class 2 landslide areas means areas with slopes of fifteen (15) percent or greater with permeable subsurface material (predominantly sand and gravel) to base level.

C. *Class 3 landslide areas.* Class 3 landslide hazard areas means those areas subject to a severe risk of landslide, due to the combination of: (a) slopes greater than fifteen (15) percent, and (b) impermeable subsurface material (typically silt and clay) sometimes interbedded with permeable subsurface material (predominantly wet sand and gravel) between the top and base (foot) elevations, and (c) characterized by springs or seeping groundwater during the wet season (November to February). These areas include both active and currently inactive slides.

19.02.223 Less restrictive alternative.

Less restrictive alternative means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

19.02.225 Lot.

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record and portions of lots of record;
- D. A parcel of land described by metes and bounds;

provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

19.02.228 Long term commercial significance.

Long term commercial significance includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

19.02.230 Lot, corner.

Corner lot means a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

19.02.231 Lot area.

Lot area means the area included within the property lines of a lot, including any easement area.

19.02.235 Lot frontage.

The front of a lot shall be that portion nearest the street or, if the lot does not abut a street, the portion nearest an ingress/egress easement. On a corner lot, the front yard shall be considered the narrowest part of the lot that fronts on a street, except in industrial and commercial zones, in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage.

19.02.240 Lot lines.

Lot lines means the property lines bounding the lot.

19.02.245 Lot measurements.

A. Depth of a lot shall be considered to be the distance between the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. Width of a lot shall be considered to be the distance between the side lines connecting front and rear lot lines; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

19.02.250 Lot of record.

Lot of record means a lot which is part of a subdivision recorded in the office of the county assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

19.02.255 Lot, through.

Through lot means a lot that has both ends fronting on a street. Either end may be considered the front.

19.02.257 Major nonconforming building or structure.

Major nonconforming building or structure means any nonconforming building or structure located on a parcel which at any point borders or is in a residential district and which is not in compliance with the minimum development standards of the district in which it is located.

19.02.258 Minor nonconforming building or structure.

Minor nonconforming building or structure means any nonconforming building or structure which is not a major nonconforming structure and which is not in compliance with the minimum development standards of the district in which it is located.

19.02.259 Mixed use building or structure.

Mixed use building or structure means a building that contains two (2) or more separate and distinct uses permitted in the zoning district where such building is located.

19.02.260 Mixed use development.

Mixed use development shall mean two (2) or more permitted uses or conditional uses developed in conjunction with one another on the same site. Provided that the aforementioned requirements are met, a mixed use development may include two (2) or more separate buildings. Provided further, that at least twenty-five (25) percent of the gross floor area, as defined in EMC 19.02.170, be a permitted commercial use. The residential component of any mixed use development cannot be permitted or occupied prior to the (permitting and/or occupancy of) the commercial component.

19.02.261 Manufactured home.

Manufactured home means a single-family dwelling constructed in a factory after June 15, 1976, and installed in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

19.02.262 Mobile home.

Mobile home means a factory-constructed residential unit with its own independent sanitary facilities that is intended for year round occupancy and is composed of one (1) or more major components which are mobile in that they can be supported by wheels attached to their own integral frame or structure and towed by an attachment to that

frame or structure over the public highway under trailer license or by special permit, and which was constructed prior to June 15, 1976.

19.02.265 Mobile home park.

Mobile home park means an area under one (1) ownership designed to accommodate ten (10) or more manufactured homes.

19.02.267 Moderate risk waste.

Moderate risk waste means those wastes defined in WAC 173-303-040 as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation, and any household waste which is generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.

19.02.268 Modular home.

Modular home means a single-family dwelling constructed in a factory and shall be constructed and installed in accordance with applicable provisions of the International Building Code, the International Residential Code, or other applicable building codes, and shall bear the appropriate insignia indicating compliance with those codes. This definition includes "prefabricated," "panelized," and "factory built" units.

19.02.270 Motel, including hotel and motor hotel.

Motel, including hotel and motor hotel, means a building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

19.02.270.5 Motor vehicle.

Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

19.02.271 Multifamily design review.

Multifamily design review means an administrative process for the purpose of reviewing multifamily development applications for compliance with specific site design, landscape design and building design criteria.

19.02.272 Multifamily transition area.

A *multifamily transition area* is any portion of an R-2, R-4, R-5 or C-2 low density, medium density or high density multifamily residential district situated within one hundred (100) feet of a single-family district or within one hundred (100) feet of a public street right-of-way. Specifically excluded from this definition is property abutting a right-of-way that will never be developed into a public street as determined by the city public works director, and does not otherwise qualify as a multifamily transition area.

19.02.275 Natural or native areas.

Natural or native areas means all or portions of a parcel of land undisturbed by development and maintained in a manner which preserves the indigenous plant materials.

19.02.280 Net acreage.

Net acreage means the buildable area after the area of street rights-of-way has been subtracted.

19.02.281 New manufactured home.

New manufactured home means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW [82.45.032\(2\)](#).

19.02.282 Nonconforming lot of record.

Nonconforming lot of record means any validly recorded lot which at the time it was recorded fully complied with the applicable laws and ordinances but which does not fully comply with the lot requirements of this title.

19.02.283 Nonconforming sign.

Nonconforming sign means any sign legally established prior to the effective date of this title or subsequent amendments thereto, which is not in full compliance with the regulations of this title.

19.02.285 Nonconforming use.

Nonconforming use means the use of land, a building or a structure lawfully existing prior to the effective date of this title or subsequent amendments thereto, which does not conform with the use regulations of the district in which it is located on the effective date of such use regulations.

19.02.286 Nonconformity.

Nonconformity means any land use, structure, lot of record or sign legally established prior to the effective date of this title or subsequent amendment to it which would not be permitted by or is not in full compliance with the regulations of this title.

19.02.287 Northern lot line.

Northern lot line means a lot line or lines less than forty-five (45) degrees southeast or southwest of a line drawn east-west and intersecting the northernmost point of the lot. If the northern lot line adjoins any unbuildable area (e.g., streets, alleys, public rights-of-way, parking lots, common areas) other than a required yard area, the northern lot line shall be that portion of the northerly edge of the unbuildable area which is due north from the actual northern lot line of the applicant's property.

19.02.288 North-south lot dimension.

North-south lot dimension means the average distance between lines from the corners of the northern lot line south to a line drawn east-west and intersecting the southernmost point of the lot.

19.02.295 Occupancy.

Occupancy means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

19.02.300 Official map.

Official map means maps showing the designation, location and boundaries of the various districts which have been adopted and made a part of this title.

19.02.305 Open green area.

Open green area means landscaped areas and areas of natural or native vegetation.

19.02.315 Outside storage.

Outside storage means all or part of a lot which is used for the keeping of materials or products in an open, uncovered yard or in an unwallled building. Such materials shall not be for general public consumption or viewing. Such materials shall include tractors, backhoes, heavy equipment, construction materials and other similar items which detract from the appearance of the zone in which they are located.

19.02.317 Overlay district.

Overlay district means a defined geographic area where a set of development regulations are established to achieve a specific public purpose. These regulations are

in addition to those of the underlying zoning district. Where a conflict exists between the regulations of the overlay district and the underlying zoning, the regulations of the overlay district shall apply.

19.02.320 Parking space or parking stall.

Parking space or parking stall is any off-street space intended for the use of vehicular parking, with ingress or egress to the space easily identifiable.

19.02.327 Pedestrian-oriented use.

Pedestrian-oriented use means a commercial use whose customers commonly arrive on foot, or where signage, advertising, window display and entry ways are oriented toward pedestrian traffic on a public sidewalk. Pedestrian-oriented businesses may include restaurants, retail shops, personal service businesses, travel services, banks, (except drive-through windows), and similar establishments.

19.02.330 Performance standards.

Performance standards means regulations for the control of dangerous or objectionable elements, as defined in EMC 19.08.050(A).

19.02.332 Planned unit development.

Planned unit development is a development built under those provisions of this title which permit departures from the conventional siting, setback and density requirements of other sections of this title in the interest of achieving superior site development, creating open space and encouraging imaginative design by permitting design flexibility.

19.02.333 Community Development Director.

Community Development Director means the director of the city of Ephrata community development department or his/her authorized designee.

19.02.334 Preempted facility.

Preempted facility means any hazardous waste facility defined as a preempted facility in RCW 70.105.010 or in Chapter 173-303 WAC. This may include any facility that includes as a significant part of its activities any of the following hazardous waste operations: (a) landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

19.02.335 Preschool.

Preschool means establishments providing exclusively educational programs for prekindergarten or preschool children, but excluding day-care uses as defined in EMC 19.02.100.

19.02.336 Public area.

Public area means public or private roadways, pedestrian paths, parks, open spaces, or other common spaces.

19.02.337 Recreational vehicles.

A. *Recreational vehicles* mean motorized vehicles that include a cabin for living accommodations and are commonly used for recreational travel and touring. Vehicles included in this category come in several forms: travel trailers, tent trailers, and camping trailers, all of which must be towed by a car; and truck campers, motor homes, and camper vans, all of which have the motor within the body of the vehicle.

B. Recreational vehicles may also include any motorized or non-motorized vehicle, boat, boat trailer, or other vehicle to be used for recreational purposes.

19.02.339 Revegetation.

Revegetation means the planting of vegetation to cover any land areas which have been disturbed during construction. This vegetation shall be maintained to ensure its survival and shall be consistent with planting requirements of the city landscape regulations as set out in Ch. 19.07 EMC.

19.02.340 Recyclables:

Recyclables Newspaper, uncoated mixed paper, aluminum, glass and metal food and beverage containers, polyethylene terephthalate (PET #1) plastic bottles, high density polyethylene (HDPE #2) plastic bottles, and such other materials that the City and contractor determine to be recyclable.

19.02.341 Recycling collection and processing center:

Recycling collection and processing center A facility where collected recyclable items are brought for sorting, compaction, transfer, and/or processing including changing the form of materials.

19.02.342 Recycling collection station:

Recycling collection station A container or containers for the collection of secondhand goods and recyclable materials.

19.02.343 Risk potential activity or risk potential facility.

Risk potential activity or risk potential facility means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques or other religious facilities and places of worship, public libraries, and others identified by the department following the hearings on a potential site required in RCW [71.09.315](#). The term *school bus stops* does not include bus stops established primarily for public transit.

19.02.345 Roadside stand.

Roadside stand means a temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located.

19.02.346 Secure community transition facility.

Secure community transition facility means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter [71.09](#) RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW [71.09.250](#) and any community-based facilities established under Chapter [71.09](#) RCW and operated by the Secretary of the State of Washington Department of Social and Health Services or under contract with the Secretary.

19.02.347 Seismic hazard areas.

A. *Class 1 seismic hazard areas.* Class 1 seismic hazard areas means all areas of the city other than class 2 or 3 seismic hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under [Ch. 19.04](#) EMC pertaining to district regulations.

B. *Class 2 seismic hazard areas.* Class 2 seismic hazard areas means those areas where soils are characterized by moderately well-drained alluvium and glacial outwash of moderate density.

C. *Class 3 seismic hazard areas.* Class 3 seismic hazard areas means those areas subject to severe risk of earthquake damage due to soils of low density, due to poorly drained or impervious alluvium, due to highly saturated organic material or due to slopes greater than fifteen (15) percent.

19.02.348 Service uses or activities.

Service uses or activities means a business which sells the knowledge or work of its people rather than a tangible product.

19.02.349 Setback, average.

The *average setback* is the mean or average depth of yard (setback) measured from the property line to the building. The average setback is computed along the full length of the property line, utilizing a designated property depth.

19.02.350 Shopping center.

Shopping center means a retail shopping area designed as a unit, which utilizes a common parking area.

19.02.351 Sign.

Sign means any structure, device, letter, figure, character, poster, picture, trademark, or reading matter which is used or designed to announce, declare, demonstrate, display, or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

- A. Official notices authorized by a court, public body, or public officer.
- B. Direction, warning, or information sign authorized by federal, state, or municipal authority.
- C. The official flag, emblem, or insignia of a government, school, or religious group or agency.
- D. A memorial plaque or tablet, or cornerstones indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.

19.02.355 Sign area.

Sign area means the total area of all faces of a sign expressed in square feet. Area is measured from the outside perimeters, including backup, molding, framing, decorative scrollwork, etc. The area of a group of individual mounted letters or figures shall be the area of the geometric form necessary to enclose the group of letters or figures.

19.02.360 Sign height.

Sign height means the distance from ground level to the highest point on the sign structure.

19.02.365 Sign, abandoned.

Abandoned sign means any sign which has been deserted and its effective use terminated, and which no longer fulfills the purpose for which it was constructed.

19.02.370 Sign, advertising.

Advertising sign means a sign which directs attention to a business, commodity, or service or entertainment sold or offered elsewhere than on the premises and only incidentally on the premises.

19.02.375 Sign, business.

Business sign means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the premises.

19.02.380 Sign, canopy.

Canopy sign means a sign attached to the underside of a canopy.

19.02.385 Sign, construction.

Construction sign means a temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors, and other information regarding the building or structure.

19.02.390 Sign, directional or informational.

Directional or informational sign means a sign designated to guide or direct pedestrians or vehicles.

19.02.395 Sign, flashing.

Flashing sign means an illuminated sign with action or motion, or light or color changes.

19.02.400 Sign, freestanding.

Freestanding sign means a sign standing directly upon the ground or having one (1) or more supports standing directly upon the ground, and being detached from any building or structure.

19.02.405 Sign, gate or entrance.

Gate or entrance sign means a sign attached or adjacent to an entranceway of a residential site or subdivision, which identifies the site or subdivision.

19.02.410 Sign, identification.

Identification sign means a sign used only for the purpose of identifying the occupancy of a building, structure, or property.

19.02.415 Sign, illuminated.

Illuminated sign means a sign designed to give forth any artificial light or reflect such light from an artificial source.

19.02.420 Sign, indirectly illuminated.

Indirectly illuminated sign means an illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and which is so arranged that no direct rays of light are projected from such artificial source into residences or the street.

19.02.425 Sign, institutional.

Institutional sign means a sign used only for the purpose of identifying an institution.

19.02.430 Sign, off-premises.

Off-premises sign means a sign that contains a message or directs attention to a business, profession, product, activity, or service that is not related to a use or activity conducted or offered on the premises or at the location where the sign is located, excluding road directional signs, and is generally available by means of rental or lease to persons other than the owner of the sign. An off-premises sign includes the sign face(s) that contains the message or direction noted above, as well as the pole or other structure upon which the sign face is attached.

19.02.435 Sign, on-premises.

On-premises sign means a sign identifying a business, product, service, or activity conducted or sold on the same premises as that on which the sign is located.

19.02.440 Sign, painted.

Painted sign means a sign which is painted on any office, wall, window, fence, or structure of any kind.

19.02.445 Sign, political.

Political sign means a sign advertising a candidate for political office or a measure scheduled for election.

19.02.450 Sign, portable.

Portable sign means a sign which is not permanently affixed to the ground or to a building or structure and which may be easily moved.

19.02.455 Sign, projecting.

Projecting sign means a sign affixed to the exterior wall of a building or structure with the exposed faces perpendicular to the plane of such wall.

19.02.460 Sign, roof.

Roof sign means a sign attached to a building which projects above the structure of the building. This definition refers to the architectural unity of a building or structure.

19.02.465 Sign, rotating.

Rotating sign means a sign containing moving parts.

19.02.470 Sign, subdivision.

Subdivision sign means a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider, and the name of the owner or agent, and giving information regarding directions, price, or terms.

19.02.475 Sign, temporary.

Temporary sign means a sign intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

19.02.480 Sign, wall.

Wall sign means a sign affixed to the exterior wall of a building or structure with the exposed face of the sign on a plane parallel to the plane of such wall.

19.02.485 Sign, window.

Window sign means a sign painted on, affixed to, or placed in an exterior window with the exposed face of the sign on a plane parallel to the plane of such window.

19.02.487 Single-family zoning district.

A *single-family zoning district* is a zoning district with any of the following designations: single-family residential (R-1), small lot single family residential (R-3) and suburban-residential (S-R).

19.02.490 Site coverage.

Site coverage means that portion of a lot covered by buildings or structures.

19.02.495 Slope line.

Slope line is defined as the line perpendicular to the contour lines crossing the property. The precise bearing or heading of the slope line shall be determined by the planning department.

19.02.499 Solid waste incinerator.

Solid waste incinerator means the processing of solid wastes by means of pyrolysis, refuse-derived fuel, or mass incineration within an enclosed structure. These processes may include the recovery of energy resources from such waste or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to citywide or regional-scale operations and does not include solid waste incineration which is accessory to an individual principal use.

19.02.499.1 Special life safety measures.

Special life safety measures means upper story rescue windows accessible from the front and rear of a home, or a fire department-approved automatic fire suppression system.

19.02.500 Special use.

Special use means use permitted in a district provided such use meets specific development standards as outlined in EMC 19.08.020.

19.02.501 Special trees.

Special trees means trees significant due to their size, age, species and variety, or historical importance.

19.02.502 Specified anatomical areas.

Specified anatomical areas means:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

19.02.503 Specified sexual activities.

Specified sexual activities means:

A. The caressing, touching, fondling, or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one person by another; or

B. Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or

C. Human genitals in a state of sexual stimulation, arousal, or tumescence or visual state of sexual stimulation, arousal, or tumescence, even if completely and opaquely covered; or

D. Excretory functions as part of or in connection with any of the activities set forth in subsections (A) through (C) of this section.

19.02.505 Stacking space.

Stacking space means the space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility, or entrance used by patrons and in lanes leading up to and away from the business establishment.

19.02.506 Stadium.

Stadium means a large oval, round, or U-shaped open structure, as for football, baseball, track events, etc., surrounded by tiers of seats, for a minimum of two thousand five hundred (2,500) spectators.

19.02.510 Structure.

Structure means that which is built or constructed, or an edifice or building of any kind or any piece of work composed of parts joined together in some definite manner, and includes posts for fences and signs, but does not include mounds of earth or debris.

19.02.515 Story.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

19.02.520 Street.

Street means a public way thirty (30) feet or more in right-of-way width which affords a primary means of access to property.

19.02.525 Townhouse.

Townhouse means a multifamily residential dwelling unit which is attached to other dwelling units along one (1) or both sides and which occupies the building area from ground level to the roof with no dwelling units located above or below.

19.02.525.1 Townhouse with ownership interest.

Townhouse with ownership interest means real property formed as a townhouse, where portions are designated for separate ownership and the remainder is designated for common ownership solely by the owners of those portions, with an undivided interest in the common elements vested in the unit owners. Real property is not considered a townhouse with ownership interest until after a declaration encompassing and outlining the above requirements is recorded.

19.02.527 Trade, retail.

Retail trade means the sale or rental of goods and merchandise for final use or consumption.

19.02.528 Transitional housing.

Transitional housing means a facility operated publicly or privately to provide housing for individuals or families who are otherwise homeless and have no other immediate living options available to them. Transitional housing shall not exceed a twenty-four (24) month period per family or individual.

19.02.529 Tree.

Tree means any living woody plant characterized by one (1) main stem or trunk and many branches, and having a diameter of six (6) inches or more measured at three (3) feet above ground level.

19.02.529.5 Undeveloped land.

Undeveloped land means a parcel of land which does not have an inhabitable building or where the inhabited buildings occupy no more than three (3) percent of the total parcel area.

19.02.530 Unique and fragile area.

Unique and fragile area means an area of special environmental significance for wildlife habitat, threatened plant communities or natural scenic quality.

19.02.531 Urban separators.

Urban separators are low-density lands that define community or municipal identities and boundaries, protect adjacent resource lands, rural areas, and environmentally sensitive areas, and create open space corridors within and between urban areas which provide environmental, visual, recreational, and wildlife benefits.

19.02.532 Use.

Use means an activity for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

19.02.533 Use, change of.

A *change of use* shall be determined to have occurred when it is found that the general character of the operation has been modified. This determination shall include review of but not be limited to: (1) hours of operation, (2) materials processed or sold, (3) required parking, (4) traffic generation, (5) impact on public utilities, (6) clientele, and (7) general appearance and location.

19.02.534 Use, temporary.

Temporary use means any activity or structure permitted under the provisions of EMC [19.08.205](#) which is intended to exist or operate for a limited period of time and which does not comply with the development standards and requirements set out in this title as specified for the zoning district in which it is located.

19.02.535 Used.

The word "*used*" in the definition of the term "adult motion picture theater" in this chapter describes a continuing course of conduct of exhibiting specific sexual activities and specified anatomical areas in a manner which appeals to a prurient interest.

19.02.536 Variance.

Variance means a modification of regulations of this title when authorized by the hearing examiner after finding that the literal application of the provisions of this title would

cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

19.02.541 Vegetative aid.

Vegetative aid means bark mulch, gravel and other nonvegetative materials which promote vegetative growth by retaining moisture or preventing weeds. These materials are not a substitute for vegetative cover.

19.02.545 Veterinary clinic.

Veterinary clinic means any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment of any illness or injury, which does not have outdoor runs.

19.02.550 Veterinary hospital.

Veterinary hospital means any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment of any illness or injury, which may have outdoor runs.

19.02.565 Yards.

Yard means the land unoccupied or unobstructed, from the ground upward, except for such encroachments as may be permitted by this title, surrounding a building site.

19.02.570 Yard, front.

Front yard means an open space, other than a court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line, including the full width of the lot to its side line.

19.02.575 Yard, rear.

Rear yard means an open space on the same lot with the building between the rear line of the building (exclusive of steps, porches, and accessory buildings) and the rear line of the lot, including the full width of the lot to its side lines.

19.02.580 Yard, side.

Side yard means an open space on the same lot with the building between the side wall line of the building and the side line of the lot and extending from front yard to rear yard. No portion of a structure shall project into any side yard, except cornices, canopies, eaves, chimney runs, or other architectural features, which may project two (2) feet, zero inches.

19.02.585 Zoning.

Zoning means the regulation of the use of private lands or the manner of construction related thereto in the interest of implementing the goals and policies of the comprehensive plan. Zoning includes both the division of land into separate and distinct zoning districts, and the specific use and development standards which regulate development. Such regulation shall also govern those public and quasi-public land use and buildings which provide for government activities and proprietary type services for the community's benefit, except as prohibited by law. State and federal governmental activities are encouraged to cooperate under these regulations to secure harmonious city development.

19.02.588 Zoning districts redefined.

Any references in the Ephrata Municipal Code to the former zoning districts R-R shall mean the zoning districts designated as follows:

Former Zone	Current Zone
R-R	S-R

19.02.590 Zoning lot.

Zoning lot means a tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width and improvement. A zoning lot need not necessarily coincide with the record lot, which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the county.

19.02.595 Zoning permit.

Zoning permit means a certificate, issued prior to a building permit, stating that the proposed use is in accordance with the requirements and standards of this title.

**Chapter 19.03
DISTRICTS ESTABLISHED – ZONING MAP**

Sections:

19.03.010 Establishment and designation of districts.

19.03.020 Official zoning map.

19.03.030 Interpretation of district boundaries.

19.03.040 Application of district regulations.

19.03.050 Minimum requirements.

19.03.010 Establishment and designation of districts.

The various districts established by this title and into which the city is divided are designated as follows:

S-R Suburban Residential Zone

The S-R Suburban District is a classification within the City of Ephrata suitable for single-family residential use on land parcels typically no larger than one acre in size. Uses are limited to residential and agricultural uses. This zoning district may serve as a transitional zone between densities. It is intended that the larger lots will provide for a limited number of farm-type animals and agricultural and the continued and uninterrupted use of established irrigation wells and water rights including the ability to drill, refurbish, re-drill or repair said irrigation wells in accordance with EMC 13.16 Water System-Backflow Protection and Cross-Connections, and RCW Chapter 90.14 Water Rights Registration-Waiver and Relinquishment, in accordance with the standards relative to the land area required to protect public health and welfare.

R-1 Single Family Residential Zone

It is the purpose and intent of the R-1 Residential District to preserve a single-family residential district, together with recreational, religious, educational and other municipal facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential neighborhood characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families and to prohibit all activities of a commercial nature and those which would tend to be

inharmonious with or injurious to the preservation of a residential environment. This area is to develop at a medium gross density of between four (~10000 sq ft) to seven (~6000 sq ft) units per acre.

R-2 Attached Housing Residential Zone

The purpose of the R-2 Residential District is to ensure adequate land area exists for a variety of housing options and a range of costs for housing in Ephrata. This district is suitable for multi-family as well as single-family residential units. Uses are limited to residential uses and under certain conditions recreational, religious, educational and other municipal facilities required to serve the community. This district is to develop at a gross density of seven or more units per acre which have primary access to arterial streets.

R-3 Small Lot Single Family Residential Zone

It is the purpose and intent of the R-3 Residential District to preserve a single-family district and provide for a variety of housing types including manufactured homes. The regulations for this district are designed and intended to establish, maintain and protect the essential neighborhood characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment. The area is to develop at a medium gross density of four to seven units per acre.

R-4 Small Lot Single Family and Multi-Family Residential Zone

The purpose of the R-4 Residential District is to ensure adequate land area exists for a variety of single-family housing options and range of costs for housing in Ephrata. The R-4 district provides for a moderate increase in population density and allows for a greater variety of housing types. This area is to develop at a high density of seven units or more per acre.

R-5 Multifamily Residential Townhouse

It is the purpose of the R-5 districts to provide suitable locations for high density multifamily residential development where home ownership is encouraged consistent

with the comprehensive plan. This area is to develop at a high density of 8 or more units per acre.

C-1 Central Business Zone

The purpose of the C-1 Commercial District is to provide for commercial use of land within the community's traditional central business district. This district provides for the continuation of business and office activity, along with the mixing of residential uses in upper floors, in the city's core, maintaining the "main street" character of this area.

C-2 General Commercial Zone

The purpose of the C-2 Commercial District is to provide for the continued development of moderate intensity commercial uses along the community's arterial streets and highways. This type of development may be characterized by shopping centers, service stations, automobile sales lots and other general or service commercial uses requiring more land and increased automobile access than would be available in the central business district.

C-3 Office and Service Commercial Zone

The purpose of the C-3 Commercial District is to provide for the development of neighborhood commercial and office centers, allowing for a clustered project, providing a variety of uses intending to serve the surrounding neighborhood area.

I-1 Light Industrial Zone

The purpose of the I-1 Industrial District is to ensure adequate land area exists for a variety of commercial and lighter industrial uses in the City of Ephrata. This district is characterized by permitting all uses permitted in the C-2 district as well as a range of more land-intensive light industrial uses, such as warehousing or materials storage.

I-2 Heavy Industrial Zone

The purpose of the I-2 Industrial District is to ensure adequate land area exists for a variety of heavy industrial uses in the City of Ephrata. This district permits the widest range of land uses, allowing virtually any non-residential use of land that has

not been determined a nuisance in a court of record or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

OSR Open Space Recreational Zone

The Open Space Recreational (OSR) District provides for breathing space, visual relief, psychological relief and solitude needs of community residents. Those areas may include recreational opportunities, sports fields, parks, historical areas or viewshed areas.

UR Open Space Urban Reserve Zone

Land within the Open Space Urban Reserve (UR) District serves a temporary function as open space until needed for urban development. Those areas are restricted to agricultural and recreational uses until the full range of urban services are available.

PF Public Facilities Zone

The purpose of Public Facilities (PF) Zone is to provide areas that are available for public facilities, such as governmental facilities, parks, schools, infrastructure facilities, and other developments intended primarily for public use.

AE Airport Enterprise Zone

The purpose of Airport Enterprise (AE) Zone is to provide for the coordinated, managed and safe development of land adjacent to the Ephrata Airport. The development and use of land shall be as provided in the Airport Master Plan, the document adopted by both the Port of Ephrata and the City of Ephrata to establish development and land use standards on Port property.

CZ Airport Clear Zone Overlay District

The purpose of the Airport Clear Zone (CZ) Overlay District is to ensure that any proposed development or use of land in that area within the approach or departure pattern of the Ephrata Municipal Airport is consistent with aviation and personal safety, limiting the exposure of persons on the ground to injury due to aviation accidents and reducing hazards to flight during approach and departure.

Obstructions within the clear zones have the potential for endangering the lives and

property of users of the Ephrata Municipal Airport and property of occupants of land in its vicinity. Obstructions may affect future instrument approach minimums to the airport and may reduce the size of the area available for landing, take-off and maneuvering of aircraft. Obstructions would tend to destroy or impair the utility of the airport and the public's investment and are potential public nuisances.

In the interest of the public health, safety and general welfare, the creation or establishment of obstructions that are a hazard to air navigation should be prevented. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is the purpose of this designation to prevent the creation or establishment of hazards to air navigation; to eliminate, remove, alter or mitigate hazards to air navigation; and to provide for the marking and lighting of obstructions, for which the City may raise and expend public funds and acquire land or interest in land.

HM Hillside Management Overlay Zone

The purpose of the hillside management overlay zoning district is to ensure that development in areas of steeper slopes is of a low enough intensity to allow for appropriate access, to minimize fire hazards and to minimize the negative erosion and aesthetic impacts of extensive grading.

PUD Planned Unit Development District

The intent of the PUD is to create a process to promote diversity and creativity in site design, and protect and enhance natural and community features. The process is provided to encourage unique developments which may combine a mixture of residential, commercial, and industrial uses. By using flexibility in the application of development standards, this process will promote developments that will benefit citizens that live and work within the city.

The purpose of Planned Development (PD) is to permit more flexibility in site planning and the design of structures in situations where modification of specific provisions of this title will not be contrary to the intent and purpose of the zone and will not be harmful to the neighborhood in which the development occurs. The Planned Development is intended to achieve land economies in development, maintenance, street systems and utility networks, while allowing for the grouping of

buildings for privacy, usable and attractive open spaces, safe circulation, mixed uses when in conformance with the Comprehensive Plan and the general well being of the residents.

The purpose of a planned development, generally applied for in conjunction with a plat or binding site plan, is to:

- 1) Produce a development project which is as good or better than what is allowed using the traditional lot-by-lot development, by applying to large areas, whether consisting of consolidated lots or unsubdivided property, the same principles and purposes inherent in the required provisions applying to individual lots or minimum area parcels;
- 2) Correlate comprehensively the provisions of this title and other ordinances and codes of the City, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area;
- 3) Permit flexibility that will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic and desirable use of open area, while at the same time, maintaining substantially the same population density and area coverage permitted in the zone in which the project is located;
- 4) Permit flexibility in design, placement of buildings, use of open spaces, off-street parking areas and to best utilize the potential of sites characterized by special features of critical resource areas, geography, topography, size or shape but maintaining a grid or modified grid system of streets.

19.03.020 Official zoning map.

A. *Adoption.* The designation, location, and boundaries of the various districts are shown on the official zoning map. The official zoning map is hereby adopted and made a part of this title.

B. *Location; identification.* The official zoning map shall be on file in the community development department office. The map shall be identified by the signature of the city clerk and city attorney and bear the title, "City of Ephrata Official Zoning Map, Ordinance _____."

C. *Display zoning map.* In addition to the official zoning map there may be a display zoning map, which may be used to generally indicate the various districts, but not to locate precise boundaries.

D. *Amendments.* If changes are made in the district boundaries or other matters portrayed by the official zoning map, such changes shall be entered on the official zoning map after the amendment has been approved by the city council. The signature of the city clerk and the city attorney shall be entered on the official zoning map with the ordinance number of the amendment. Each amendment shall be filed as part of the official zoning record.

E. *Unclassified property.* All property not otherwise classified on the official zoning map shall be treated as follows:

1. Interim zoning. All property not otherwise classified on the official zoning map is hereby placed in an interim zone. Such an interim zone shall be governed by provisions applicable to the S-R Suburban residential district.
2. Upon annexation of property, or upon the city otherwise being made aware of property in the interim zoning designation, the community development director shall commence all necessary steps to zone such property. Interim zoning of property shall be for six (6) months unless otherwise provided by ordinance.

19.03.030 Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed as to be midway between the main tracks.

E. Boundaries indicated as approximately following the centerlines of streams, canals, rivers, lakes, or other bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (A) through (E) of this section, the community development director shall interpret the district boundaries.

H. Where a zoning district boundary shown on the official zoning map divides a lot of record at the time of adoption of this chapter, the property owner shall have the option of choosing either of the two districts to apply to the entire parcel area, or may subdivide the lot to retain both districts as mapped, provided that all of the standards and requirements, including relevant density and dimensional requirements, and performance standards can be met.

19.03.040 Application of district regulations.

Except as otherwise provided in this title:

A. No building or part thereof or other structure shall be erected, altered, added to, or enlarged, nor shall any land, building, structure, or premises be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses listed in this title as permitted in the district in which such building, land, or premises are located.

B. No building or part thereof or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this title for the district in which such building is located.

C. No building or part thereof or structure shall be erected, nor shall any existing building be altered, enlarged, or rebuilt or moved into any district, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations designated in this title for the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) building lot shall be considered as providing a yard or open space for a building on any other building lot.

19.03.050 Minimum requirements.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements. Where this title imposes a greater restriction than is imposed or required by other rules or regulations or ordinances, the provisions of this title shall control.

**Chapter 19.04
DISTRICT REGULATIONS**

Sections:

19.04.010 Interpretation of land use tables.

19.04.020 Residential land uses.

19.04.030 Residential land use development conditions.

19.04.040 Manufacturing land uses.

19.04.050 Manufacturing land use development conditions.

19.04.060 Transportation, public, and utilities land uses.

19.04.065 Transportation, public, and utilities land use development conditions.

19.04.070 Wholesale and retail land uses.

19.04.080 Wholesale and retail land use development conditions.

19.04.090 Service land uses.

19.04.100 Service land use development conditions.

19.04.110 Cultural, entertainment, and recreation land uses.

19.04.120 Cultural, entertainment, and recreation land use development conditions.

19.04.130 Resource land uses.

19.04.140 Resource land use development conditions.

19.04.150 Special use combining district, SU.

19.04.160 Development standards.

19.04.170 Residential zone development standards.

19.04.180 Residential land use development standard conditions.

19.04.190 Commercial and industrial zone development standards.

19.04.195 Commercial and industrial land use development standard conditions.

19.04.200 Mixed use overlay development standards.

19.04.205 Mixed use land use development standard conditions.

19.04.010 Interpretation of land use tables.

A. *Land use tables.* The land use tables in EMC 19.04.020 through 19.04.140 determine whether a specific use is allowed in a zoning district. The zoning districts are located in the vertical columns and the land uses are located on the horizontal rows of these tables. A purpose statement for each zoning district is included in Ch. 19.03 EMC.

B. *Principally permitted uses.* If the letter "P" appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review procedures specified in Ch. 19.09 EMC, the development conditions following the land use table, and any requirements of an overlay zone and the general requirements of the code.

C. *Special uses.* If the letter "S" appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review procedures specified in Ch. 19.09 EMC, the development conditions following the land use table, the development standards stated in EMC 19.08.020, any requirements of an overlay zone and the general requirements of the code.

D. *Conditional uses.* If the letter "C" appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review

procedures specified in Ch. 19.09 EMC, the development conditions following the land use table, the review criteria stated in EMC 19.09.030, any requirements of an overlay zone and the general requirements of the code.

E. *Accessory uses*. If the letter "A" appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review procedures specified in Ch. 19.09 EMC, the development conditions following the land use table and any requirements of an overlay zone and the general requirements of the code.

F. *Development conditions*. If a number appears next to the land use or in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code, and the specific conditions indicated in the development condition with the corresponding number in subsection immediately following each land use table.

G. *Multiple development conditions*. If more than one (1) letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitations or conditions depending on the review process indicated by the letter, the general requirements of the code, and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

H. *Overlay zones*. Overlay districts provide policies and regulations in addition to those in the underlying zoning district. Overlay zones include the mixed use, Hillside Management and Airport Clear Zone overlay districts.

I. *Applicable requirements*. All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

J. *Interpretation of other uses*. Any other unnamed use shall be permitted if it is determined by the community development director to be of the same general character as the principally permitted uses and in accordance with the stated purpose of the district, per EMC 19.09.065.

19.04.020 Residential land uses.

Key	Zoning Districts													
	S-R Suburban Residential H-M Hillside Management District	R-1 Single Family Residential	R-2 Attached Housing Residential	R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential	R-5 Multifamily Residential Townhouse	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	U-R Urban Reserve	I-1 Light Industrial	I-2 Heavy Industrial	OSR Open Space Recreational	AE Airport Enterprise
One Single Family dwelling per lot	P	P	P	P	P	P					A ⁽¹⁾	A ⁽¹⁾		A ⁽¹⁾
One duplex per lot			P		P	P								
One modular home per lot	P	P	P	P	P	P								
Duplexes			P		P	P								
Multifamily townhouse units			P		P	P ⁽¹³⁾	P ⁽³⁾ C ⁽⁴⁾	P ⁽²⁾	P ⁽²⁾					
Multifamily dwellings			P		P	P	P ⁽³⁾ C ⁽⁴⁾	P ⁽²⁾	P ⁽²⁾					
Mobile homes and manufactured homes	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾	P ⁽¹⁾								
Mobile home parks					C	C								
Group homes Class I-A	P	P	P	P	P	P	P	P	P					
Group homes Class I-B			P		P	P	P	C	P					
Group homes Class I-C			C		C	C	P	C	P					
Group homes Class II-A			C		C	C	C	C	C					
Group homes Class II-B			C		C	C	C	C	C					
Group homes Class II-C			C		C	C	C	C	C					
Group homes Class III								C						
Rebuild existing dwellings	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾
Rebuild/accessory uses for existing dwellings	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾

Transitional housing								C ⁽⁶⁾						
Guest cottages and houses	A ⁽⁷⁾⁽¹⁴⁾		A ⁽⁷⁾⁽¹⁴⁾	A ⁽⁷⁾⁽¹⁴⁾	A ⁽⁷⁾⁽¹⁴⁾	A ⁽⁷⁾⁽¹⁴⁾								
Rooming and boarding of not more than three (3) persons			A	A	A	A								
Accessory uses and buildings customarily appurtenant to a permitted use	A ⁽¹²⁾	A ⁽¹²⁾	A ⁽¹²⁾	A ⁽¹²⁾	A ⁽¹²⁾	A ⁽¹²⁾	A ⁽¹²⁾	A ⁽¹²⁾	A ⁽¹²⁾	A	A	A	A	A
Accessory dwelling units		A ⁽⁸⁾	A ⁽⁸⁾	A ⁽⁸⁾	A ⁽⁸⁾	A ⁽⁸⁾		A ⁽⁸⁾	A ⁽⁸⁾					
Accessory living quarters							A ⁽¹⁰⁾	A ⁽¹⁰⁾	A ⁽¹⁰⁾		A ⁽¹⁰⁾	A ⁽¹⁰⁾		
Home occupations	A ⁽⁹⁾	A ⁽⁹⁾	A ⁽⁹⁾	A ⁽⁹⁾	A ⁽⁹⁾	A ⁽⁹⁾	A ⁽⁹⁾	A ⁽⁹⁾	A ⁽⁹⁾		A ⁽⁹⁾	A ⁽⁹⁾		
Storage buildings and storage of recreational vehicles	A ⁽¹¹⁾	A ⁽¹¹⁾	A ⁽¹¹⁾	A ⁽¹¹⁾	A ⁽¹¹⁾	A ⁽¹¹⁾								
Welfare facilities, retirements homes, convalescent homes and other welfare facilities whether privately or publicly operated, facilities for rehabilitation or correction, etc.		C	C	C	C	C								
Designated manufactured home	P ⁽¹⁵⁾	P ⁽¹⁵⁾	P ⁽¹⁵⁾	P ⁽¹⁵⁾	P ⁽¹⁵⁾	P ⁽¹⁵⁾								

19.04.030 Residential land use development conditions.

1. Dwelling units, limited to not more than one (1) per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted.

2. Multifamily residential use shall be permitted only in the mixed-use overlay when included within a mixed use development.

3. Multifamily residential uses, when established in buildings with commercial or office uses, and not located on the ground floor.

4. Multifamily residential uses, when not combined with commercial or office uses.

5. Existing dwellings may be rebuilt, repaired, and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are garages, carports, storage sheds, and fences.

6. Transitional housing facilities, limited to a maximum of twenty (20) residents at any one (1) time and four (4) resident staff.
7. Guesthouses not rented or otherwise conducted as a business.
8. Accessory dwelling units shall not be included in calculating the maximum density. Accessory dwelling units are allowed subject to the provisions of EMC 19.08.350.
9. Customary incidental home occupations subject to the provisions of EMC 19.08.040.
10. Accessory living quarters are allowed per the provisions of EMC 19.08.359.
11. Recreational vehicle storage is permitted as an accessory use in accordance with EMC 19.08.080.
12. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.
13. All multifamily townhouse developments in the R-5 zone shall be recorded as townhouses with ownership interest, as defined in EMC 19.02.525.1, prior to approval of a certificate of occupancy by the city.
14. Subject to EMC 19.08.160(A) and (B), Accessory buildings.
15. A designated manufactured home is a permitted use with the following conditions:
 - a. A designated manufactured home shall not be more than 60 months old when located in the City of Ephrata, unless the structure is located within an approved manufactured home community or mobile home park, in which case the structure shall meet the most recent requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, as it exists now or hereafter amended.;
 - b. The designated manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product that can be either load bearing or decorative with its lowest finished floor no higher than 16" above grade;

- c. The designated manufactured home shall comply with all city design standards applicable to all other single-family homes;
- d. The designated manufactured home shall be thermally equivalent to the State Energy Code; and
- e. The designated manufactured home shall meet all other requirements for a designated manufactured home as defined in RCW 35.63.160.
- f. Roof pitch shall not be less than a three (3) foot rise for every 12 feet of horizontal run.
- g. The structure shall have exterior siding and roofing which, in color, material and appearance is similar to the exterior siding and roofing material commonly used in residential dwellings.
- h. If a garage or carport is proposed, the garage or carport shall be constructed of like materials.

19.04.040 Manufacturing land uses.

Key	Zoning Districts													
	S-R Suburban Residential H-M Hillside Management District	R-1 Single Family Residential	R-2 Attached Housing Residential	R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential	R-5 Multifamily Residential Townhouse	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	U-R Urban Reserve	I-1 Light Industrial	I-2 Heavy Industrial	OSR Open Space Recreational	AE Airport Enterprise
Manufacturing, processing, blending, and packaging of food and beverage products.											P ⁽¹⁸⁾	P ⁽¹⁸⁾ C ⁽¹⁾		P ⁽¹⁸⁾ C ⁽¹⁾
Manufacturing, processing, blending, and packaging of drugs, pharmaceuticals, toiletries, and cosmetics											P	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing, processing, blending, and packaging of dairy products and byproducts											P	P		P
Industrial laundry and dyeing (including linen supply and diaper services)											P	P		P
Printing, publishing, and allied industries							P ⁽¹⁷⁾	P	P		P	P P ⁽¹⁾		P P ⁽¹⁾
Chemicals and related products manufacturing											C ⁽³⁾	C ⁽¹⁾		C ⁽¹⁾
Contractor shops											C	P C ⁽¹⁾		P C ⁽¹⁾
Custom arts and crafts product manufacturing											P	P C ⁽¹⁾		P C ⁽¹⁾
Computers, office machines, and											P	P		P

equipment manufacturing													
Manufacturing and assembly of electrical equipment, appliances, lighting, radio, TV communications, equipment, and components										P	P C ⁽¹⁾		P C ⁽¹⁾
Fabricating metal products manufacturing; custom sheet metal manufacturing, containers, hand tools, heating equipment, screw products, extrusion, coating, and plating							P ⁽²⁾			P	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing and assembly of electronic and electrical devices, and automotive, airframe and similar products										P ⁽²⁰⁾	P ⁽²⁰⁾ C ⁽¹⁾		P ⁽²⁰⁾ C ⁽¹⁾
Hazardous substance land uses										A ⁽¹⁰⁾ C ⁽¹¹⁾	A ⁽¹⁰⁾ C ⁽¹²⁾		A ⁽¹⁰⁾ C ⁽¹²⁾
Offices incidental and necessary to the conduct of a principally permitted use			A		A	A	A ⁽⁴⁾	A ⁽⁶⁾ C ⁽⁷⁾	A ⁽⁴⁾		P	P	P
Warehousing and distribution facilities										P ⁽¹³⁾	P ⁽¹⁹⁾ C ⁽¹⁾		P ⁽¹³⁾
Rail-truck transfer uses										P ⁽¹⁴⁾	P ⁽⁹⁾ C ⁽¹⁾		P ⁽⁹⁾ C ⁽¹⁾
Outdoor storage (including truck, heavy equipment, and contractor storage yards as allowed by development standards, EMC 19.04.190 and 19.04.195)										C A	P C ⁽¹⁾		P C ⁽¹⁾
Miniwarehouses, self storage							P ⁽¹⁵⁾			P	P		
Manufacturing of soaps, detergents, and other basic cleaning and cleansing preparations										C	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing of plastics and synthetic resins										C	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing of synthetic and natural fiber and cloth										C	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing of plywood, composition wallboard, and similar structural wood products										C	P C ⁽¹⁾		P C ⁽¹⁾

Manufacturing of nonmetallic mineral products such as abrasives, asbestos, chalk, pumice, and putty											C	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing of heat-resisting or structural clay products (brick, tile, or pipe) or porcelain products											C	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing of machinery and heavy machine tool equipment for general industry and mining, agricultural, construction, or service industries											C	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing, processing, assembling, and packaging of articles, products, or merchandise made from previously prepared natural or synthetic materials											P ⁽¹⁶⁾⁽²¹⁾⁽²³⁾	P C ⁽¹⁾		P C ⁽¹⁾
Manufacturing, processing, treating, assembling, and packaging of articles, products, or merchandise from previously prepared ferrous, nonferrous, or alloyed metals											P ⁽¹⁶⁾⁽²¹⁾	P ⁽²¹⁾ C ⁽¹⁾		P ⁽²¹⁾ C ⁽¹⁾
Complexes which include a combination of uses, including a mixture of office, storage, and light manufacturing uses											P			
Accessory uses and buildings customarily appurtenant to a permitted use	A ⁽²²⁾	A	A	A	A	A ⁽⁸⁾	A ⁽⁵⁾	A	A	A	A	A	A	A
Impound lots											C ⁽¹⁾	P		P

19.04.050 Manufacturing land use development conditions.

1. The following uses require a conditional use permit:

a. Manufacture of such types of basic materials as follows:

- (1) Gum and wood chemicals and fertilizers, and basic industrial organic and inorganic chemicals or products such as alkalis and chlorine, industrial and liquid

petroleum, gases, cellophane, coal tar products, dyes and dye products, impregnated products, tanning compounds, and glue and gelatin.

(2) Hydraulic cement, concrete, gypsum, lime, carbon, carbon black, graphite, coke, glass, and similar products.

b. Manufacture of products such as the following:

(1) Ammunition, explosives, fireworks, matches, photographic film, missile propellants, and similar combustibles.

(2) Rubber from natural, synthetic, or reclaimed materials.

(3) Paving and roofing materials or other products from petroleum derivatives.

c. Refining of materials such as petroleum and petroleum products, metals and metal ores, sugar, and fats and oils.

d. Distilling of materials such as bone, coal, coal tar, coke, wood, and other similar distillates.

e. Heavy metal processes, such as ore reduction or smelting, including blast furnaces, and including drop forging, drop hammering, boiler plate works, and similar heavy metal operations:

(1) Asphalt batching plants.

(2) Concrete mixing and batching plants, including ready-mix concrete facilities.

(3) Rock crushing plants and aggregate dryers.

(4) Sandblasting plants.

f. Animal and food processing, including the following and similar operations:

(1) Tanning, dressing, and finishing of hides, skins, and furs.

(2) Meat and seafood products, curing, canning, rendering, and slaughtering.

(3) Nitrating of cotton and other materials.

(4) Rendering of animal grease or tallow, fish oil, and similar materials.

(5) Slaughtering, stockyard, feedlot, dairy, and similar operations.

(6) Pickling and brine curing processes.

(7) Wholesale produce markets.

g. Salvage, wrecking, and disposal activities, including the following and similar operations:

(1) Automobile and building wrecking and salvage.

(2) Salvage of industrial waste materials such as metal, paper, glass, rags, and similar materials.

(3) Sewage disposal and treatment plants.

(4) Dump and sump operations for such uses as rubbish, garbage, trash, and other liquid and solid wastes.

h. Storage of the following kinds of goods:

(1) Bulk storage of oil, gas, petroleum, butane, propane, liquid petroleum gas, and similar products, and bulk stations and plants.

(2) Used building materials, mover's equipment, relocated buildings, impounded vehicles, and similar materials.

(3) Explosives or fireworks, except where incidental to a principally permitted use.

(4) Fertilizer or manure.

2. Small scale, light industrial, or manufacturing operations where the building, structure, or total operation does not encompass more than five thousand (5,000) square feet of area. The five thousand (5,000) square feet total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one (1) of these uses shall be allowed per lot.

3. Conditional use for manufacturing of paint

4. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Ch. 20.08 EMC and which do not accumulate more than five thousand (5,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of EMC 19.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

5. Includes incidental storage facilities and loading/unloading areas.

6. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Ch. 19.11 EMC and which do not accumulate more than ten thousand (10,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of EMC 19.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

7. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup requirements of Ch. 19.11 EMC and which accumulate more than ten thousand (10,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site or which handle more than twenty thousand (20,000) pounds of hazardous substances and wastes on the site in any thirty (30) day period of time, subject to the provisions of EMC 19.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

8. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.

9. Including transportation and transit terminals with repair and storage facilities, and rail-truck stations, except classification yards in the category of "hump yards."

10. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Ch. 19.11 EMC and which do not accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 19.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

11. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of Ch. 19.11 EMC and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of EMC 19.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

12. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of Ch. 19.11 EMC and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of EMC 19.08.050, except offsite hazardous waste treatment or storage facilities, which require a conditional use permit in this district.

a. Offsite hazardous waste treatment or storage facilities, subject to the provisions of EMC 19.08.050.

b. Any hazardous substance land use that is not an accessory use to a principally permitted use.

13. Warehousing and distribution facilities and the storage of goods or products, except for those goods or products specifically described as permitted to be stored only as conditional uses in the I-2 district.

14. Warehousing and distribution facilities and the storage of goods or products, including rail-truck transfer facilities.

15. Miniwarehouses; provided, that the following development standards shall apply for miniwarehouses, superseding those set out in EMC 19.04.190 and 19.04.200:

a. *Frontage use*. The first one hundred fifty (150) feet of lot depth, measured from the property line or right-of-way inward from the street frontage, shall be reserved for principally permitted uses for this district, defined by the provisions of EMC 19.04.100(A)(1), or for the office or onsite manager's unit, signage, parking, and access. A maximum of twenty-five (25) percent of the frontage may be used for access to the storage unit area; provided, that in no case shall the access area exceed seventy-five (75) feet in width. No storage units or structures shall be permitted within this one hundred fifty (150) feet of commercial frontage depth.

- b. *Lot size*. Minimum lot size is one (1) acre; maximum lot size is four (4) acres.
- c. *Site coverage*. Site coverage shall be in accordance with the underlying zoning district requirements.
- d. *Setbacks*. Setbacks shall be as follows:
- (1) Front yard: Twenty (20) feet.
 - (2) Side yard: Ten (10) feet.
 - (3) Rear yard: Ten (10) feet.
- e. *Height limitation*. The height limitation is one (1) story.
- f. *Outdoor storage*. No outdoor storage is permitted.
- g. *Signs*. The sign requirements of Ch. 19.06 EMC shall apply.
- h. *Off-street parking*.
- (1) The off-street parking requirements of Ch. 19.05 EMC shall apply.
 - (2) Off-street parking may be located in required yards, except in areas required to be landscaped.
- i. *Development plan review*. Development plan approval is required as provided in EMC 19.09.010.
- j. *Landscaping*. Landscaping requirements are as follows:
- (1) Front yard: Twenty (20) feet, type III (earth berms).
 - (2) Side yard: Ten (10) feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.
 - (3) Rear yard: Ten (10) feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.

For maintenance purposes, underground irrigation systems shall be provided for all landscaped areas.

k. *Onsite manager.* A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of the approval. The community development department shall establish requirements for parking and loading areas sufficient to accommodate the needs of the resident manager and the customers of the facility.

l. *Drive aisles.* Drive aisle width and parking requirements are as follows:

(1) Fifteen (15) foot drive aisle and ten (10) foot parking aisle.

(2) Parking for manager's quarters and visitor parking.

m. *Building lengths.* The horizontal dimension of any structure facing the perimeter of the site shall be offset at intervals not to exceed one hundred (100) feet. The offset shall be no less than twenty (20) feet in the horizontal dimension, with a minimum depth of five (5) feet.

n. *Building materials.* If abutting a residential use or zone, residential design elements such as brick veneer, wood siding, pitched roofs with shingles, landscaping, and fencing shall be used. No uncomplimentary building colors should be used when abutting a residential use or zone.

o. *Prohibited uses.* Use is restricted to dead storage only. The following are specifically prohibited:

(1) Auctions (other than tenant lien sales), commercial, wholesale or retail sales, or garage sales.

(2) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

(3) The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

(4) The establishment of a transfer and storage business.

(5) Any use that is noxious or offensive because of odor, dust, noise, fumes, or vibration.

(6) Storage of hazardous or toxic materials and chemicals or explosive substances.

p. *Fencing*. No razor wire is allowed on top of fences.

16. Prohibited are those manufacturing activities having potentially deleterious operational characteristics, such as initial processing of raw materials (forging, smelting, refining, and forming).

17. The ground level or street level portion of all buildings in the C-1 district (as shown in EMC 19.04.080) must be retail or pedestrian-oriented. Pedestrian-oriented development shall have the main ground floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk; and may include the following uses:

a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;

b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;

c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;

d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;

e. Copy establishments;

f. Professional services, including but not limited to law offices and consulting services; and

g. Any other use that is determined by the Community development director to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to EMC 19.09.065, Use interpretations.

18. Excluding slaughtering, rendering, curing, or canning of meat products.

19. Except for those goods or products specifically described as permitted to be stored as conditional uses.

20. Excluding explosive fuels and propellants.

21. Excluding predominantly drop forge and drop hammer operations.

22. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.

23. Excluding paint boiling processes.

19.04.060 Transportation, public, and utilities land uses.

Key	Zoning Districts													
	S-R Suburban Residential H-M Hillside Management District	R-1 Single Family Residential	R-2 Attached Housing Residential	R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential	R-5 Multifamily Residential Townhouse	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	U-R Urban Reserve	I-1 Light Industrial	I-2 Heavy Industrial	OSR Open Space Recreational	AE Airport Enterprise
Commercial parking lots or structures							C	C			C	P		
Transportation and transit facilities	C	C	C	C	C	C	C	C	C	C	C	P ⁽⁶⁾	C	P ⁽⁶⁾
Railway and bus depots, taxi stands			C		C	C	C	P				P		P
Utility and transportation facilities: Electrical substations,	C	C	C	C	C	C	C	C	C	C	P	P	C	P

pumping or regulating devices for the transmission of water, gas, steam, petroleum, etc.														
Public facilities: Firehouses, police stations, libraries, and administrative offices of governmental agencies, primary and secondary schools, vocational schools, and colleges	C	C	C	C	C	C	P	P	C	C	P	P	C	P
Accessory uses and buildings customarily appurtenant to a permitted use	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wireless telecommunications facilities (WTF) by administrative approval	P ⁽²⁾⁽³⁾		P ⁽²⁾⁽³⁾		P ⁽²⁾⁽³⁾	P ⁽²⁾⁽³⁾		P ⁽¹⁾⁽³⁾	P ⁽²⁾⁽³⁾		P ⁽¹⁾⁽³⁾	P ⁽¹⁾⁽³⁾		P ⁽¹⁾⁽³⁾
Wireless telecommunications facilities (WTF) by conditional use permit	C ⁽⁵⁾⁽³⁾	C ⁽⁵⁾⁽³⁾	C ⁽⁵⁾⁽³⁾	C ⁽⁵⁾⁽³⁾	C ⁽⁵⁾⁽³⁾	C ⁽⁵⁾⁽³⁾		C ⁽⁴⁾⁽³⁾	C ⁽⁵⁾⁽³⁾	C ⁽⁴⁾⁽³⁾	C ⁽⁴⁾⁽³⁾	C ⁽⁴⁾⁽³⁾	C ⁽⁴⁾⁽³⁾	C ⁽⁴⁾⁽³⁾

19.04.065 Transportation, public, and utilities land use development conditions.

1. For WTF towers ninety (90) feet or less for a single user and up to one hundred twenty (120) feet for two (2) or more users.
2. For WTF towers that are within the allowable building height for the district in which they are located.
3. All WTFs are subject to applicable portions of EMC 19.08.035.
4. A conditional use permit for a WTF is required if it is greater than ninety (90) feet for a single user or one hundred twenty (120) feet for two (2) or more users.
5. A conditional use permit is required if the WTF exceeds the allowable building height of the district.
6. Transportation and transit terminal, including repair and storage facilities and rail-truck stations, except classification yards in the category of "hump yards."

19.04.070 Wholesale and retail land uses.

Key	Zoning Districts													
	S-R Suburban Residential H-M Hillside Management District	R-1 Single Family Residential	R-2 Attached Housing Residential	R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential	R-5 Multifamily Residential Townhouse	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	U-R Urban Reserve	I-1 Light Industrial	I-2 Heavy Industrial	OSR Open Space Recreational	AE Airport Enterprise
Bakeries and confectioneries							P	P	C					
Wholesale bakery								P	C		P	P		P
Bulk Retail								P			P ⁽¹⁾	P ⁽¹⁾		
Recycling centers								P			C	P		P
Retail sales of lumber, tools, and other building materials, including preassembled products								P			P	P		
Hardware, paint, tile, and wallpaper (retail)							P	P	P		P	P		
Farm equipment								P			P			P
General merchandise: Dry goods, variety, and department stores (retail)							P	P			P			
Food and convenience stores (retail)							P	P			S ⁽⁴⁾	S ⁽⁴⁾		
Automobile, aircraft, motorcycle, boat, and recreational vehicle sales (retail)								P			P	P		P
Automotive, aircraft, motorcycle, and marine accessories (retail)							P	P			P	P		P
Gasoline service stations								S ⁽³⁾			S ⁽³⁾	P		
Apparel and							P	P	P		P			

accessories (retail)														
Furniture, home furnishings (retail)							P	P	P		P			
Eating and drinking establishments (no drive-through)							P	P	P					
Eating and drinking establishments (with drive-through)								S ⁽³⁾⁽⁹⁾			S ⁽³⁾⁽⁹⁾			
Eating facilities for employees							A	A	A		A	A		A
Planned development retail sales								C ⁽⁵⁾						
Drive-through/drive-up businesses (commercial/retail – other than eating/drinking establishments)								P ⁽⁹⁾			P ⁽⁹⁾			
Miscellaneous retail: Drugs, antiques, books, sporting goods, jewelry, florist, photo supplies, video rental, computer supplies, etc.							P	P	P		P			
Liquor store							P	P						
Farm supplies, hay, grain, feed, fencing, etc.								P			P	P		
Nurseries, greenhouses, garden supplies, tools, etc.								P			P	P		
Pet shops (retail and grooming)							P	P			P ⁽²⁾	P		
Computers and electronics (retail)							P	P	P		P ⁽²⁾			
Hotels and motels							P	P						
Complexes which include combinations of uses, including a mixture of office, light manufacturing, storage, and commercial uses											P	P		
Outdoor storage (including truck, heavy equipment, and contractor storage yards as allowed by development standards, EMC 19.04.190 and 19.04.195)								A ⁽⁸⁾			A ⁽⁸⁾	P ⁽⁸⁾		P ⁽⁸⁾
Accessory uses and buildings customarily appurtenant to a permitted use	A	A	A	A	A	A	A ⁽⁷⁾	A ⁽⁶⁾	A ⁽⁷⁾	A	A	A	A	A
Agriculturally related retail								P			P			

19.04.080 Wholesale and retail land use development conditions.

1. Bulk retail uses which provide goods for regional retail and wholesale markets; provided, that each use occupy no less than forty-three thousand five hundred sixty (43,560) square feet of gross floor area.
2. All sales, storage, and display occur within enclosed buildings.
3. Special uses must conform to the development standards listed in EMC 19.08.020.
4. Retail convenience grocery sales are allowed in conjunction with a gasoline service station as a special permit use subject to the development standards listed in EMC 19.08.020.
5. Retail sales are permitted as part of a planned development where at least fifty (50) percent of the total development is for office use. Drive-in restaurants, service stations, drive-in cleaning establishments, and other similar retail establishments are not permitted.
6. Includes incidental storage facilities and loading/unloading areas.
7. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.
8. Reference EMC 19.07.040(C), outdoor storage landscaping.
9. Whenever feasible, drive-up/drive-through facilities shall be accessed from the rear of a site and run along an interior lot line or building elevation. Landscaping, sufficient to soften the visual impact of vehicle stacking areas, may be required.

19.04.090 Service land uses.

Key	Zoning Districts													
	S-R Suburban Residential H-M Hillside Management District	R-1 Single Family Residential	R-2 Attached Housing Residential	R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential	R-5 Multifamily Residential Townhouse	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	U-R Urban Reserve	I-1 Light Industrial	I-2 Heavy Industrial	OSR Open Space Recreational	AE Airport Enterprise
Finance, insurance, real estate services							P	P	P		P			
Personal services: Laundry, dry cleaning, barber, salons, shoe repair, laundrettes							P	P	P		P			
Mortuaries							P	P	C		P			
Home day-care	P	P	P	P	P	P	P	P	P		P	P	P	
Day-care center	C	C	P	C	P	P	P	P	P		P	P	P	P
Business services, duplicating and blue printing, travel agencies, and employment agencies							P	P	P		P	P		P
Building maintenance and pest control								P			P	P		P
Outdoor storage (including truck, heavy equipment, and contractor storage yards as allowed by development standards, EMC 19.04.190 and 19.04.195								A			A C ⁽⁴⁾	P		P
Rental and leasing services for cars, trucks, trailers, furniture, and tools								P			P			P
Auto repair and washing services (including body								P			P	P		P

work)														
Repair services: Watch, TV, electrical, electronic, upholstery							P	P	P		P	P		
Professional services: Medical, clinics, and other health care-related services							P	P	P ⁽¹¹⁾					
Heavy equipment and truck repair								P			P	P		P
Contract construction service offices: Building construction, plumbing, paving, and landscaping								P ⁽⁷⁾			P ⁽⁸⁾	P ⁽⁸⁾		P ⁽⁸⁾
Educational services: Vocational, trade, art, music, dancing, barber, and beauty							P	P	P		P			
Churches	S ⁽¹⁾	S ⁽¹⁾	S ⁽¹⁾	S ⁽¹⁾	S ⁽¹⁾	S ⁽¹⁾	S ⁽¹⁾	S ⁽¹⁾	S ⁽¹⁾		S ⁽¹⁾			S ⁽¹⁾
Administrative and professional offices - general							P	P	P		P	P		P
Municipal uses and buildings	C		C				P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾	P ⁽⁵⁾
Research, development and testing								P			P	P ⁽⁶⁾		P ⁽⁶⁾
Planned development retail sales									C ⁽²⁾					
Accessory uses and buildings customarily appurtenant to a permitted use	A	A	A	A	A	A	A ⁽¹⁰⁾	A ⁽⁹⁾	A ⁽¹⁰⁾		A	A		A
Boarding kennels and breeding establishments								C			C	C		C
Veterinary clinics and veterinary hospitals								P ⁽³⁾			P ⁽³⁾	P		P
Administrative or executive offices which are part of a predominant industrial operation											P	P		P
Offices incidental and necessary to the conduct of a principally permitted use			A		A	A								

19.04.100 Service land use development conditions.

1. Special uses must conform to the development standards listed in EMC 19.08.020.
2. Retail sales are permitted as part of a planned development where at least fifty (50) percent of the total development is for office use. Drive-in restaurants, service stations,

drive-in cleaning establishments, and other similar retail establishments are not permitted.

3. Veterinary clinics and animal hospitals when located no closer than one hundred fifty (150) feet to any residential use, providing the animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers.

4. Those uses that are principally permitted in the I-2 zone may be permitted in the I-1 zone via a conditional use permit.

5. Except for such uses and buildings subject to EMC 19.04.150.

6. Conducted in conjunction with a principally permitted use.

7. Contract construction services office use does not include contractor storage yards, which is a separate use listed in EMC 19.04.040.

8. Outside storage or operations yards are permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure.

9. Includes incidental storage facilities and loading/unloading areas.

10. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.

11. Shall only apply to medical and dental offices and/or neighborhood clinics.

19.04.110 Cultural, entertainment, and recreation land uses.

	Zoning Districts													
Key	S-R Suburban Residential H-M Hillside Management District	R-1 Single Family Residential	R-2 Attached Housing Residential	R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential	R-5 Multifamily Residential Townhouse	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	U-R Urban Reserve	I-1 Light Industrial	I-2 Heavy Industrial	OSR Open Space Recreational	AE Airport Enterprise
Performing and cultural arts uses, such as art galleries/studios		C	C				P	P	P		C		P	C
Historic and monument sites								P		P			P	P
Public assembly (indoor): Sports facilities, arenas, auditoriums and exhibit halls, bowling alleys, dart-playing facilities, skating rinks, community clubs, athletic clubs, recreation centers, theaters (excluding school facilities)								P		P	P		P	
Public assembly (outdoor): Fairgrounds and amusement parks, tennis courts, athletic fields, miniature golf, go-cart tracks, drive-in theaters, ect.								P		P	P		P	
Open Space use: Cemeteries, parks, playgrounds, golf courses, and other recreation facilities, including buildings or structures associated therewith	C	C	C	C	C	C	P ⁽²⁾ C	C	C	P	C	C	P	C

Employee recreation areas							A	A	A		A	A		A
Private clubs, fraternal lodges, etc.	C	C	C	C	C	C	C	P ⁽¹⁾ C	C	C	P	P	C	C
Recreational vehicle parks								C					C	
Accessory uses and buildings customarily appurtenant to a permitted use	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Recreational buildings in MHP			A		A	A								

19.04.120 Cultural, entertainment, and recreation land use development conditions.

1. Business, civic, social, and fraternal associations and service offices are principally permitted uses.
2. Principally permitted uses are limited to parks and playgrounds.

19.04.130 Resource land uses.

	Zoning Districts													
Key														
P = Principally Permitted Use														
S = Special Uses														
C = Conditional Uses														
A = Accessory Uses														
	S-R Suburban Residential H-M Hillside Management District	R-1 Single Family Residential	R-2 Attached Housing Residential	R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential	R-5 Multifamily Residential Townhouse	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	U-R Urban Reserve	I-1 Light Industrial	I-2 Heavy Industrial	OSR Open Space Recreational	AE Airport Enterprise
Agricultural uses such as planting and harvesting of crops, animal husbandry (including wholesale nurseries and greenhouses)	P										P			P

Crop and tree farming	P	P	P	P	P	P		P		P	P	P	P	P
Storage, manufacturing, processing, and conversion of agricultural products (not including slaughtering or meat packing)											P	P		P
Accessory uses and buildings customarily appurtenant to a permitted use	A ⁽¹⁾	A	A	A	A	A	A	A	A	A	A	A	A	A
Roadside stands	A ⁽²⁾										A ⁽²⁾			

19.04.140 Resource land use development conditions.

1. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.
2. Roadside stands not exceeding four hundred (400) square feet in floor area, and not over twenty (20) lineal feet on any side, primarily for sale of agricultural products on the premises.

19.04.150 Special use combining district, SU.

It is the purpose of the SU district to provide for special controls for certain uses which do not clearly fit into other districts, which may be due to technological and social changes, or which are of such unique character as to warrant special attention in the interest of the city's optimum development and the preservation and enhancement of its environmental quality. A special use combining district is imposed on an existing zoning district, permitting the special use as well as uses permitted by the underlying zone. The combining district becomes void if substantial construction has not begun within a one-year period, and the district reverts to its original zoning designation. It is the intent of the special use combining regulations to provide the city with adequate procedures for controlling and reviewing such uses and to discourage application for speculative rezoning.

A. Uses subject to special use combining district regulations. The following list is illustrative of the types of uses subject to special use combining district regulations and is not intended to be exclusive:

1. Uses which occupy or would occupy large areas of land.

2. Uses which would involve the construction of buildings or other structures of unusual height or mass.
3. Uses which house, employ, or serve large numbers of people.
4. Uses which generate heavy traffic.
5. Uses which have unusual impact on environmental quality of the area.
6. Any use which does not lend itself to an interpretation of substantial similarity to other uses identified or described in this title.
7. Uses which, in the judgment of the community development director, warrant review by the planning commission and the city council.
8. Examples of uses subject to review as described in this subsection would include but are not limited to the following:

- a. Commercial uses: sports stadiums, rodeos, fairgrounds, exhibition or convention halls, merchandise marts, and drive-in theaters.
- b. Special environmental problems posed by: refineries, nuclear power generating plants, airports, heliports, sanitary landfills, extractive industries, solid waste incinerators, or energy/resource recovery facilities.
- c. Hazardous wastes: offsite hazardous waste treatment or storage facilities in I-2 and AE districts only, subject to the provisions of EMC 19.08.050.

B. *Application procedures.* The application procedure for a special use combining district shall be the same as for an amendment to this title as provided in EMC 19.09.050, except that development plan approval is concurrent with the combining district.

C. *Documentation required.* Required documentation is as follows:

1. A vicinity map drawn to a scale not smaller than one thousand (1,000) feet to the inch showing the site in relation to its surrounding area, including streets, roads or other bodies of water, the development characteristics and zoning pattern of the area, and a scale and north arrow. The vicinity map may be in sketch form but shall be drawn with sufficient accuracy to reasonably orient the reader to the vicinity, and to adequately convey the required information.

2. A map or drawing of the site drawn to a scale acceptable to the planning services, generally one hundred (100) feet to the inch. The map or drawing shall show the following information:

- a. Dimensions and names of streets bounding or touching the site.
- b. Such existing or proposed features as streams or other bodies of water, rights-of-way, easements, and other physical or legal features which may affect or be affected by the proposed development.
- c. Existing and proposed topography at contour intervals of not more than five (5) feet in areas having slopes exceeding three (3) percent, and not more than two (2) feet in areas having slopes of less than three (3) percent.
- d. Accurate legal description of the property.
- e. Existing and proposed structures or buildings, including the identification of types and proposed use of the structures. All uses must be compatible with the major use.
- f. Off-street parking and loading facilities.
- g. Dimensions of the site, distances from property lines, and space between structures.
- h. Tentative routing of domestic water lines, storm drains, sanitary sewers, and other utilities, including an identification of planned disposal or runoff.
- i. Elevations, perspective renderings, or such other graphic material or evidence to illustrate effect on the view enjoyed by and from other properties in the vicinity, if required by the community development department.
- j. Architectural renderings of buildings.
- k. A written statement providing the following information:
 - (1) Program for development, including staging or timing.
 - (2) Proposed ownership pattern upon completion of development.

(3) Basic content of restrictive covenants, if any.

(4) Provisions to ensure permanence and maintenance of open space through means acceptable to the city.

(5) Statement or tabulation of number of persons to be employed, served, or housed in the proposed development.

(6) Statement describing the relationship of the proposed development to the city comprehensive plan.

(7) Statement indicating availability of existing or proposed sanitary sewers.

3. Such other data or information as the community development department may require.

D. *Development standards.* In reviewing and approving proposed developments falling under the purview of this section, the city council shall make the following findings:

1. That the location for the proposed use is reasonable.
2. That existing or proposed trafficways are adequate to serve new development.
3. That setback, height, and bulk of buildings are acceptable for the proposed use and for the vicinity in which it is located.
4. That landscaping and other site improvements are comparable to the highest standards set forth for other developments as set out in this title.
5. That the performance standards pertaining to air and water pollution, noise levels, etc., are comparable to the highest standards specified for other uses as set out in this title.
6. That the proposed development is in the public interest and serves a need of community-wide or regional importance.

In reviewing and approving special uses, the city council may impose such conditions as they deem necessary in the interest of the welfare of the city and the protection of the environment.

E. *Period of validity.* Any special use combining district shall remain effective only for one (1) year unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one (1) year of the granting of the special use combining district, the combining district shall become invalid, and the original zoning designation of the land shall apply.

F. *Minor and major adjustments.*

1. If minor adjustments are made following the adoption of the final development plan and approval of the combining district, such adjustments shall be approved by the community development director prior to the issuance of a building permit. Minor adjustments are those which may affect the precise dimensions or siting of buildings approved in the final plan, or the density of the development or open space provided.

2. Major adjustments are those which, as determined by the community development director, substantially change the basic design, density, open space uses, or other similar requirements or provisions. Authorization for major adjustments shall be made by the city council.

3. The provisions of this subsection pertaining to minor and major adjustments shall apply to various parts of a staged development.

19.04.160 Development standards.

The development standards tables in EMC 19.04.170 and 19.04.190 determine the specific development standards for a zoning district. The development standards are located on the horizontal rows and the zoning districts are located on the vertical columns of these tables. The minimum dimensional requirements are located in the box at the intersection of the column and the row. The parenthetical numbers in the boxes identify specific requirements applicable either to a special use or the entire zone. The parenthetical numbers correspond to numbers in the subsection immediately following each table.

19.04.170 Agricultural and residential zone development standards.

Zoning Districts												
	S-R Suburban Residential	R-1 Single Family Residential	R-2 Attached Housing Residential			R-3 Small Lot Single Family Residential	R-4 Small Lot Single Family and Multifamily Residential			R-5 Multifamily Residential Townhouse		
			SF	Duplex	MF		SF	Duplex	MF	SF	Duplex	MF
Maximum density: dwelling units per acre	4 dus/ac	7 dus/ac	8 dus/ac	8 dus/ac	8 dus/ac	7 dus/ac	8 dus/ac	8 dus/ac	8 dus/ac	12 dus/ac	12 dus/ac	12 dus/ac
Minimum Density: dwelling units per acre	1 du/ac	5 dus/ac	5 dus/ac	5 dus/ac	5 dus/ac	5 dus/ac	5 dus/ac	5 dus/ac	5 dus/ac	8 dus/ac	8 dus/ac	8 dus/ac
Minimum lot area: square feet or acres, as noted	10,000 sq. ft.	6,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft. (1)	6,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft. (1)	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft. (1)
Maximum lot area: square feet or acres, as noted	1-acre	9,000 sq. ft.	9,000 sq. ft.	9,000 sq. ft.	9,000 sq. ft. (16)	9,000 sq. ft. (16)	9,000 sq. ft. (16)	9,000 sq. ft.	9,000 sq. ft.	none	5,000 sq. ft.	5,000 sq. ft.
Minimum lot width: feet (2)	60 ft	60 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft	50 ft

Maximum site coverage: percent of site	30%	40%	55% (3)	50% (3)	50% (3)	55% (3)	55% (3)	50% (3)	50% (3)	55% (3)	50% (3)	50% (3)
Minimum yard requirements: feet												
Front yard	20 ft (4)	20 ft (4)	20 ft (4) (6)	20 ft (4) (6)	20 ft (4) (6)	20 ft (4) (5) (6)	15 ft (4) (5) (6)	15 ft (4) (5) (6)	15 ft (4) (5) (6)	15 ft (4) (5) (6)	15 ft (4) (5) (6)	15 ft (4) (5) (6)
Side yard	5 ft	5 ft	5 ft		5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	(7)
Side yard on flanking street of a corner lot	15 ft	15 ft	15 ft (6)		15 ft (6)	15 ft (6)	15 ft (6)	15 ft (6)	15 ft (6)	15 ft (6)	15 ft (6)	15 ft
Rear yard	5 ft (17)	15 ft (17)	5 ft (17)		5 ft (17)	5 ft (17)	5 ft (17)	5 ft (17)	5 ft (17)	5 ft (17)	5 ft (17)	5 ft (17)
Additional setbacks/distances between buildings	(8)	(8)	(14)		(14) (18) (19)	(9) (10) (14)	(14)	(14)	(9) (10) (14) (18) (19)	(14)	(14)	(9) (10) (14) (18) (19)
			SF	Duplex	MF		SF	Duplex	MF	SF	Duplex	MF
Height limitation: in stories/not to exceed in feet	2 stry/ 35 ft	2 stry/ 30 ft	3 stry/ 35 ft		3 stry/ 35 ft	3 stry/ 35 ft	2 stry/ 30 ft	2 stry/ 30 ft	2 stry/ 30 ft	2 stry/ 30 ft	2 stry/ 30 ft	3 stry/ 35 ft
Maximum impervious surface: percent of total parcel area	50%	50%	70%		70%	70%	70%	70%	70%	70%	70%	70%
Zero lot line and clustering (11)	The provisions in EMC 19.08.300 , 19.08.310 , 19.08.320 , and 19.08.330 shall apply.											
Signs	The sign regulations of Ch. 19.06 EMC shall apply.											
Off-street parking	The off-street parking requirements of Ch. 19.05 EMC shall apply.											

Landscaping	The landscaping requirements of <u>Ch. 19.07 EMC</u> shall apply.								
Multifamily transition area									(12)
Multifamily design review			(13)			(13)			(13)
Additional standards	Additional standards for specific uses are contained in <u>Chs. 19.08 and 19.09 EMC</u> .								
	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)	(15)

19.04.180 Agricultural and residential land use development standard conditions.

1. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and nine hundred (900) square feet for each additional dwelling unit and there shall be maintained upon the same lot with the dwelling a space open and landscaped having an area at least equivalent to 300 square feet for each dwelling unit in addition to any required off street parking area.

2. To determine minimum lot width for irregular lots, a circle of applicable diameter (the minimum lot width permitted) shall be scaled within the proposed boundaries of the lot; provided, that an access easement to another lot is not included within the circle.

3. Interior yards shall not be computed as part of the site coverage.

4. Porches and private shared courtyard features may be built within the front building setback line.

5. Proposed front yards less than twenty (20) feet in depth are subject to approval by the community development director, based on review and recommendation from the public works department relative to the existing and future traffic volumes and right-of-way requirements as specified in the city comprehensive transportation plan and city construction standards.

6. At least twenty (20) linear feet of driveway shall be provided between any garage, carport, or other primary parking area and the street property line with the exception of an alley property line.

7. Each side yard shall be a minimum of ten (10) percent of the lot width; however, regardless of lot width, the yard width need not be more than thirty (30) feet. For multifamily townhouse developments that attach three (3) units or less, in the R-2 or R-5 zoning districts the aggregate yard width need not be more than thirty (30) feet, but in no case shall a yard be less than ten (10) feet.

8. Structures for feeding, housing, and care of animals, except household pets, shall be set back fifty (50) feet from any property line.

9. An inner court providing access to a double-row building shall be a minimum of twenty (20) feet.

10. The distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

11. Minimum lot width, building setbacks, and minimum lot size regulations may be modified consistent with provisions for zero lot line and clustering housing development.

12. The requirements of EMC 19.08.215 shall apply in any multifamily transition area, which includes any portion of a multifamily district within one hundred (100) feet of a single-family district or within one hundred (100) feet of a public street right-of-way.

13. The requirements of EMC 19.09.045 for multifamily design review shall apply to any multifamily dwelling of three (3) or more units.

14. For multifamily townhouse developments that attach three (3) units, the minimum building to building separation shall be ten (10) feet. For duplex and single-family condominium townhouse developments, the minimum building to building separation shall be established through the International Building Code (IBC) or International Residential Code (IRC), as may be applicable.

15. Cargo containers proposed to be located in a residential zone must be located completely within a stick-built structure with a peaked roof and building materials similar to that of the principal residence on the site. No containers greater than ten (10) feet by twenty (20) feet may be placed in residential districts. This restriction does not apply to containers collecting debris or accepting household goods for moving that are

located on residential property for less than seventy-two (72) hours. Additionally, institutional uses are exempt from these requirements except when a shipping container is proposed to be located adjacent to or within sight of a residential use.

16. For subdivisions and short subdivisions the minimum lot size shall be three thousand (3,000) square feet. Minimum lot width shall be measured by scaling a thirty (30) foot diameter circle within the boundaries of the lot; provided, that easement areas may not be included in the required thirty (30) foot diameter circle. The lot frontage along private or public streets shall be a minimum twenty (20) feet in width. Minimum driveway separation shall be ten (10) feet. Shared driveways are permitted.

17. A 2 ½ foot rear setback is required when property abuts an alley.

18. Multifamily structures shall maintain a 25 foot buffer from single family residential lot lines.

19. Multifamily structures shall be limited to one story or 20 feet when adjacent to a single family residential zone.

19.04.190 Commercial and industrial zone development standards.

Zoning Districts										
	C-1 Central Business	C-2 General Commercial	C-3 Office and Service Commercial	I-1 Light Industrial	I-2 Heavy Industrial	A-E Airport Enterprise	OSR Open Space Recreation	U-R Urban Reserve	HMO Hillside Management Area	
Minimum Lot Area	5,000 square feet (1)(29)	5,000 square feet (29)	5,000 square feet (29)	5,000 square feet	5,000 square feet	5,000 square feet	5,000 square feet	10,000 sq. ft.	1 Acre	
Maximum site coverage: percent	100%	100%	35%	45%	100%	100%	25%	25%	25%	
Minimum yard requirements: feet										
Front yard	10 ft (2)	10 ft	10 ft	10 ft (4)(5)	10 ft(5)	10 ft	15 ft	20 ft	20 ft	
Side yard	5 ft (2) (3)	5 ft(6) (7)	5 ft(6) (7)	10 ft (6)(8)	10 ft (6) (9)	10 ft(9)	5 ft	5 ft	5 ft	
Side yard on flanking street of a corner lot	10 ft	10 ft	10 ft	10 ft(10)	10 ft(11)	10 ft	15 ft	20 ft	20 ft	
Rear yard	5 ft	5 ft (2) (6)	5 ft (6)(12)	5 ft (6)(13)	5 ft (6)(13)	5 ft	5 ft	5 ft	5 ft	

	(2)(3)	(12)							
Height limitation: in stories/not to exceed in feet	2 stry/ 35 ft	2 stry/ 30 ft	2 stry/ 30 ft 2 stry/ 30 ft	2 stry/ 35 ft(15)	2 stry/ 35 ft(17)	2 stry/ 35 ft (17)	2 stry/ 30 ft	2 stry/ 30 ft	2 stry/ 30 ft
Signs	The sign regulations of <u>Ch. 19.06</u> EMC shall apply.								
Off-street parking	The off-street parking requirements of <u>Ch. 19.05</u> EMC shall apply.								
Landscaping	The landscaping requirements of <u>Ch. 19.07</u> EMC shall apply.								
Outdoor storage	(18)	(19)	(18)	(20)	(21)(25)	(21)(25)			
Loading Areas					(22)(23)	(22)(23)			
Additional standards	(14)(24) (28)	(14)(24) (28)	(24)(28)	(24)(26)(27) (28)	(24)(26) (27)(28)	(24)(26) (27)(28)			

19.04.195 Commercial and industrial land use development standard conditions.

1. Minimum lot of record or five thousand (5,000) square feet, whichever is less.
2. None, except as required by landscaping, or if off-street parking is provided onsite. See the downtown design review criteria outlined in EMC 19.09.046.
3. No minimum setback is required. If a rear and/or side yard abuts a residential district, a twenty (20) foot rear and/or side yard setback may be required. See the downtown design review criteria outlined in EMC 19.09.046.
4. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city public works director. The setbacks are as follows:
 - a. Properties fronting on arterials and collector streets shall have a minimum setback of forty (40) feet.
 - b. Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.

5. The front yard shall be ten (10) percent of the lot depth. Regardless of lot size, the yard depth need not be more than thirty-five (35) feet.
6. No side or rear yard is required, except when abutting a district other than C-1, and then the yard shall be not less than five (5) feet in width, unless the abutting district or use is residential and then the yard shall be ten (10) feet in width and fully landscaped.
7. No side yard is required, except abutting a residential district, and then the side yard shall be twenty (20) feet minimum.
8. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than thirty (30) feet. There shall be a minimum of ten (10) feet on each side.
9. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than twenty-five (25) feet. There shall be a minimum of ten (10) feet on each side.
10. The minimum side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the city public works director. The setbacks are as follows:
 - a. Properties fronting on arterial and collector streets shall have a minimum setback of forty (40) feet.
 - b. Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.
11. The side yard on the flanking street of a corner lot shall be at least ten (10) percent of the lot width, unless the ten (10) percent figure would result in a side yard of greater than twenty (20) feet, in which case the side yard need not be more than twenty (20) feet.
12. No rear yard is required, except abutting a residential district, and then the rear yard shall be twenty (20) feet minimum.
13. No rear yard is required, except as may be required by transitional conditions.
14. The downtown design review requirements of EMC 19.09.046 shall apply.

15. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each one (1) foot of additional building height. The Community development director shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the planning commission.

17. The height limitation is two (2) stories or thirty-five (35) feet. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each two (2) feet of additional building height. The Community development director shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the planning commission.

18. Outdoor storage areas are prohibited.

19. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight-obscuring fence is not necessary.

20. Outside storage or operations yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building, and shall be reasonably screened from view from any street by appropriate walls, fencing, earth mounds, or landscaping.

21. Outside storage or operations areas shall be fenced for security and public safety at the property line.

22. Loading areas must be located in such a manner that no loading, unloading, or maneuvering of trucks associated therewith takes place on public rights-of-way.

23. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of thirty (30) inches in height. Landscaping located on the berm shall conform to type III landscaping described in EMC [19.07.050](#) pertaining to visual buffers.

24. Development plan approval is required as provided in EMC 19.09.010.

25. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of twenty (20) inches in height. Landscaping located on the berm shall conform to type III landscaping described in EMC 19.07.050 pertaining to visual buffers.

26. Multitenant buildings shall be permitted.

27. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times. The Community development director shall be authorized to reasonably pursue the enforcement of this subsection where a use is in violation, and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

28. The performance standards as provided in EMC 19.08.050 shall apply.

29. Minimum lot area requirements do not apply to multifamily development in the Ephrata downtown planning area identified in EMC 19.09.046.

Chapter 19.05 OFF-STREET PARKING AND LOADING REQUIREMENTS*

Sections:

19.05.010 Purpose.

19.05.020 Categories of uses and conditions of uses covered by chapter.

19.05.030 Location of off-street parking.

19.05.040 Parking standards for specific activities.

19.05.050 Drive-in businesses.

19.05.060 Loading space.

19.05.070 Off-street parking regulations for central business zone.

19.05.080 Size and design standards.

19.05.090 Overhang exception, landscaping, paving, wheel stops, drainage, lighting and curbing.

19.05.100 Off-street parking plans.

19.05.010 Purpose.

A. It is the purpose of this chapter to specify the off-street parking and loading requirements for all uses permitted in this title, and to describe design standards and other required improvements.

B. The community development director shall have the authority to waive or modify specific requirements of this chapter or to impose additional off-street parking requirements in unique circumstances to ensure that the intent of this chapter is met and to allow for flexibility and innovation in design. Unique circumstances may include, but are not limited to the following:

1. Proximity to transit stations, transfer points, or transit stops;
2. Flexible work hour scheduling for employees;
3. Documentation of parking patterns and demand of employees and patrons;
4. Physical circumstances of the site such as topography, lot size/shape, and environmentally sensitive areas.

19.05.020 Categories of uses and conditions of uses covered by chapter.

A. *New construction.* New construction is covered by this chapter as follows:

1. Buildings constructed or enlarged.
2. Other structures or use areas constructed or enlarged.
3. Parking lots constructed or enlarged as follows:
 - a. If new or adding the equivalent of fifty (50) percent or more of the existing parking lot area, the entire parking facility must meet the standards of this title.

b. If adding less than fifty (50) percent of the existing parking lot area, only the new portion must meet the standards of this title.

B. *Change in use.* When the occupancy of any land use, structure or building, or any part of a building, structure or land use, is changed to another use, parking shall be provided to meet the parking requirements of the new use.

19.05.030 Location of off-street parking.

A. *Single-family dwellings.* Required parking for a single-family dwelling shall be located on the same lot as the building it is to serve.

B. *Multifamily dwellings.* Required parking for multifamily dwellings may be on a contiguous lot if located within five hundred (500) feet of the dwelling units. The lot shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.

C. *Other uses.* For uses other than those described in subsections (A) and (B) of this section, required parking may be in areas other than on the premises if the required amount of parking area is set aside for a particular use in such a lot and such area is not located more than five hundred (500) feet from the premises. The lot or area to be utilized shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.

19.05.040 Parking standards for specific activities.

A. Standards for the number of parking spaces for specific activities are indicated in the following chart:

SPECIFIC LAND USE	PARKING SPACE REQUIREMENT
Living activities	
Single-family	Two (2) parking spaces per single-family dwelling.
Duplex	Two (2) parking spaces per dwelling unit.
Multifamily ¹	One (1) parking space per unit for efficiency apartments in all sized developments; two (2) parking spaces for each dwelling unit for developments with forty-nine (49) or less dwelling units; one and eight-tenths (1.8) parking spaces per dwelling unit

	for developments of fifty (50) or more dwelling units. For developments of fifty (50) or more dwelling units, one (1) parking space for each fifteen (15) dwelling units for recreation vehicles.
Multiple dwellings for low-income elderly	One (1) parking space for each two (2) dwelling units.
Accessory dwelling unit	One off-street parking space per accessory unit is required in addition to the required parking for the single-family home. The community development director may waive this requirement where there are special circumstances related to the property and its location. The surface of a required ADU off-street parking space shall comply with EMC <u>19.05.090(C)</u> .
Boardinghouses and lodging houses	One (1) parking space for the proprietor, plus one (1) space per sleeping room for boarders or lodging use, plus one (1) additional space for each four (4) persons employed on the premises.
Mobile and manufactured home parks	Two (2) parking spaces for each mobile home site, plus one (1) screened space for each ten (10) lots for recreation vehicles.
Recreational vehicle park	One (1) parking space for each site.
Hotels	One (1) parking space for each guest room, plus two (2) parking spaces for each three (3) employees.
Commercial activities	
Banks	One (1) parking space for each two hundred (200) square feet of gross floor area, except when part of a shopping center.
Professional and business offices	One (1) parking space for each two hundred fifty (250) square feet of gross floor area, except when part of a shopping center.
Shopping centers	Four and one-half (4.5) spaces per one thousand (1,000) square feet of gross leaseable area (GLA) for centers having GLA of less than four hundred thousand (400,000) square feet, and five (5.0) spaces per one thousand (1,000) square feet of GLA for centers having a GLA of over four hundred thousand (400,000) square feet.
Restaurants, nightclubs, taverns and lounges	One (1) parking space for each one hundred (100) square feet of gross floor area, except when part of a shopping center.
Retail stores, supermarkets, department stores and personal	One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.

service shops	
Other retail establishments; furniture, appliance, hardware stores, household equipment service shops, clothing or shoe repair shops	One (1) parking space for each five hundred (500) square feet of gross floor area, except when located in a shopping center.
Drive-in business	One (1) parking space for each one hundred (100) square feet of gross floor area, except when located in a shopping center.
Uncovered commercial area, new and used car lots, plant nursery	One (1) parking space for each five thousand (5,000) square feet of retail sales area in addition to any parking requirements for buildings, except when located in a shopping center.
Motor vehicle repair and services	One (1) parking space for each four hundred (400) square feet of gross floor area, except when part of a shopping center.
Industrial showroom and display	One (1) parking space for each five hundred (500) square feet of display area.
Bulk retail stores	One (1) parking space for each three hundred fifty (350) square feet of gross floor area.
Industrial activities	
Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	One (1) parking space for each one thousand (1,000) square feet of gross floor area. For parking requirements for associated office areas, see "Professional and business offices".
Warehouses and storage buildings	One (1) parking space for each two thousand (2,000) square feet of gross floor area. Maximum office area of two (2) percent of gross floor area may be included without additional parking requirements.
Speculative warehouse and industrial buildings with multiple use or tenant potential	One (1) parking space for each one thousand (1,000) square feet of gross floor area if building size is less than one hundred thousand (100,000) square feet, or one (1) parking space for each two thousand (2,000) square feet of gross floor area for buildings which exceed one hundred thousand (100,000) square feet gross of floor area. This is a minimum requirement and valid for construction permit purposes only. Final parking requirements will be based upon actual occupancy.
Recreation-amusement activities	

Auditoriums, theaters, places of public assembly, stadiums and outdoor sports areas	One (1) parking space for each four (4) fixed seats, or one (1) parking space for each one hundred (100) square feet of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater.
Bowling alleys	Five (5) spaces for each alley, except when located in a shopping center.
Dance halls and skating rinks	One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.
Golf driving ranges	One (1) parking space for each driving station.
Miniature golf courses	One (1) parking space for each hole.
Recreational buildings, whether independent or associated with a multifamily complex	One (1) parking space for each two hundred (200) square feet of gross floor area. Such spaces shall be located adjacent to the building and shall be designated for visitors by signing or other special markings.
Educational activities	
Senior high schools, public, parochial and private	One (1) space for each employee plus one (1) space for each ten (10) students enrolled. In addition, if buses for the transportation of children are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the public works director.
Colleges and universities and business and vocational schools	Two and one-half (2 1/2) parking spaces for each employee, plus one (1) space for each three (3) students residing on campus, plus one (1) space for each five (5) day students not residing on campus. In addition, if buses for transportation of students are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the public works director.
Elementary and junior high	Two and one-half (2 1/2) parking spaces for each employee. In addition, if buses for transportation of students are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One (1) additional parking space for each one hundred (100) students shall be

	provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the public works director.
Libraries and museums	One (1) parking space for each two hundred fifty (250) square feet in office and public use.
Day-care centers	One (1) parking space for each employee, plus loading and unloading areas.
Medical activities	
Medical and dental offices	One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.
Convalescent, nursing and health institutions	One (1) parking space for each two (2) employees, plus one (1) parking space for each three (3) beds.
Hospitals	One (1) parking space for each three (3) beds, plus one (1) parking space for each staff doctor, plus one (1) parking space for each three (3) employees.
Religious activities	
Churches	One (1) space for each five (5) seats in the main auditorium; provided, that the spaces for any church shall not be less than ten (10). For all existing churches enlarging the seating capacity of their auditoriums, one (1) additional parking space shall be provided for each five (5) additional seats provided by the new construction. For all existing churches making structural alterations or additions which do not increase the seating capacity of the auditorium, no additional parking need be provided.
Mortuaries or funeral homes	One (1) parking space for each one hundred (100) square feet of floor area of assembly rooms.
Other uses	For uses not specifically identified in this section, the amount of parking required shall be determined by the planning department, based on staff experience, parking required for similar uses, and, if appropriate, documentation provided by the applicant.

1. Recreational vehicle parking spaces shall be in defined, fenced and screened areas with a minimum of a six (6) foot high sight-obscuring fence or landscaping as determined by the planning department, or the developer may provide areas of usable open space equal to that area that would be required for recreational vehicle

parking. A vehicle less than twenty (20) feet long that is used as primary transportation is not subject to recreational vehicle parking regulations. If open space in lieu of recreational vehicle parking is provided, its appropriateness will be determined at the time of development plan review by the planning department. Where enclosed garages are utilized to provide parking required by this title, an eighteen (18) foot stacking space shall be provided in front of such garage units. Provided, however, the Community development director shall have the authority to approve alternative plans where the developer can assure that such garage units will continue to be available for parking purposes and will not cause onsite parking or circulation problems. These assurances include but are not limited to: (1) covenants that run with the land or homeowners' association that require garages to be utilized for the storage of vehicles, (2) maintenance of drive aisle widths of twenty-six (26) feet in front of each garage unit, and (3) maintenance of minimum clearances for fire lanes on the site.

2. Exceptions for senior citizen apartments in multifamily buildings in the central business district:

a. Approved building plans must show one and eight-tenths (1.8) spaces per dwelling unit and also shall show which spaces are not to be initially installed. The additional spaces, plus any required landscaping, shall be installed if at any time the structure is not used for senior citizen apartments or if the facility shows a continued shortage of parking.

b. The requirement of one (1) space per dwelling unit may be reduced to no less than one (1) space for every two (2) dwelling units plus employee parking as determined by the Community development director. The Community development director shall base his decision on the following:

(1) Availability of private, convenient, regular transportation services to meet the needs of the tenants;

(2) Accessibility to and frequency of public transportation;

(3) Pedestrian access to health, medical and shopping facilities;

(4) Minimum age requirement to reside in subject apartments;

(5) Special support services offered by the facility.

c. Special parking for recreational vehicles will not be required as long as the facility does not permit recreational vehicles other than campers or vehicles that will fit into a normal-sized parking stall. If recreational vehicles are to be permitted on the development, they must be screened and fenced.

d. Compact stalls will not be permitted except for one-third (1/3) of the required employee parking.

B. *Mixed occupancies or mixed use if one (1) occupancy.* In the case of two (2) or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately; except in shopping centers, and except as provided in the mixed use overlay EMC 19.04.200. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as permitted in subsection (C) of this section pertaining to joint use.

C. *Joint use.* The minimum amount of off-street parking required by EMC 19.05.040(A) may be reduced by the Community development director when shared parking facilities for two (2) or more uses are proposed if:

1. The total parking area exceeds five thousand (5,000) square feet;
2. The parking facilities are designed and developed as a single onsite common parking facility, or as a system of onsite and offsite facilities if all facilities are connected with improved pedestrian facilities and located within five hundred (500) feet of the buildings or use areas they are intended to serve;
3. The amount of reduction in off-street parking does not exceed ten (10) percent per use unless it is documented that the peak parking demand hours of two (2) or more uses are separate by at least one (1) hour;
4. The subject properties are legally encumbered by an easement or other appropriate means which provide for continuous joint use of the parking facilities. Documentation shall require review and approval by the city attorney; and
5. The total number of parking spaces in the shared parking facility is not less than the minimum required by any single use.

D. *Employee parking.* Where employee parking will be maintained separately and in addition to parking for the general public, the regulations of this subsection shall apply:

1. Minimum parking stall sizes, aisle widths and percentage of compact car stalls shall be as per other requirements in this chapter.
2. Employee parking must be clearly identified as such and not become parking for the general public.
3. If the employee parking is changed to parking for the general public, the normal regulations for off-street parking shall be in force.
4. Employee parking shall not be in lieu of parking requirements per activity as stated in this section.

E. *Temporary parking facilities.* Temporary parking facilities may be permitted by the Community development director when it has been shown that:

1. The existing use of the subject property has adequate legal nonconforming parking or that existing parking conforms to the applicable standards of this title.
2. The temporary parking facility is primarily intended to serve the public at large and not the existing use on the property.
3. The temporary parking facility serves a public need.
4. The temporary facility meets the following minimum standards:
 - a. There shall be a minimum of two hundred eighty-five (285) square feet gross area per stall.
 - b. The pavement section shall be a minimum of four (4) inches of five-eighths (5/8) inch minus C.R. crushed rock with bituminous surface treatment, subject to public works department review.
 - c. Onsite drainage control and detention shall be provided per the Eastern Washington Storm Water Manual.
 - d. Ingress and egress and interior circulation and perimeter control shall be subject to public works director approval.

F. *Compact car parking.*

1. Parking stall size shall be a minimum of eight (8) feet by seventeen (17) feet. Aisle width shall be per the requirements of EMC 19.05.080 and diagram No. 1 following this chapter.
2. Compact car parking spaces shall be clearly identified by signing or other marking as approved by the city public works director.
3. Compact car parking spaces shall not exceed thirty (30) percent of the total required parking, and shall be interspersed equally throughout the entire parking area.
4. See EMC 19.05.080 and diagram No. 2 following this chapter for typical compact car stall arrangements.
5. No more than four (4) compact car parking stalls shall be placed side-by-side, or eight (8) head-to-head.

19.05.050 Drive-in businesses.

All banks, savings and loan associations, cleaning establishments, food dispensing establishments and other businesses which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during the business transactions, or are designed in such a manner that customers must leave their automobiles temporarily in a driving line located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles as follows:

- A. *Stacking space.* The drive-in facility shall be so located that sufficient stacking space is provided for the handling of motor vehicles using such facility during peak business hours of such a facility.
- B. *Driveway location.* Entrances and exits shall not be so located as to cause congestion in any public right-of-way.
- C. *Businesses located in shopping centers.* When located in a shopping center, drive-in facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

19.05.060 Loading space.

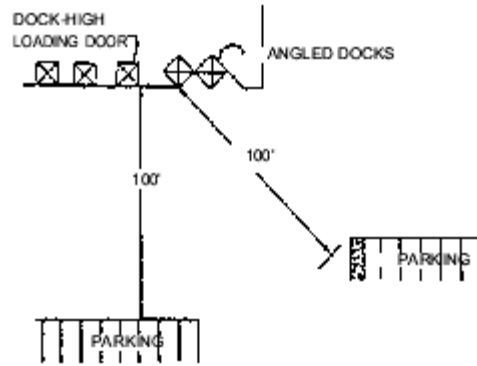
For all buildings hereafter erected, reconstructed or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to it or shipments from it of people or merchandise. Such space shall be shown on a plan and submitted for approval by the planning department and the city public works director. No portion of a vehicle taking part in loading, unloading or maneuvering activities shall project into a public street, alley or interior pedestrian area. Loading space or maneuvering areas shall be in addition to required off-street parking spaces.

A. Relationship of loading space to residential areas. Loading berths shall be located not closer than fifty (50) feet to any residential district, unless wholly enclosed within a building, or unless screened from such residential area by a wall or uniformly painted fence not less than six (6) feet in height.

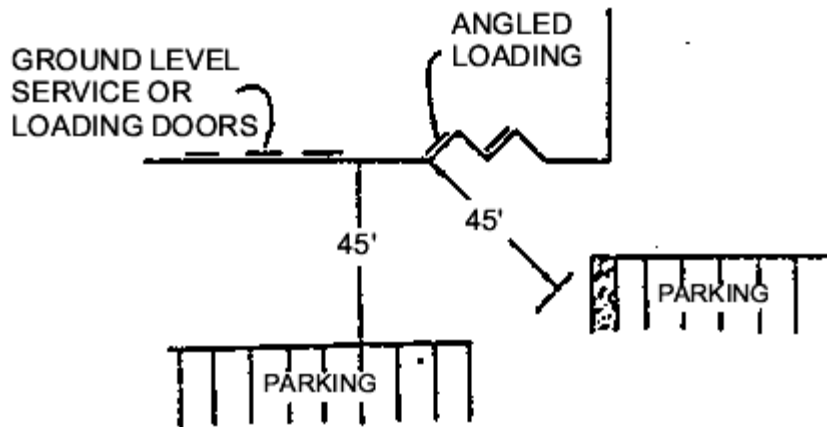
B. Relationship to open space. Space for loading berths may occupy all or any part of any required setback or open space as long as the loading berth is uncovered. A covered loading area shall comply with the minimum setback requirements for the district.

C. Types of uses for which loading space shall be provided. Loading space shall be provided for the following types of buildings or businesses: warehouses, supermarkets, department stores, office buildings with a floorspace in excess of twenty thousand (20,000) square feet, industrial or manufacturing establishments, freight terminals, railroad yards, mortuaries and such other commercial and industrial buildings which, in the judgment of the Community development director, are similar in nature in regard to loading space requirements.

D. Maneuvering area for buildings with dock-high loading doors. Buildings which utilize dock-high loading doors shall provide a minimum of one hundred (100) feet of clear maneuvering area in front of each door. See the following diagram:



E. *Maneuvering area for buildings with ground level loading doors.* Buildings which utilize ground level service or loading doors shall provide a minimum of forty-five (45) feet of clear maneuvering area in front of each door. See the following diagram:



F. *Driveways.* Ingress and egress points from public rights-of-way (driveways) shall be designed and located in such a manner as to preclude offsite or on-street maneuvering of vehicles.

19.05.070 Off-street parking regulations for the downtown commercial areas.

The area bounded by 3rd Ave. NW, Alder Street, 3rd Ave. SW and C Street is exempt from the requirements of off street parking on existing or remodeled existing buildings with no increase in building area. New buildings or buildings that are expanded beyond

the original footprint of the building within this boundary shall meet at least 50% of the required number of parking spaces delineated in this section.

19.05.080 Size and design standards.

A. *Parking stall size.* Parking stall size shall be as follows:

Standard 9 feet by 19 feet (1) (3)

Compact 8 feet by 17 feet (2) (3)

Employee 8-1/2 feet by 18 feet (3)

Parallel 9 feet by 23 feet

Notes:

1. Dimensions may include overhang. See EMC 19.05.090(F) for exceptions.
2. See diagram No. 2 following this chapter for typical compact stall placement with required landscape area.
3. Parking stall length may be reduced by a maximum of two (2) feet with corresponding increases in aisle width.

B. *Minimum design standards and typical parking stall arrangements.* For minimum design standards and typical parking stall arrangements, see the diagrams at the end of this chapter.

C. *Units of measurement.*

1. *Benches.* In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) inches of width of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this title.

2. *Fractions.* When a unit of measurement determining the number of required parking spaces results in the requirement of a fractional space, any fraction up to but not including one-half (1/2) shall be disregarded and fractions one-half (1/2) and over shall require one (1) parking space.

19.05.090 Overhang exception, landscaping, paving, wheel stops, drainage, lighting and curbing.

A. *Landscaping generally.* The landscaping requirements of Ch. 19.07 EMC and diagram No. 2 following this chapter shall apply with respect to off-street parking facilities.

B. *Landscape islands.* Landscape islands with a minimum size of one hundred (100) square feet shall be located in the following areas to protect vehicles and to enhance the appearance of parking areas:

1. At the ends of all parking rows.
2. Where loading doors or maneuvering areas are in close proximity to parking areas or stalls.

C. *Paving.* All vehicular maneuvering areas, including but not limited to off-street parking areas, truck and mobile equipment loading, unloading, storage and maneuvering areas, and related accesses to and from public right-of-way shall be paved with asphalt or equivalent material, to be approved by the public works director or his/her designee. The Community development director may waive the paving requirement in the following instances:

1. Areas used primarily for the storage and operation of heavy equipment, tracked vehicles, trucks and other large-tire vehicles, where such areas are not generally used for regular deliveries or access by the general public; and
2. Driveways for single-family residential development, except that at least the first twenty (20) feet of the drive way shall be paved.

D. *Wheel stops.* Wheel stops, a minimum of two (2) feet from any obstruction or the end of the parking stall, shall be required in the following locations:

1. Where the parking stall abuts a building or where vehicles may overhang a property line.
2. Where the parking stall abuts a pedestrian walkway of less than six (6) feet in width, or a walkway which is not raised creating its own barrier.
3. Where a parking stall abuts any physical object which may be impacted (i.e., light standards, fire hydrants, fences, power vaults, utility poles, etc.).

4. Where a hazardous grade difference exists between the parking area and the abutting property.

5. Where other hazardous situations may exist as determined by the public works director.

E. *Lighting.* Any lighting of a parking lot or storage area shall illuminate only the parking lot or storage area. All lighting shall be designed and located so as to avoid undue glare or reflection of light onto adjoining properties or public rights-of-way.

Light standards shall not be located so as to interfere with parking stalls, maneuvering areas, or ingress and egress areas.

F. *Vehicle overhang exception.* Where sufficient area is available to allow safe and efficient overhang of a vehicle, the planning department may permit the standard parking stall length to be reduced by two (2) feet with corresponding increase in adjacent walkway or landscaping width. (See diagram No. 2 following this chapter.)

G. *Concrete curb placement.* In addition to wheel stop requirements as provided in subsection (D) of this section, all landscape areas within or abutting parking areas shall be separated from the paved area by concrete curbing or other acceptable method as approved by the community development director and the public works director.

H. *Parking structures.* Multiple level parking structures, developed either as a single use structure or as parking incorporated into a structure, shall be designed and laid out in accordance with the dimensional and numeric requirements of this chapter.

19.05.100 Off-street parking plans.

A. Off-street parking plans shall be subject to review and approval by the planning department and public works director or his/her designee. The planning department shall review plans for compliance with the requirements of this title. The public works director shall review plans based upon the following criteria:

1. Safety and efficiency of interior circulation.
2. Safety of ingress and egress points.
3. Effects of access on public streets with regard to street capacity, congestion and delay.

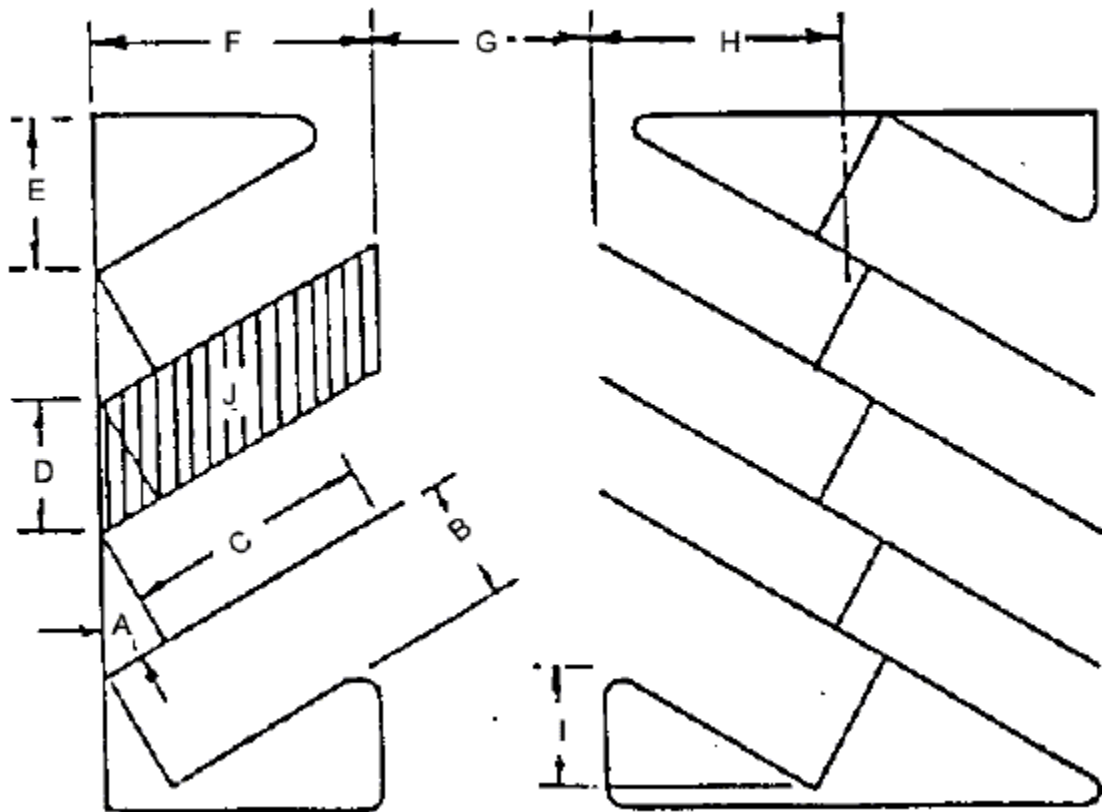
4. Compliance with construction standards relating to storm water runoff.

B. All plans must be complete with the information as requested by the Community development director.

A	B	C	D	E	F	G1	G2	H	I	J
						Aisle Width				
Angle	Stall Width (feet)	Stall Depth (feet)	Curb Length (feet)	Starting Loss (feet)	Depth to Wall (feet)	One-Way (feet)	Two-Way (feet)	Depth to Inter-lock (feet)	Setback (feet)	Gross Stall Area (square feet)
0°	9.0	23.0	23.0	0.0	9.0	12.0	20.0	9.0	23.0	207
10°	8.0	17.0	46.1	61.4	10.8	12.0	20.0	6.9	16.7	499
	9.0	19.0	51.8	69.0	12.2	12.0	20.0	7.7	18.7	630
20°	8.0	17.0	23.4	36.6	13.3	12.0	20.0	9.6	16.0	312
	9.0	19.0	26.3	41.1	15.0	12.0	20.0	10.7	17.9	394
30°	8.0	17.0	16.0	26.7	15.4	12.5	20.0	12.0	14.7	247
	9.0	19.0	18.0	30.0	17.3	12.0	20.0	13.4	16.5	311
36.9°	8.0	17.0	13.3	22.1	16.6	13.5	20.0	13.4	13.6	221
	9.0	19.0	15.0	24.8	18.6	13.5	20.0	15.0	15.2	279
40°	8.0	17.0	12.4	20.3	17.1	13.5	20.0	14.0	13.0	212
	9.0	19.0	14.0	22.8	19.1	13.5	20.0	15.7	14.6	268
45°	8.0	17.0	11.3	17.7	17.7	14.5	20.0	14.8	12.0	200
	9.0	19.0	12.7	19.8	19.8	14.5	20.0	16.6	13.4	252
50°	8.0	17.0	10.4	15.2	18.2	15.5	20.0	15.6	10.9	190
	9.0	19.0	11.7	17.1	20.3	15.5	20.0	17.4	12.2	239
53.1°	8.0	17.0	10.0	13.8	18.4	16.5	20.0	16.0	10.2	184
	9.0	19.0	11.3	15.5	20.6	16.5	20.0	17.9	11.4	232
60°	8.0	17.0	9.2	10.8	18.7	17.0	20.0	16.7	8.5	173
	9.0	19.0	10.4	12.1	21.0	17.0	20.0	18.7	9.5	218

70°	8.0	17.0	8.5	6.8	18.7	20.0	22.0	17.3	5.8	159
	9.0	19.0	9.6	7.6	20.9	20.0	22.0	19.4	6.5	200
80°	8.0	17.0	8.1	5.0	18.1	23.0	24.0	17.4	3.0	147
	9.0	19.0	9.1	5.0	20.3	23.0	24.0	19.5	3.3	185
90°	8.0	17.0	8.0	5.0	17.0	24.0	24.0	17.0	0.0	136
	9.0	19.0	9.0	5.0	19.0	24.0	24.0	19.0	0.0	171

DIAGRAM 1. MINIMUM PARKING DESIGN STANDARDS



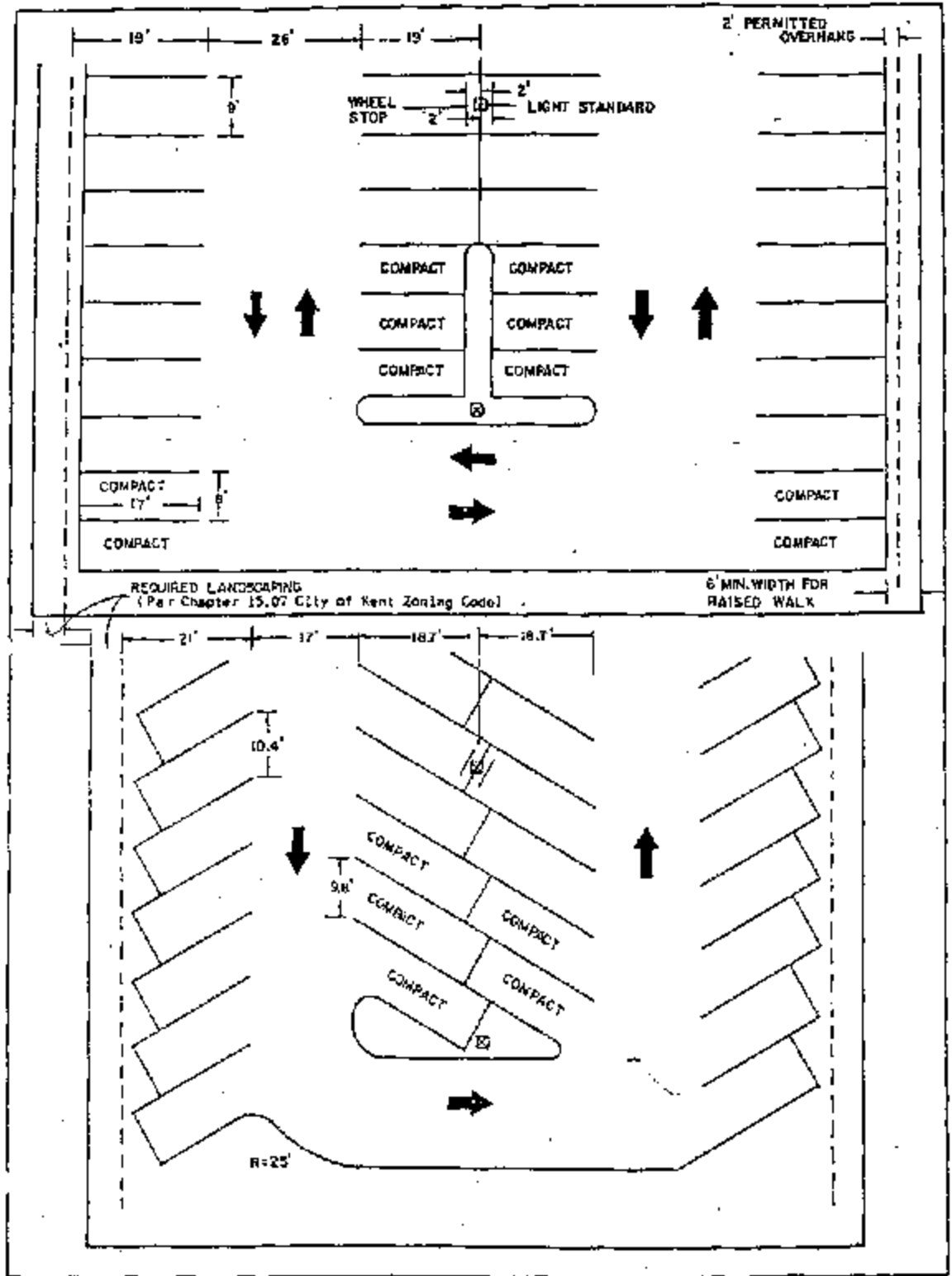


DIAGRAM 2

Chapter 19.06

SIGN REGULATIONS

Sections:

19.06.010 Purpose.

19.06.020 Scope.

19.06.030 Prohibited signs.

19.06.040 General restrictions and limitations for all districts.

19.06.050 Regulations for specific districts.

19.06.070 Structural safety and maintenance of signs.

19.06.075 Nonconforming Signs

19.06.080 Administrative procedures.

19.06.010 Purpose.

A. The purpose of this chapter is to establish regulations for signs in order to promote the public health, safety and general welfare. It is further the intention of this chapter to harmonize the legitimate private purposes of signs, that is, the identification and promotion of the seller to the buyer, with public purposes. Public purposes include considerations of traffic safety and economic and aesthetic welfare. Unregulated signs may divert the driver's attention from the road, causing a traffic hazard. In addition, conflicts between private signs and traffic control signs result in unsafe traffic conditions. The economic base of the city is, to some extent, dependent upon maintaining an attractive area, both as to natural and manmade features, in which to visit, live and work.

B. Regulation of signs also serves to promote the private purposes of signs. Signs have become larger, more numerous and more expensive as a result of competition for attention. This competition of signs has, in some cases, defeated the very purposes for which they were created. The elimination of destructive competition between signs thus enhances the private purposes of signs as well as promotes the public health, safety and general welfare.

19.06.020 Scope.

This chapter applies to all existing and future signs within the corporate boundaries of the city, but does not apply to signs located within a building or structure.

19.06.030 Prohibited signs.

The following signs are prohibited in all districts within the municipal boundaries of the city, except as specifically allowed as temporary signs:

- A. Banners, streamers, pennants and balloons (See EMC 19.06.040.Q.4).
- B. Any sign using the words "stop," "look" or "danger," or any other word, symbol or character which might confuse traffic or detract from any legal traffic control devices.
- C. Stationary motor vehicles, trailers and related devices used to circumvent the intent of this chapter.
- D. Signs which are pasted or attached to utility poles, trees or other signs, or to natural features.
- E. Signs within seventy-five (75) feet of the public right-of-way which are revolving more than eight (8) revolutions per minute, blinking or flashing, except public service signs such as those which give the time, temperature and humidity.
- F. Roof signs.
- G. All lighted signs which are adjacent to and directed toward a residential district and which detract from the welfare of the residential district.
- H. Portable signs, except temporary signs as permitted under EMC 19.06.040(Q).

19.06.040 General restrictions and limitations for all districts.

- A. *Signs in street right-of-way or future street right-of-way.* No sign shall be located in or project into the present or future right-of-way of any public street unless such location or projection is specifically authorized by other provisions of this section.
- B. *Signs interfering with sight distance.* No sign shall be so designed or constructed as to interfere with the sight distance of motorists proceeding on or approaching adjacent streets, alleys, driveways or parking areas, or of pedestrians proceeding on or approaching adjacent sidewalks or pedestrian ways.

C. *Signs over driveways.* No sign suspended over or projecting into the area above a driveway located on private property shall be situated at a height of less than fifteen (15) feet above the surface of the driveway.

D. *Signs over public sidewalks and pedestrian ways.* No sign suspended over or projecting into the area above a public sidewalk or pedestrian way shall be situated at a height of less than eight and one-half (8 1/2) feet above the surface of the sidewalk or pedestrian way, and no sign may project more than seventy-five (75) percent of the distance between the property line and the curb-line except for signs attached to the underside of a canopy or other architectural projection.

E. *Directional signs.* Directional signs and signs indicating entrances, exits, service areas and parking areas shall be excluded from the sign provisions of this title, and may be erected on private property upon approval of the building official, public works director and planning director. These signs shall not contain advertising or promotional information, and may be restricted in size.

F. *Removal of signs on closure of business.* Upon the closure and vacation of business or activity, the owner of the business or activity shall have one hundred twenty (120) days from the date of closure to remove all signs related to the business or activity.

G. *Window signs.* Window signs shall be considered as a sign and computed as part of the aggregate sign area and number of signs. Any painted-over window shall be considered as a wall. The following signs, if used in the specified manner, are not computed as part of the aggregate sign area and do not require a permit:

1. Decals indicating credit cards honored.
2. Banners or posters on the inside of windows. Such signs may be used in conjunction with national advertising programs, or as weekly marketing specials, or as decorations customary for special holidays.

H. *Painted signs.* Signs painted on exterior wall, window or structure of any kind shall be computed as part of the aggregate sign area and number of signs.

I. *Barber poles.* In addition to any other signs authorized by the provisions of this chapter, any barbershop shall be entitled to display a barber pole. The design of the

pole and its location and manner of erection shall be subject to the approval of the building official.

J. *Credit card signs.* Signs indicating credit cards honored may be displayed in window areas only. Such signs are not computed as part of the aggregate sign area and do not require a permit.

K. *Institutional signs.* For churches, schools, hospitals, public facilities and institutional uses, one (1) double-faced freestanding or wall identification sign is permitted for each street frontage. The sign may have an aggregate area of one (1) square foot for each ten (10) lineal feet of street frontage. However, each use is guaranteed a minimum sign area of eight (8) square feet per display face regardless of street frontage. The sign shall not exceed a height of ten (10) feet above the surface of the nearest street. The sign may be illuminated. Freestanding symbols of sculpture used as identification may be permitted with the approval of the planning department. Wall signs, lettering or symbols may also be approved by the planning department. Institutional signs located adjacent to State Highway SR-28, SR-282 and SR-283 shall comply with those standards required in RCW 47.42 and WAC 468-66.

L. *Gate or entrance sign.* Gate or entrance signs may be permitted, and may be located in public rights-of-way, if approved by the planning department.

M. *Community bulletin board.* Subdivisions and residential communities may be allowed to erect a permanent structure as a community bulletin board if approved by the building official and planning director.

N. *Business hours signs.* Signs stating business hours shall be excluded from the provisions of this title, and may be erected upon private property upon the approval of the building official and planning director. These signs shall not contain advertising or promotional information. Maximum number permitted shall be one (1) per entrance, with a maximum size of four (4) square feet.

O. *Public service signs.* Non-advertising or non-promotional signs may be erected as a public service to the community by public service clubs or other nonprofit organizations. Such signs may be located in any zone upon approval by the building official and planning director.

P. *Real estate signs.* Real estate signs are permitted as follows. No sign permit is required.

1. *Residential uses.*

a. *Single-family dwellings and duplexes.* One (1) real estate sign shall be permitted for each street frontage of a lot. The sign may have two (2) faces, shall not exceed a height of five (5) feet above the surface of the street unless placed in a window, shall not exceed an area of four (4) square feet per face, and shall be unlighted.

b. *Multiple-family dwellings.* One (1) real estate sign shall be permitted for each street frontage of a development. The sign shall not exceed an area of twelve (12) square feet, shall be attached flat against a principal building, shall not project above the eave of the roof or the top of the parapet of the building, and shall be unlighted.

2. *Commercial and industrial uses.* One (1) real estate sign shall be permitted for each public entrance, but there shall not be more than four (4) signs per lot. The sign shall not exceed an area of eight (8) square feet, shall be attached flat against the building or freestanding, shall not project above the eave of the roof or the top of the parapet of the building, and shall be unlighted.

3. *Unimproved acreage.* One (1) real estate sign shall be permitted for each lot. The sign shall not exceed an area of one-fourth (1/4) square foot for each foot of lot frontage and shall not in any event exceed fifty (50) square feet. The sign shall not exceed a height of ten (10) feet above the surface of the nearest street, and shall be unlighted.

Q. *Temporary signs.* Temporary signs may be authorized by the planning department for a time period specified for each type of temporary sign.

1. *Temporary subdivision or apartment signs.* A temporary real estate sign declaring a group of lots, dwellings or occupancies within a subdivision or apartment complex for sale or rent shall be permitted subject to the following conditions:

- a. One (1) such sign shall be permitted for each street frontage of the premises being sold or leased. The sign shall be located on the premises being sold or leased.
- b. The area of such signs shall not exceed an area of twenty-five (25) square feet each.
- c. The signs shall not exceed a height of ten (10) feet above the level of the street.
- d. The signs shall be unlighted.
- e. The signs shall not interfere with the sight distance of pedestrians and motorists proceeding on or approaching adjacent streets.
- f. The signs may remain as long as the project remains unsold or unleased, or for one (1) year, whichever period shall be lesser; provided, however, that the planning director shall have the authority to extend the time period one (1) year.

2. *Nonpolitical campaign signs.* Temporary nonpolitical signs announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization may be allowed upon any lot. Such signs may be posted thirty (30) days prior to the event, drive, campaign, etc. Such signs shall be removed within seven (7) days after the event, drive, campaign, etc.

3. *Construction signs.* One (1) sign identifying a project under construction shall be permitted for each street frontage of the building or structure under construction. The sign may contain the name of the building contractor and his subcontractors, the architect and the engineer. The sign shall be permitted during the period of construction, and shall not exceed a total of fifty (50) square feet for all faces.

4. *Grand openings and special events signs.* Special permits may be issued by the planning department for a period not to exceed thirty (30) days for banners, streamers and temporary or portable signs for special events such as carnivals, outdoor affairs and sales, grand openings and events of a similar nature.

R. *Off-premises signs.*

1. *Districts where permitted.* Off-premises signs are permitted in I-1, I-2 and C-2 districts. Off-premises signs not in one of the above zones shall be categorized as legal nonconforming signs.

2. *Standards.*

a. *Maximum size.* As of the effective date of the ordinance codified in this subsection, the maximum size per sign face is two hundred (200) square feet.

b. *Maximum height.* Maximum height is twenty-five (25) feet.

c. *Distance from any intersection.* Off-premises signs shall be located a distance of three hundred (300) feet from any intersection.

d. *Double-faced signs.* An off-premises sign structure may contain up to two (2) sign faces arranged either back-to-back or in a V-shape arrangement. The use of tri-vision panels on a sign face shall not in itself constitute additional sign faces.

e. *Spacing.* Not more than four (4) sign structures per one thousand (1,000) lineal feet are permitted.

3. *Permits.* Off-premises signs shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a building permit. Ordinary maintenance shall not require building permits. Off-premises sign copy replacement may occur at any time and is exempt from the requirement for building permits.

4. *Hazard or nuisance.* All off-premises signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation and safety. If an off-premises sign is determined by the Ephrata building official to be in a state of disrepair so as to constitute a safety hazard or a nuisance as defined by the building code or Ephrata Municipal Code, the building official may initiate enforcement proceedings pursuant to the EMC.

5. *Enforcement.* Any violation of the provisions of this subsection (R) shall be subject to enforcement pursuant to the EMC.

S. *Portable A-frame sandwich board signs.*

1. A portable A-frame or similarly designed sign which is no greater than thirty-six (36) inches wide by forty-two (42) inches tall.

a. Not more than two (2) sandwich board signs may be utilized by retail uses in the C-1, C-2, I-1 and I-2 districts. They are not permitted in any other districts.

b. Portable A-frame sandwich board signs are permitted to be placed on the business premises only.

c. Portable A-frame sandwich board signs placed on the business premises shall be in lieu of portable signs placed on the public right-of-way.

19.06.050 Regulations for specific districts.

In all districts the building official shall have the option to waive sign type requirements in unique and special cases where due to building design or other special circumstance the development is unable to conform to stated standards.

A. Signs permitted in residential districts.

1. *Identification signs for single-family dwellings and duplexes.* One (1) identification sign shall be permitted for each occupancy. The sign shall not exceed an area of two (2) square feet, shall not exceed a height of six (6) feet above the surface of the street, shall be attached directly to a building, fence, standard, or mailbox, and shall be unlighted or provided with indirect illumination. Home occupations shall not be allowed additional sign area.

2. *Identification signs for multifamily dwellings.* One (1) identification sign shall be permitted for each development, except that multiple-family dwellings with more than one (1) street frontage may be allowed an additional sign for each street frontage of such lot. Each sign shall not exceed an area of twenty-five (25) square feet, may be a wall or freestanding sign, shall be unlighted or indirectly lighted, and shall not exceed a height of six (6) feet above the ground if freestanding.

B. Signs permitted in general commercial district. The aggregate sign area for any lot shall not exceed one and one-half (1 1/2) feet for each foot of street frontage.

Aggregate sign area for corner lots shall not exceed one (1) square foot for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

1. *Identification signs for occupancies.* Each business establishment may have one (1) freestanding sign for each street frontage if not located in a shopping center, and three (3) additional signs.

a. *Freestanding sign.* The freestanding sign shall not exceed a height of twenty-five (25) feet. The maximum sign area permitted is two hundred (200) square feet for the total of all faces. No one (1) face shall exceed one hundred (100) square feet. The sign may be illuminated.

b. *Additional signs.* Three (3) additional signs shall be permitted subject to the following restrictions:

i. The total area of all signs, graphics, or other advertising shall not be more than ten (10) percent of the building facade to which they are attached or on which they are displayed.

ii. On properties where a pole sign cannot be erected due to setback requirements or building placement, a projecting sign may be allowed in lieu of the permitted freestanding sign. The projecting sign may not exceed fifteen (15) square feet in outside dimension.

2. *Identification signs for shopping centers.* One (1) freestanding identification sign, which may list the names of the occupants of the shopping center, shall be permitted for each street frontage of each shopping center. The maximum sign area permitted for a freestanding sign is two hundred (200) square feet for the total of all faces. No one (1) face shall exceed one hundred (100) square feet. A freestanding sign shall not exceed a height of thirty (30) feet, and may be illuminated.

3. *Automobile service station signs.* The aggregate sign area for any corner lot shall not exceed one (1) square foot for each foot of lot frontage, and the aggregate sign area for any interior lot shall not exceed one and one-half (1 1/2) square feet for each foot of lot frontage; and the permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

a. *Freestanding signs.* One (1) freestanding lighted double-faced identification sign, not exceeding two hundred (200) square feet for the total of all faces, with no such face exceeding one hundred (100) square feet, is permitted. Such sign shall not exceed a height of thirty (30) feet. If on a corner lot, two (2)

monument signs not exceeding one hundred (100) square feet per sign for the total of all faces are permitted. Such monument signs shall not exceed a height of fifteen (15) feet. Freestanding signs shall be lighted during business hours only.

b. *Additional signs.* Three (3) additional signs shall be permitted subject to the following restrictions: the total area of all signs, graphics, or other advertising shall not be more than ten (10) percent of the building facade to which they are attached or on which they are displayed.

c. *Fuel price signs.* Fuel price signs shall be included in the aggregate sign area.

C. *Signs permitted in central business district (C-1).* The aggregate sign area for any lot shall not exceed one and one-half (1 1/2) square feet for each foot of street frontage. The aggregate sign area for corner lots shall not exceed one (1) foot for each foot of street frontage. The permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

1. *Identification signs for multitenant buildings.*

a. *Wall sign.* Each multitenant building may have one (1) identification wall sign for the building's identification for each street frontage. The sign shall not exceed a total of five (5) percent of the facade to which it is attached. Aggregate sign area shall apply. A multitenant building will have the option of the sign described in this subsection (C)(1)(a) or the identification sign described in subsection (C)(2) of this section.

b. *Freestanding sign.* Each building may have one (1) freestanding sign on each street frontage. The sign may not exceed fifteen (15) feet in height. The maximum sign area permitted for the freestanding sign is one hundred (100) square feet for the total of all faces. No one (1) face shall exceed fifty (50) square feet.

2. *Identification signs for occupancies.* Each occupant of a multitenant building shall be permitted two (2) wall signs. Such signs shall not exceed ten (10) percent of the facade of the individual business unit. Aggregate sign area shall not apply.

3. *Identification signs for single-tenant buildings.*

a. Each building may have one (1) freestanding sign for each street frontage. The sign may not exceed a height of fifteen (15) feet. The maximum sign area permitted for the freestanding sign is one hundred (100) square feet for the total of all faces. No one (1) face shall exceed fifty (50) square feet.

b. Three (3) additional signs shall be permitted. All signs are subject to the aggregate sign area allowed. The total area of all signs, graphics, or other types of signs shall not exceed ten (10) percent of the facade to which they are attached or on which they are displayed.

D. Signs permitted in office and service commercial district (C-3).

1. *Generally.* One (1) freestanding double-faced identification sign shall be permitted for each lot. The sign shall not exceed a maximum area of fifty (50) square feet for the total of all faces. No one (1) face shall exceed twenty-five (25) square feet. A freestanding sign shall not exceed a height of fifteen (15) feet and shall be unlighted or provided with indirect illumination.

2. *Identification signs for buildings.* One (1) identification sign shall be permitted for each principal building. The sign shall not exceed an area of five (5) percent of the facade to which it is attached, shall be attached flat against the building, shall not project above the eave of the roof or the top of the parapet, and shall be unlighted or provided with indirect illumination. Such signs shall not advertise or name individual tenants of the building.

3. *Identification signs for occupancies.* Signs not exceeding a total of five (5) percent of the facade of the business unit to which they are attached shall be permitted for each occupancy in a multitenant building when the occupancy has outside frontage.

E. Signs permitted in industrial districts.

1. *Aggregate sign area.* The aggregate sign area for lots in the I-1 and I-2 districts shall not exceed one-half (1/2) square foot for each foot of street frontage. The aggregate sign area for lots in the A-E district shall not exceed one (1) square foot for each foot of street frontage. In no case shall the aggregate sign area exceed one-half (1/2) square foot for each foot of street frontage on a corner lot. The

permitted signs enumerated in this subsection shall be subject to the total aggregate sign area.

a. *Identification signs for buildings.* One (1) identification sign shall be permitted for each lot on each street frontage, which may be a freestanding sign or a wall sign. The maximum sign area permitted for a freestanding sign is two hundred (200) square feet for the total of all faces. No one (1) face shall exceed one hundred (100) square feet. If the sign is a wall sign, its size shall not exceed twenty (20) percent of the building facade. A freestanding sign shall not exceed a height of twenty (20) feet. The sign may be illuminated.

b. *Identification signs for occupancies.* One (1) identification sign shall be permitted for each occupancy on each street frontage and shall be a wall sign. The maximum size of the sign shall be ten (10) percent of the building facade. This sign may be illuminated. If the identification sign permitted under subsection (E)(1)(a) of this section is a wall sign, an additional wall sign may be permitted on a building facade not facing a street frontage.

F. *Signs permitted in planned unit developments, and for conditional uses.* All signs in planned unit developments, and mobile home parks and for conditional uses shall be incorporated as part of the developmental plan and approved with the developmental plan. Subsequent changes which conform to the adopted signing program may be granted by the planning director.

G. *Signs permitted in shopping centers.* The aggregate sign area for each occupant of a shopping center shall not exceed twenty (20) percent of the front facade of the unit. Wall signs are permitted on each exterior wall of the individual business unit. A minimum of thirty (30) square feet shall be permitted for any occupancy. No combination of signs shall exceed ten (10) percent of the facade to which they are attached. If there is an attached canopy or overhang, a ten (10) square foot sign may be attached to the canopy or overhang in addition to the other permitted signs. Such sign shall be at least eight (8) feet above any pedestrian walkway.

19.06.070 Structural safety and maintenance of signs.

All parts, portions, units, and materials composing a sign, together with the frame, background, supports, or anchorage thereto, shall be maintained in a proper state of

safety and repair and a proper state of preservation. The surface of all signs shall be kept neatly painted.

19.06.075 Nonconforming signs.

- A. Any sign lawfully existing under all codes and ordinances in effect at the time this Chapter is enacted or amended may continue to be maintained and operated as a legal nonconforming sign so long as it remains otherwise lawful, provided that:
1. No sign shall be changed in any manner that increases its noncompliance with the provisions of this Code; and
 2. If the sign is structurally altered or moved, its legal nonconforming status shall be voided, and the sign will be required to conform to the provisions of this Code.
 3. The sign is not a hazardous or abandoned sign.

19.06.080 Administrative procedures.

A. *Permits.*

1. To ensure compliance with the regulations of this chapter, a permit shall be required for all signs hereafter installed or altered within the corporate boundaries of the city, except those signs enumerated in subsection (A)(2) of this section. No sign shall be erected, installed, applied, affixed, altered, or relocated without a permit from the building department and the planning department. The sign permit shall certify that the sign, as represented by plans, drawings, or statements, is in conformance with the regulations of this chapter.
2. The following signs must conform with the regulations of this chapter but may be erected, installed, affixed, altered, or relocated without a sign permit:
 - a. For sale, lease, or rent signs.
 - b. Residential signs for single-family dwellings.
3. The following information must be provided as part of the application for a sign permit:
 - a. Name, address, and phone number of the applicant.

- b. Name and address of the activity for which the sign is intended and parcel number of land on which it is to be placed.
- c. Three (3) copies of a dimensional drawing showing the type of sign as designated in this chapter, and, if lighted, the method of illumination, and the height of the sign.
- d. Four (4) copies of a dimensional plot plan, accurate as to scale, showing all structures, the abutting right-of-way line of each street, and location of proposed sign and each existing sign on the property.
- e. If the sign is a wall sign, four (4) copies of an elevation of the building facade. This elevation shall be fully dimensional and accurate as to scale. It shall show the proposed sign and each existing sign.
- f. One (1) or more photographs (snapshots are adequate) showing the location of the proposed sign and its relationship to the remainder of the property.
- g. A minimum of two (2) copies of a plot plan showing the location of the proposed sign with computations, diagrams, and other data sufficient to show proper structural stability of the installation.

B. *Fees and deposits.* Fees shall be governed by the fee schedule contained in the building code adopted by the city.

C. The building official shall make the final decision on a sign permit application submitted pursuant to Ch. 19.06 EMC. Any appeal from the final decision of the building official shall be to the hearing examiner pursuant to the requirements of Ch. 19.06 EMC and the appeal provisions of Ch. 17.01 EMC.

D. *Violations – Nuisance Abatement and Civil Infractions.*

- 1. Any sign that violates the provisions of this chapter shall be deemed a public nuisance and shall be in lien against the property on which the sign was maintained and a personal obligation against the property owner. The property owner shall first be served with a notice to abate the nuisance, except in the case of portable signs. Illegal portable signs may be immediately removed by the city, and the owner shall be given notice that the sign will be destroyed if not claimed within ten (10) days. Appeal of the abatement notice may be made

to the hearing examiner. If, after such a hearing, the hearing examiner orders agents of the city to remove the nuisance, they shall have authority to enter upon private property to remove the nuisance.

2. In addition, any violation of this chapter Shall be deemed a civil infraction subject to a penalty as provided in Chapter 1.04.

E. *Variances.*

1. A sign variance is categorized as a Process III application and shall be subject to the requirements of Ch. 17.01 EMC. Variances from the terms of this chapter may be granted by the hearing examiner upon proper application. Variances may be granted when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

2. The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.

Chapter 19.07 LANDSCAPING REGULATIONS

Sections:

19.07.010 Purpose.

19.07.020 Landscape plan approval.

19.07.030 Failure to complete required landscaping – Inspection.

19.07.040 General landscape requirements for all zones.

19.07.050 Types of landscaping.

19.07.060 Regulations for specific districts.

19.07.070 Maintenance of landscaping.

19.07.010 Purpose.

A. The provisions of this chapter are to provide minimum standards for landscaping in order to maintain and protect property values and enhance the general appearance of the city.

B. The Community development director shall have the authority to waive specific requirements or impose additional requirements in unique or special circumstances to ensure the fulfillment of the stated purpose of this chapter and to allow for flexibility and innovation of design. Special circumstances or unique conditions shall be reviewed with the Community development director prior to submittal of a landscape plan. Examples of special conditions might include:

1. Preservation of unique wildlife habitat.
2. Preservation of natural or native areas.
3. Compliance with special easements.
4. Renovation of existing landscaping.
5. Unique site uses.

19.07.020 Landscape plan approval.

A. A building permit shall not be issued until the landscaping plan has been approved.

B. At the time of development plan review, the planning department shall review specific landscape requirements with the owner or his representative.

19.07.030 Failure to complete required landscaping – Inspection.

A. Failure to complete all of the required landscaping or any part of it within six (6) months of the building occupancy, issuance of the certificate of occupancy or the planning department final inspection shall constitute a zoning violation.

B. It shall be the responsibility of the project manager or business owner to contact the planning department upon completion of the landscaping work and request an inspection.

C. The planning department may inspect the landscaping upon request of the project manager or business owner or at any time after the six (6) month expiration date.

19.07.040 General landscape requirements for all zones.

A. All parking areas of over twenty thousand (20,000) square feet shall have a minimum of ten (10) percent of the parking area, maneuvering area, and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of stormwater runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the ten (10) percent figure.

B. All ingress or egress easements which provide corridors to the subject lot, not adjacent to a public right-of-way, shall be considered the same as a public right-of-way. Landscape requirements for easement corridors shall be the same as those required adjacent to public rights-of-way.

C. All outside storage areas shall be screened by fencing and landscaping a minimum of five (5) feet in depth unless it is determined by development plan review that such screening is not necessary because stored materials are not visually obtrusive. The five (5) foot deep landscaped area can occur within the street right-of-way abutting the property line.

D. All portions of a lot not devoted to building, future building, parking, storage, or accessory uses shall be landscaped in a manner appropriate to the stated purpose of this chapter.

E. All required landscaping areas shall extend to the curb-line or the street edge. A crushed rock path in lieu of landscaping shall be required where appropriate as determined by the planning department.

F. Required landscape areas which are inappropriate to landscape due to the existence of rail lines or other features shall be relocated, first, to another lot line, or second, to an equal-sized area in another portion of the lot, to be determined by the planning department upon review with the owner or developer.

G. Bark mulch, gravel or other non-vegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Non-vegetative material is not a substitute for plant material.

H. Required landscape areas shall be provided with adequate drainage.

- I. Slopes shall not exceed a three (3) to one (1) ratio (width to height), in order to decrease erosion potential and assist in ease of maintenance.
- J. The perimeter of all parking areas which abut residential zones or uses shall be landscaped to a minimum depth of three (3) feet with type II landscaping unless otherwise provided by this chapter. A six (6) foot high solid wood or equivalent fence is also required. Substitute fencing, including but not limited to chainlink fence with slats, may be approved by the Community development director upon application of the developer and adjacent residential property owners when such fencing shall provide buffering consistent with the purpose and intent of this chapter. The term "adjacent residential property," for purposes of this section, shall mean abutting property, and lots immediately adjacent to abutting property.
- K. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety. Safety features of landscaping shall be discussed at the time of development plan review, if necessary.
- L. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area as noted in EMC 19.07.050 pertaining to types of landscaping.
- M. All trash containers shall be screened from abutting properties and streets by a one hundred (100) percent sight-obscuring fence or wall and appropriate landscaping.
- N. Landscaping shall be placed outside of sight-obscuring or one hundred (100) percent sight-obscuring fences unless it is determined by the planning department that such arrangement would be detrimental to the stated purpose of this chapter.
- O. The use of native and drought tolerant, low water use plants shall be incorporated into landscape design plans.
- P. Landscape plans shall include where feasible a diversity of native plant species which promote native wildlife habitat.
- Q. Landscaping adjacent to required biofiltration systems may be considered part of any required landscaping areas, subject to approval by the Community development director and the public works department. Landscaping shall not be permitted within the

treatment area of a biofiltration system. The chosen vegetation shall not result in any disruption of bioswale functions at any time.

R. Landscaping buffers shall be required adjacent to any above ground storm water facilities, as required in the city’s construction standards, subject to the approval of the public works department.

S. The configuration and plant species of landscape areas on a site shall be designed so as to not disrupt the functions of storm water systems.

T. The perimeter of all stormwater detention ponds shall be landscaped to a minimum depth of ten (10) feet of type II landscaping. If perimeter fencing is required based on public works department standards, it shall be constructed of vinyl-coated chainlink or solid screen fencing. The fencing shall be located between the pond and the landscape area.

19.07.050 Types of landscaping.

	Type I Solid Screen	Type II Visual Screen	Type III Visual Buffer	Type IV Low Cover	Type V Open Area
Purpose	Type I landscaping is intended to provide a solid sight barrier to totally separate incompatible uses.	Type II landscaping is intended to create a visual separation that is not necessarily one hundred (100) percent sight-obscuring between incompatible uses.	Type III landscaping is intended to provided visual separation of uses from streets and main arterials and between compatible uses so as to soften the appearance of streets, parking lots and building facades.	Type IV landscaping is intended to provide visual relief where clear sight is desired or as a complement to larger, more predominant planting materials.	Type V landscaping is primarily intended to visually interrupt large open spaces of parking areas.
Description	Type I landscaping shall consist of evergreen trees or tall shrubs with a minimum height of	Type II landscaping shall be evergreen or a mixture of evergreen and deciduous trees	Type III landscaping shall be evergreen and deciduous trees planted not more than thirty (30) feet	Type IV landscaping shall consist of a mixture of evergreen and	Type V landscaping shall consist of trees planted with supporting shrubs or ground cover.

six (6) feet at planting, which will provide a one hundred (100) percent sight-obscuring screen within two (2) years from the time of planting; or a combination of evergreen and deciduous trees and shrubs backed by one hundred (100) percent sight-obscuring fence.	with large shrubs and ground cover interspersed with the trees. A sight-obscuring fence will be required unless it is determined by development plan review that such a fence is not necessary. (See also A, B, and C below)	on center interspersed with large shrubs and ground cover. Where used to separate parking from streets, plantings must create a visual barrier of at least forty-two (42) inches in height at time of planting and form a solid screen two (2) years after planting. (See also A, B, and C below)	deciduous shrubs and ground cover, to provide solid covering of the entire landscaping area within two (2) years of planting and to be held to a maximum height of three and one-half (3 1/2) feet (see definition of ground cover).	Each landscape area shall be of sufficient size to promote and protect growth of plantings, with a one hundred (100) square foot minimum (see EMC 19.07.040(A)). (See also A and B below)
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Additional requirements for Types II, III, and V are as follows:

(A) Evergreen trees shall be an average height of six (6) feet at planting. Deciduous trees shall be the following sizes based on their spacing:

- (1) One (1) inch caliper: Ten (10) feet on center.
- (2) Two (2) inch caliper: Twenty (20) feet on center.
- (3) Three (3) inch caliper: Thirty (30) feet on center.
- (4) Three and one-half (3 1/2) to five (5) inch caliper: Forty (40) feet on center.

(B) Ground cover shall be of sufficient size and spacing to form a solid cover within two (2) years from the time of planting.

(C) The plantings and fence must not violate the sight area safety requirements at street intersections.

19.07.060 Regulations for specific districts.

Landscaping regulations for specific zoning districts are as follows:

- A. *Suburban-Residential, S-R.* None.
- B. *Single-family residential, R-1.* None.
- C. *Attached housing residential, R-2.* None.
- D. *Small lot single-family Residential, R-3.* None

E. *Small lot single-family and multifamily residential, R-4.* None

F. *Multifamily residential townhouse, R-5.*

1. A minimum of ten (10) feet of landscaping shall be provided abutting a public right-of-way.
2. Open green area shall occupy no less than twenty-five (25) percent of the area of the lot.
3. The side and rear perimeters of properties shall be landscaped to a minimum depth of ten (10) feet.
4. A minimum of five (5) feet of foundation landscaping shall be placed along the perimeter of any multifamily structure. Foundation landscaping consists of shrubbery or some other combination of landscape materials that helps to reduce the visual bulk of structures and buffer dwelling units from light, glare, and other environmental intrusions.

E. *Office and Service Commercial, C-3.*

1. The perimeter of property abutting a residential district shall be landscaped to a minimum depth of ten (10) feet.
2. A planting strip not less than five (5) feet in depth shall be provided along all property lines abutting public rights-of-way.

F. *Central Business, C-1.*

1. A minimum of three (3) feet of landscaping to screen off-street parking areas, placement of which shall be determined through the downtown design review process outlined in EMC 19.09.046.
2. Street trees in accordance with the downtown tree plan shall be planted.

G. *General-Commercial, C-2.*

1. The perimeter of properties abutting a residential district shall be landscaped to a minimum depth of ten (10) feet.

2. A minimum of three (3) feet of landscaping to screen off-street parking areas, placement of which shall be determined through the downtown design review process outlined in EMC 19.09.046.

3. Street trees in accordance with the downtown tree plan shall be planted.

H. *Airport Enterprise, EA.*

1. *Front yard.* The front fifteen (15) feet shall be improved with appropriate permanently maintained landscaping.

2. *Side yard.* At least ten (10) feet of the side yard shall be landscaped as provided in subsection (I)(1) of this section.

I. *Light Industrial, I-1.*

1. *Front yard.* The front fifteen (15) feet shall be improved with appropriate permanently maintained landscaping.

2. *Side yard.* At least ten (10) feet of the side yard shall be landscaped as provided in subsection (J)(1) of this section.

J. *Heavy Industrial, I-2.*

1. *Front yard.* The front ten (10) feet shall be improved with appropriate permanently maintained landscaping.

2. *Side yard.* At least five (5) feet of the side yard shall be landscaped as provided in subsection (K)(1) of this section.

19.07.070 Maintenance of landscaping.

A. *Required.* Whenever landscaping is or has been required in accordance with the provisions of this title or any addition or amendments to this title, or in accordance with the provisions of any previous code or ordinance of the city, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required.

B. *Notice of violation.* The Community development director or his or her designee is hereby authorized and empowered to notify the owner of any property required to be landscaped, or the agent, tenant, lessee, or assignee of any such owner, that the

landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall specify the date by which the maintenance must be accomplished, and shall be sent by certified mail, addressed to the owner at his last known address.

C. Action upon noncompliance.

1. Upon the failure, neglect, or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within fifteen (15) days after the date of such notice if the notice is returned to the city by the post office because of inability to make delivery thereof, provided the notice was properly addressed to the last known address of the owner or agent, the Community development director or his or her designee is hereby authorized and empowered to cause the required maintenance to be done and provide for payment of the cost thereof, with the cost to be collected or taxed against the property affected as provided in this section.

2. Nothing in this section shall prevent the Community development director or his or her designee from taking action as provided in EMC 19.09.090.

D. Charge for maintenance by city to be included in utility bill. When the city has performed landscape maintenance or has paid for such maintenance, the actual cost thereof, plus accrued interest at the rate of eight (8) percent per annum from the date of the completion of work, if not paid by such owner prior thereto, may be charged to the owner of such property on the next regular utility bill forwarded to such owner by the city, and if so charged shall be due and payable by the owner at the time of payment of such bill.

E. Lien for payment of charges. If the full amount due the city is not paid by such owner within thirty (30) days after performance of the maintenance as provided for in subsection (C) of this section, then, in that case, the Community development director or his or her designee may cause to be recorded in the office of the city clerk a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the legal description of the property on which the work was done. The recording of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus court costs if any, until final payment has been made. The costs and expenses shall be

collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of eight (8) percent per annum if the costs and expenses are not paid in full on or before the date the utility bill upon which the charge appears become delinquent. Sworn statements recorded in accordance with the provisions of this subsection shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement plus interest constitutes a charge against the property designated or described in the statement and that the charge is due and collectible as provided by law.

F. *Alternative methods of collection of charges.* In addition to or in lieu of the provisions of subsections (D) and (E) of this section, the city may, at its option and pursuant to Chapter 19.16 RCW, use a collection agency to collect unpaid charges, interest, and penalties owed or assessed pursuant to this chapter, or the city may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

Chapter 19.08 GENERAL AND SUPPLEMENTARY PROVISIONS

Sections:

19.08.010 Applicability.

19.08.020 Special permit uses.

19.08.030 General conditional uses.

19.08.035 Wireless telecommunications facilities.

19.08.040 Home occupations.

19.08.050 Performance standards.

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19.08.070 Animals in residential districts.

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- 19.08.100 Nonconforming development.
- 19.08.110 Reduction of lot area.
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19.08.340 Same – Platting requirements.

19.08.350 Accessory dwelling unit regulations.

19.08.359 Accessory living quarters.

19.08.400 Planned unit development, PUD.

19.08.010 Applicability.

The provisions of this chapter are of general application to several or all zoning districts unless otherwise noted.

19.08.020 Special permit uses.

The following uses are permitted in the several districts in which they are listed as special permit uses provided that they conform to the development standards listed in this section in addition to conforming to the development standards of the zoning district in which the use is located:

A. Churches.

1. *Minimum lot area.* Minimum lot area is one (1) acre in S-R zone; in other zoning districts it shall be the minimum lot area of the underlying district.
2. *Front yard.* There shall be a front yard of at least twenty (20) feet in depth.
3. *Side yard.* Each side yard shall be a minimum of fifteen (15) feet in width.
4. *Rear yard.* There shall be a rear yard of at least twenty (20) feet in depth.
5. *Ingress and egress.* A separate entrance and exit shall be provided. Loading and unloading areas shall be provided and shall be located off public streets.
6. *Landscaping.* All yard areas must be landscaped.
7. *Day-care centers.* Day-care centers in churches must also provide the required play area as provided in subsection (B) of this section.
8. *Parking; signs.* Off-street parking and sign regulations shall be observed.

B. *Gasoline service stations (with or without retail convenience grocery sales).* The provision of gasoline pumps shall not be considered incidental or secondary to a permitted use, and must conform to the requirements of this section.

1. *Minimum lot area.* Minimum lot area is fifteen thousand (15,000) square feet.
2. *Lot frontage.* There shall be at least one hundred twenty (120) feet of frontage on a public street.
3. *Pump setbacks.* The pump island shall be set back fifteen (15) feet from the public right-of-way and any property lines.
4. *Lubrication facilities.* Lubrication shall be done within an enclosed building.
5. *Buffering of adjacent property.* A solid or woven fence, free of advertising, shall be maintained along property lines which flank residential districts.
6. *Lighting.* Lighting devices shall be shaded so as not to glare into residential districts.
7. *Hours.* Gasoline service stations providing automobile repair services abutting residential districts shall limit their hours of operation from 6:00 a.m. to 9:00 p.m.. Signs shall not be lit when the service station is closed.
8. *Ingress and egress.* Driveway widths and separation shall be reviewed and approved by the public works department. There shall be not more than two (2) driveways per public right-of-way.
9. *Parking.* Off-street parking shall be provided in compliance with Ch. 19.05 EMC.
10. *Signs.* The sign regulations of Ch. 19.06 EMC shall apply.
11. *Grocery sales facilities.* Convenience grocery sales facilities shall be limited to a maximum size of three thousand (3,000) square feet of gross floor area in zones which do not allow retail grocery sales as a principally permitted use.
12. *General development standards.* Development standards and criteria of the underlying zoning district shall apply unless otherwise noted in this section.

13. *Storage of motor fuels.* Quantity limitations on hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, shall not apply to motor fuels that may be stored on the site for the permitted use.

C. *Drive-in restaurants.*

1. *Minimum lot area.* Minimum lot area is fifteen thousand (15,000) square feet.

2. *Front yard.* There shall be a front yard of at least twenty (20) feet in depth.

3. *Side yard.* Each side yard shall be at least twenty (20) feet in width.

4. *Rear yard.* There shall be a rear yard of at least twenty (20) feet in depth.

5. *Ingress and egress.* Driveway widths shall not be greater than thirty (30) feet, and driveways shall not be closer together than twenty-five (25) feet. Driveways shall not be closer than five (5) feet to a property line. There shall be not more than two (2) driveways per public right-of-way.

6. *Landscaping.* A ten (10) foot strip is required along street rights-of-way, except at points of ingress and egress to the property. A five (5) foot strip of landscaping along side lot lines shall be provided. Landscaping shall be provided in a manner assigned by the planning department at the time of development plan review.

19.08.030 General conditional uses.

A. *Purpose.* It is the purpose of this section to identify certain types of land uses that usually require relatively greater freedom of location than other uses restricted to certain districts by this title. General conditional uses may be allowed in the various zoning districts following the procedures in this section. General conditional uses may have one (1) or all of the following characteristics:

1. Public necessity requires such use in all or several districts.

2. Their technical, operating, or service characteristics are such as to make it impractical to restrict their location only to certain districts.

3. Although they fit the description in subsections (1) and (2) of this section, their impact or effect on the immediate neighborhood or vicinity in which they are located

may be detrimental in the absence of adequate performance standards, development controls, or good site planning.

It is, therefore, the purpose of this section to reconcile potential conflicts between public necessity of certain uses and their possible detrimental effects on other uses.

B. *Types of uses identified.* The uses identified for the purpose of this section will generally fall into several broad categories, as follows:

1. *Utility, transportation, and communication facilities.* Includes electrical substations, pumping or regulating devices for the transmission of water, (including public water treatment facilities), gas, steam, petroleum, etc., bus stops, transit stations, etc.
2. *Public facilities.* Includes firehouses, police stations, libraries, and administrative offices of governmental agencies.
3. *Open space uses.* Includes cemeteries, parks, playgrounds, golf courses, and other recreation facilities, including buildings or structures associated therewith.
4. *Welfare facilities.* Retirement homes, convalescent homes, and other welfare facilities (excluding group homes class I, II, and III as defined in EMC 19.02.173), whether privately or publicly operated, facilities for rehabilitation or correction, private clubs, fraternal lodges, etc.
5. *Schools.* Primary and secondary schools, vocational schools, and colleges, whether privately or publicly operated.

19.08.035 Wireless telecommunications facilities.

A. *Purpose and goals.* The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTFs), specifically including, without limitation, towers and antennas, in light of the following goals:

1. Protecting residential areas from potential adverse impacts;
2. Enhancing the ability of the providers of wireless telecommunications services to provide those services quickly, effectively, and efficiently;
3. Encouraging location in nonresidential areas;

4. Minimizing the total height of towers within the community;
5. Encouraging the joint use of new and existing sites;
6. Encouraging service providers to locate and configure facilities to minimize adverse impacts through careful design, siting, landscaping, screening, and innovative camouflaging techniques; and
7. Considering potential adverse impacts to the public health and safety from these facilities except where preempted by other laws, rules, and regulations.

In furtherance of these goals, the city shall give due consideration to the city's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of WTFs, including towers and antennas.

B. *Definitions.* As used in this section only, the following terms shall have the meanings set forth below:

Abandon or abandonment means:

1. To cease operation for a period of one hundred eighty (180) or more consecutive calendar days; or
2. To reduce the effective radiated power of an antenna by seventy-five (75) percent for one hundred eighty (180) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective radiated power by more than seventy-five (75) percent, so long as the operator still serves essentially the same customer base.

Antenna means any exterior transmitting or receiving device used in communications that radiates or captures electromagnetic waves.

Backhaul network means the lines that connect a provider's WTFs/towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Camouflage means to disguise, hide, or integrate with an existing or proposed structure or with the natural environment so as to be significantly screened from view.

Co-locate means use of a WTF by more than one (1) service provider.

COW means cell on wheels or Cellular on Wheels.

EIA means Electronic Industries Association.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Guyed tower means a wireless communication support structure which is typically over one hundred (100) feet tall and is steadied by wire guys in a radial pattern around the tower.

Height means, when referring to a tower or other WTF, the distance measured from the finished grade of the parcel at the base of the WTF to the highest point on the tower or other WTF, including the base pad and any antennas.

Lattice tower means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

Monopole tower means a support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

Non-whip antenna means an antenna that is not a whip antenna, such as dish antennas, panel antennas, etc.

Preexisting WTF means any WTF for which a building permit has been properly issued including permitted WTFs that have not yet been constructed, so long as that permit or approval has not expired.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

Telecommunications service means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telecommunications, telephone, radio, and

similar communication purposes. The term includes the structure, all structural supports, and all related buildings and appurtenances.

Whip antenna means an omni-directional dipole antenna of cylindrical shape that is no more than six (6) inches in average diameter.

Wireless telecommunications facility or *WTF* includes "personal wireless service," "personal wireless service facilities," and "facilities" as defined in Title 47, United States Code, Section 332(c)(7)(C), including all future amendments, and also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, and any other services licensed by the FCC, and also includes any other unlicensed wireless services.

C. Applicability.

1. *New uses.* All WTF proposals made in the city, whether for new construction or for modification of existing facilities, shall be subject to the regulations set forth in this code, except as provided in subsection (D) of this section.

D. Exemptions. The following are exempt from the provisions of this section and are allowed in all zoning districts.

1. *Existing uses.* WTFs that currently exist, or for which a valid building permit has been obtained, except this exemption does not apply to modifications of existing facilities.

2. *Industrial/scientific equipment.* Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

3. *Amateur radio station operators or receive-only antennas.* Any tower or antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

4. *Home satellite services.* Satellite dish antennas less than two (2) meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property.

5. *COW*. A COW or other temporary WTF, but its use anywhere in the city cannot exceed thirty (30) days, unless extended by permit issued by the Community development director or unless the city has declared an area-wide emergency.

6. *Public safety WTFs and equipment*. Public safety WTFs and equipment, including, but not limited to, the regional 911 system.

E. *General*.

1. *Principal or accessory use*. WTFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTFs on that lot.

2. *Not essential services*. WTFs shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential public services.

F. *General requirements*.

1. *Siting*. Anyone who applies to construct a WTF or to modify or add to an existing WTF shall demonstrate to the city's satisfaction that the proposed facility is located at the least obtrusive and the most appropriate available site to function in the applicant's grid system.

2. *FCC licensing*. The city will only process WTF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

3. *Compliance with other laws*. Applicants must show, to the satisfaction of the Community development director, compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules, and regulations.

4. *Lot size*. For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTFs may be located on leased parcels within that lot.

5. *Height.* Unless further restricted or expanded elsewhere in this section, no WTFs may exceed the following height and usage criteria:

- a. For a single user, up to ninety (90) feet in height; and
- b. For two (2) or more users, up to one hundred twenty (120) feet in height.

6. *Security fencing.* WTFs shall be enclosed, where appropriate, by security fencing not less than six (6) feet in height; provided however, that the Community development director or, where applicable, the hearing examiner may waive these requirements, as appropriate.

7. *Landscaping.* WTFs shall be landscaped with a buffer of plant materials that effectively screens the view of the WTF compound; provided, however, that the Community development director or, where applicable, the hearing examiner may waive these requirements if the goals of this section would be better served.

8. *WTFs mounted on structures or rooftops.* WTFs mounted on existing structures or rooftops shall be designed and located so as to minimize visual and aesthetic impacts to the adjoining land uses and structures and shall, to the greatest extent practical, blend into the existing environment.

9. *Aesthetics.* WTFs shall meet the following requirements:

- a. WTFs shall be painted a neutral color so as to reduce visual obtrusiveness.
- b. At a WTF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.

10. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required for any WTF, the lighting must cause the least disturbance to the surrounding area.

11. *Measurement.* For purposes of measurement, WTF setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

12. *Franchises, licenses, and permits.* Owners and/or operators of WTFs shall certify that they have obtained all franchises, licenses, or permits required by law for the construction and/or operation of a wireless telecommunication system in the city and shall file a copy of all required franchises, licenses, and permits with the Community development director.

13. *Signs.* No signs shall be allowed on an antenna or tower.

14. *Backhaul providers.* Backhaul providers shall be identified and they shall have and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, wired or wireless, shall be identified.

G. *Tower requirements.*

1. *Tower setbacks.* All towers, support structures, and accessory buildings must satisfy the minimum setback requirements for that zoning district.

2. *Support systems setbacks.* All guywires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks and no closer than five (5) feet to any property line.

3. *Monopole construction required.* All towers will be of a tapering monopole construction; however, the Community development director or, where applicable, the hearing examiner may allow another type tower upon a showing that it would cause less impact to the surrounding property than a similar monopole structure or would further the purposes and goals in this section.

4. *Inventory of existing sites.* Each applicant for a tower shall provide an inventory of its existing WTF sites that are either within the jurisdiction of the city or within one (1) mile of its borders, including specific information about the location, height, and design of each facility.

5. *EIA standards.* Towers shall be constructed so as to meet or exceed the most recent EIA standards. Prior to issuance of a building permit, the building official shall be provided with an engineer's certification that the tower's design meets or exceeds those standards.

6. *Site selection and height.* Towers shall be located to minimize their number and height and to minimize their visual impacts on the surrounding area in accordance with the following policies:

- a. Ensure that the height of towers has the least visual impact and that the height is no greater than necessary to achieve service area requirements and to provide for potential co-location; and
- b. Demonstrate that the owner or operator has, to the greatest extent practical, selected a new tower site that provides the least visual impact on residential areas. This shall include an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility; and
- c. Site so as to minimize being visually solitary or prominent when viewed from surrounding areas, especially residential areas. The facility should be camouflaged to the maximum extent feasible.

7. *Co-location priority.* Co-location of antennas by more than one (1) carrier on existing towers is preferred to construction of new towers; provided, that the co-location is consistent with the following:

- a. *Redesign restrictions.* A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, or of a less obtrusive design (such as a monopole), if practical.
- b. *Height.* Except as may be modified in subsection (I)(1)(a) of this section, an existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height or one hundred twenty (120) feet, whichever is lower, to accommodate the co-location by another provider or operator of an additional antenna system in any district except C-1 or C-3 districts. This additional height shall not require an additional distance separation.
- c. *Onsite relocation.* A tower that is being rebuilt to accommodate the co-location of an additional antenna may be relocated on its existing site within fifty (50) feet of its existing location. If consistent with the purposes and goals in subsection

(A) of this section, the Community development director or, where applicable, the hearing examiner, may permit the onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands.

8. *Separation distances between towers.* Separation distances between towers shall be measured between the proposed tower and preexisting towers. Measurement shall be from base of tower to base of tower, excluding pad, footing, or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 1, unless the distance is reduced by the Community development director when administratively approving a WTF or by the hearing examiner through issuance of a conditional use permit.

Table 1

	Lattice	Guyed	Mono-pole 75 feet in height or greater	Mono-pole less than 75 feet in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

H. *Administratively approved WTFs.* The Community development director may administratively approve the uses listed in this subsection, once each applicant has applied for and provided all necessary information required in this code and in the city's application form. This administrative approval is classified as a Process I application and is subject to the requirements of Ch. 17.01 EMC.

1. *Administratively approved uses.* The following uses may be approved by the Community development director after conducting an administrative review:

a. *Industrial/commercial zones.* Locating WTFs, including the placement of additional buildings or other supporting equipment used in connection with WTFs, that do not exceed ninety (90) feet in height for a single user and one hundred twenty (120) feet in height for two (2) or more users in the following districts: I-1, I-2, C-2 and OSR.

b. *Antennas on existing structures.* Locating a WTF other than a tower as an accessory use by attachment to any building or structure other than a single-family dwelling or multifamily structure of fewer than eight (8) dwelling units in any zoning district provided:

i. The antenna does not extend more than twenty (20) feet above the highest point of the structure if a whip antenna, or ten (10) feet above the highest point of the structure if a non-whip antenna; and

ii. The antenna complies with all applicable building codes; and

iii. All associated equipment is placed either within the same building or in a separate structure that matches the existing building or structure in character and materials.

c. *WTFs on existing towers.* Locating a WTF through co-location by attaching the antenna to an existing tower.

d. *WTFs within allowable building height.* Locating WTFs, including placement of additional buildings or other supporting equipment used in connection with the WTF in OSR, C-2, I-1 and I-2 districts, so long as the WTF does not exceed the allowable building height for that district.

e. *COWs for greater than thirty (30) day periods.* Upon a proper showing of extreme necessity (for example, if repair or modification of an existing WTF clearly and legitimately cannot be completed within thirty (30) days), locating a COW at a single location for more than thirty (30) calendar days; however, purely economic convenience shall not be considered a viable factor in making this determination.

2. *Authority to waive certain requirements.* In connection with this administrative approval, the Community development director may, in order to encourage

camouflaging and co-location of WTFs, administratively waive separation distance requirements between WTFs by up to fifty (50) percent in nonresidential zones. Additionally, the Community development director may, in order to encourage the use of the least obtrusive type of WTF, administratively allow the reconstruction of an existing WTF to that less obstructive use.

I. *Conditional use permits.* Applications for conditional use permits under this subsection shall be subject to the procedures and requirements of EMC 19.09.030 and Ch. 17.01 EMC, except as modified by this subsection. If the WTF is not subject to administrative approval pursuant to subsection (H) of this section, then a conditional use permit shall be required.

1. *Conditional WTF uses.* Specifically, conditional use permits shall be required for the following WTFs:

a. *Industrial/commercial zones.* Locating WTFs that exceed ninety (90) feet in height for a single user or one hundred twenty (120) feet for two (2) or more users or locating antennas on existing structures that exceed the height limitations in subsection (H)(2)(b) of this section in the following districts: C-2, I-1, I-2 and OSR.

b. *Government property.* Locating WTFs (1) separate from existing structures on property owned, leased, or otherwise controlled by the city or other governmental entity or (2) attached to existing structures on property owned, leased, or otherwise controlled by the city or other governmental entity exceeding the height limitations in subsection (H)(2)(b) of this section, but only on the condition that the total height of the attached WTF, including the structure, does not exceed one hundred twenty (120) feet, unless permitted under subsection (I)(1)(a) of this section.

c. *WTFs exceeding allowable building height.* Locating WTFs that exceed the allowable building height in the following districts: C-1, C-3 and A-E.

d. *Tower construction under allowed separation distances.* Locating towers that do not meet the separation distance requirements in subsection (G)(8) of this section or that do not meet administratively approved separation distance limits.

2. *Factors considered in granting conditional use permits for towers.* In addition to EMC 19.09.030(D), the hearing examiner shall also consider the following factors when considering a CUP application for WTF towers:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures;
- h. Obstruction of or interference with views;
- i. Consistency with purpose and goals set forth in subsection (A) of this section.

3. *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the hearing examiner that no existing tower, structure, or alternative technology that does not require the use of towers can accommodate the applicant's proposed WTF. An applicant shall submit information requested by the hearing examiner related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed WTF may consist of any of the following:

- a. No existing WTF is located within the geographic area that meets applicant's engineering requirements.
- b. Existing WTFs are not of sufficient height to meet applicant's engineering requirements.

- c. Existing WTFs cannot practically be reconstructed to provide sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. Electromagnetic interference would occur between two (2) or more WTF systems.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing WTF or to adapt an existing WTF for co-location are unreasonable. Fees or costs that exceed new WTF development shall not be presumed to render sharing facilities unsuitable.
- f. Other limiting factors render existing WTFs unsuitable.
- g. An alternative technology that does not require the use of towers or structures would be unsuitable. Costs of alternative technology that exceed new WTF development shall not be presumed to render the technology unsuitable.

4. *Separation requirements.* The hearing examiner may reduce tower separation distance requirements, including administratively approved separation distance reductions, if the purposes and goals of this section would be better served; however, development of multiple tower locations on a single site (often referred to as "antenna farms") are specifically discouraged wherever possible.

J. *Removal of abandoned towers.*

1. *Abandonment and removal.* The owner or operator of any abandoned tower shall notify the city's Community development director, in writing, of that abandonment and shall remove the same within ninety (90) calendar days. Failure to remove an abandoned tower within ninety (90) calendar days shall be grounds to remove the tower at the owner's expense. If there are two (2) or more users of a single tower, then the city's right to remove the tower shall not become effective until all users abandon the tower.

2. *Partial abandonment and removal.* If the antennas on any tower are removed or relocated to a point where the top twenty (20) percent or more of the height of the tower is no longer in use, the tower shall be deemed partially abandoned. The owner or operator of any partially abandoned tower shall notify the city's Community

development director, in writing, of that partial abandonment and shall remove the partially abandoned portion within ninety (90) calendar days. Failure to remove a partially abandoned tower within ninety (90) calendar days shall be grounds to remove the abandoned portion of the tower at the owner's expense.

3. *Security and lien.* Each applicant, prior to commencement of construction, shall post sufficient security in the form of a bond, assignment of funds, cashier's check, or cash, in a form acceptable to the city, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If for any reason the posted funds are not adequate to cover the cost of removal, then the city may charge the facility owner or operator with the city's total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

K. *Nonconforming uses.*

1. *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted. Any construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

2. *Damage or destruction not the fault of owner/occupant.* Bona fide nonconforming WTFs that are damaged or destroyed without fault attributable to the owner or entity in control may be rebuilt without first having to obtain administrative approval or a conditional use permit and without having to meet separation requirements. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (J) of this section.

19.08.040 Home occupations.

A. *Purpose.* It is the purpose of this section to outline general conditions in which home occupations may be permitted in all zoning districts. These conditions have been designed to help preserve the residential character of the city's neighborhoods from

commercial encroachment while recognizing that certain selected business activities are compatible with residential uses.

B. Home occupations permitted. Home occupations which meet the requirements of this section are permitted in every zone where a dwelling unit was lawfully established. The requirements of this section shall not apply to the following home occupations:

1. Home child care.
2. The sale of agricultural products produced on the premises.

C. Development standards. All dwelling units in which a home occupation is located must meet the following minimum development standards:

1. The residential character of the exterior of the building shall be maintained.
2. The outdoor storage or display of materials, goods, products, or equipment is prohibited.
3. A home occupation shall not occupy more than three hundred (300) square feet.
4. The sign regulations of Ch. 19.06 EMC shall apply.

D. Performance standards. All home occupations must meet the following minimum performance standards:

1. *Employees.* A home occupation may not employ on the premises more than one (1) person who is not a resident of the dwelling unit.
2. *Traffic.* The traffic generated by a home occupation shall be limited to four (4) two (2) way client-related trips per day and shall not create a need for additional onsite or offsite parking spaces.
3. *Sale of goods and services.* The sale of goods and services from a home occupation shall be to one (1) customer at a time, by appointment only, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday only.
4. *Electrical or mechanical equipment usage.* The use of electrical or mechanical equipment that would change the fire rating of the structure or create visual or

audible interference in radio or television receivers or electronic equipment or cause fluctuations in line voltage outside the dwelling unit is prohibited.

5. *Utility demand.* Utility demand for sewer, water, electricity, garbage, or lpg gas shall not exceed normal residential levels.

6. *Other criteria.* There shall be no noise, vibration, smoke, dust, odors, heat, glare, or other conditions produced as a result of the home occupation which would exceed that normally produced by a single residence, or which would create a disturbing or objectionable condition in the neighborhood.

E. *Permit required.* A zoning permit is required as provided in EMC 19.09.020.

F. *Home occupations prohibited.*

1. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of zoning districts where dwelling units are lawfully established. Therefore, the uses listed below shall not be permitted as home occupations:

- a. Repair, body repair, building, or servicing of vehicles.
- b. Kennel
- c. Stables
- d. Animal Hospitals
- e. Pet Grooming
- f. Real Estate Offices
- g. Restaurants
- h. Medical and Dental Clinics
- i. Welding and Metal Work
- j. Cabinet, Carpentry and Paint Shops
- k. Mortuaries
- l. Private or Nursery Schools
- m. Private Clubs

19.08.050 Performance standards.

A. *Performance standards defined.* Performance standards deal with the operational aspects of land uses. While performance standards shall apply to all land uses within the city, they are primarily concerned with the impact of industrial development upon the environment. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in this title. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition. The following elements, if

created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as dangerous or objectionable elements:

1. Noise, vibration or glare.
2. Smoke, dust, odor or other form of air pollution.
3. Heat, cold or dampness.
4. Hazardous substances and wastes.

B. *Nonconforming uses.* Uses established before the effective date of this title and nonconforming as to performance standards shall be given three (3) years in which to conform therewith.

C. *Locations where determinations are to be made for enforcement of performance standards.* The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the dangerous or objectionable elements and at any points where the existence of such elements may be more apparent (referred to in the section as "at any point"); provided, however, that the measurement of performance standards for noise, vibration, odors, glare or hazardous substances or wastes shall be taken at the following points of measurement:

1. In all districts: At the property lines or lot lines; or
2. In all districts: At the buffer zone setback line for any hazardous substance land use facility, which must be at least fifty (50) feet from any property line.

D. *Restrictions on dangerous and objectionable elements.*

1. *Noise.* At the points of measurement specified in subsection (C) of this section, the maximum sound pressure level radiated in each standard octave band by any use or facility, other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standard Specification for an Octave Band Filter Set

for the Analysis of Noise and Other Sounds, Z24.10-1953, or the latest approved revision thereof, American Standards Association, Inc., New York, N.Y., shall be used.)

TABLE I. SOUND PRESSURE LEVELS IN DECIBELS	
Octave Band (cycles per second)	Maximum Permitted Sound Pressure Level (decibels)
20 - 75	75
75 - 150	70
150 - 300	64
300 - 600	59
600 - 1,200	53
1,200 - 2,400	47
2,400 - 4,800	40
4,800 - 10KC	34

TABLE II. CORRECTION IN MAXIMUM PERMITTED SOUND PRESSURE LEVEL IN DECIBELS TO BE APPLIED TO TABLE I	
Type of Operation or Character of Noise	Correction in Decibels
Noise source operates less than twenty (20) percent of any one (1) hour period	Plus 5*
Noise source operates less than five (5) percent of any one (1) hour period	Plus 10*
Noise source operates less than one (1) percent of any one (1) hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, screech, etc.)	Minus 5
*Apply one (1) of these corrections only.	

2. *Vibration*. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

3. *Odors.* No emission shall be permitted of odorous gases or other odorous matter in such quantities so as to exceed the odor threshold at the following points of measurement. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

a. *Industrial park district, I-1.* Odorous matter released from any operation or activity shall not exceed the odor threshold beyond lot lines.

b. *General industrial district, I-2.* Odorous matter released from any operation or activity shall not exceed the odor threshold beyond the district boundary or five hundred (500) feet from the lot line, whichever distance is shortest.

4. *Glare.* No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in subsection (C) of this section shall be permitted. This restriction shall not apply to signs or floodlighting of buildings for advertising or protection otherwise permitted by the provisions of this title.

5. *Radioactivity or electrical disturbance.* The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

6. *Fire and explosion hazards.* The relevant provisions of federal, state and local laws and regulations shall apply.

7. *Smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution.* The standards of the Washington State Department of Ecology, or those regulations as may be subsequently amended, shall apply.

8. *Liquid or solid wastes.* No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Ecology or other appropriate state agencies.

9. *Hazardous substances or wastes.* No release of hazardous substances or wastes as can contaminate any water supply, interfere with bacterial processes in sewage

treatment, or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the State Department of Ecology or other appropriate state or federal agency. The relevant provisions of federal, state and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title. The following site development standards shall apply:

- a. Hazardous waste facilities shall meet the location standards for siting dangerous waste management facilities adopted pursuant to Chapter 70.105 RCW;
- b. Hazardous substance land use facilities shall be located at least:
 - (1) One-quarter (1/4) mile from public parks, public recreation areas, or natural preserves, or state or federal wildlife refuges; provided, that for purposes of this section public recreation areas do not include public trails;
 - (2) Fifty (50) feet from any property line to serve as an on-site hazardous substance land use facility buffer zone;
 - (3) Five hundred (500) feet and one hundred (100) feet from a residential zone and a residential unit respectively; and
 - (4) Five hundred (500) feet from a public gathering place or agricultural land or zone, in the case of a nonagricultural hazardous substance land use facility;
- c. Hazardous substance land use facilities shall not be located in a one hundred (100) year floodplain;
- d. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a type I solid screen landscaping of a width of at least ten (10) feet in the hazardous substance facility buffer zone required by subsection (9)(b)(4) of this section;
- e. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in the event of an accidental release from the facility, and shall meet federal, state and local design and construction requirements;

- f. Underground hazardous substance land use facilities shall meet federal, state, and local design and construction requirements;
- g. Hazardous substance land uses shall comply with adopted fire codes;
- h. Hazardous substance land uses shall provide for review and approval by the city fire department of a hazardous substance spill contingency plan for immediate implementation in the event of a release of hazardous substances or wastes at the facility;
- i. Hazardous substance land uses should use traffic routes which do not go through residential zones;
- j. Hazardous substance land uses in the C-1, C-2 and C-3 zones shall be entirely enclosed within a building; and
- k. Without limiting the application of the adopted fire codes to diesel fuel tanks, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, on-site, oil burning equipment (such as electrical power generator systems) in all nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use on stationary, on-site, oil burning equipment (such as electrical power generator systems) in residential zones shall be exempt from the hazardous substance regulations of this section for essential governmental facilities only. The hazardous substance zoning code regulations, including the existing five hundred (500) gallon limit for hazardous substances for residential uses, shall otherwise remain in force and effect. Additionally, all aboveground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the Community development director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.

In case of conflict between any of these site development standards and the development standards of specific zoning districts or other requirements of this title, the more restrictive requirement shall apply.

19.08.070 Keeping of animals.

A. Purpose and Intent - The keeping or raising of sheep, goats, swine, horses, cattle, fowl, rabbits, birds, bees, reptiles or any animal, except domestic household pets, or except when kept in a bona fide veterinary clinic, or except as provided in the S-R Suburban Residential zone, or except those that are exempt from the provisions of this section, is prohibited within the city limits of Ephrata. The purpose of this section is to define the conditions under which the keeping of livestock shall be permitted within the City of Ephrata. The intent is to ensure that negative impacts, including but not limited to, noise, odor, destruction of property, unsightliness or damage to natural resources, are minimized while still permitting Ephrata residents to keep, raise or breed a modest number of livestock on appropriately sized and located parcels of land.

B. Computation of Animal Units - An animal unit is equivalent to any one of the following: steer, cow, milk cow, horse, mule/donkey, llama, ox, exotic animal, primate, three goats, three sheep, ten chickens, ten fowl or ten rabbits. For the purpose of this definition, any newborn animal listed above shall be excluded until such time as it is weaned, not to exceed one year. In the case of a particular species of livestock not mentioned above, the City Zoning Administrator shall determine its value in terms of animal units based on the animal's nature or size.

C. Standards for the Keeping of Livestock - Livestock may be kept on residential parcels of land providing the following standards are met:

- a. Lots within an area of between one-half acre and one acre may keep from zero to one animal unit. Any lot of one-half acre or less may not keep an animal unit or fraction thereof.
- b. Lots of one acre or more in size may increase the number of animal units at the rate of one additional animal unit per half-acre in excess of one acre.

Lot Size	Number of Permitted Animal Units
Less than ½ acres	0
½ acres – less than 1 acre	1
1 acre – less than 1½ acre	2
1½ acre – less than 2 acres	3
2 acres – less than 2½ acres	4
2½ acres – less than 3 acres	5

Note: Permitted animal units increase at the rate of one per each one-half acre increase in lot size.

- c. The keeping of bulls and stallions over six months of age, the keeping of mink, foxes, or other non-domestic fur-bearing animals, the keeping of bees or beehives, the keeping of pigeons other than registered homing pigeons and the keeping of inherently dangerous animals shall be prohibited.
- d. The keeping of endangered or threatened species, as defined by the Department of Fish and Wildlife, shall be prohibited.
- e. All livestock shall be kept on private property.
- f. No shelter, barn or other structure associated with the keeping of livestock shall be located within any required front, side or rear building setback.
- g. Any enclosure for the livestock shall be surrounded by an adequate and sufficient containment system to confine the animals therein.
- h. All stables and other animal-related buildings and enclosures upon property where livestock is kept shall be maintained in a clean, healthful and sanitary condition.
- i. The keeping of swine shall be prohibited.

The keeping of bees, small domesticated animals, large domesticated animals, and domesticated fowl, is permitted in all zones as an accessory use to any principal use permitted or to a permitted conditional use, subject to the standards and restrictions of this section.

A. *Small domesticated animals.* Up to three (3) small domesticated animals may be kept accessory to each business establishment or dwelling unit on a lot, except as follows:

1. In no case is more than one (1) miniature potbelly pig allowed per business establishment or dwelling unit.
2. More than three (3) small domesticated animals are permitted on lots of at least twenty thousand (20,000) square feet, subject to the provisions of Ch. 8.05 EMC.
3. In no case shall a structure that restrains or houses small domesticated animals, such as a kennel or other accessory structure, be located closer than ten (10) feet from any other residential lot.

B. *Miniature potbelly pigs.* The type of swine commonly known as the Vietnamese, Chinese, or Asian potbelly pigs (*Sus scrofa bittatus*) may be kept as a small domesticated animal in accordance with subsection (A) of this section; provided, the swine is neither greater than twenty-two (22) inches in height at the shoulder nor more than one hundred fifty (150) pounds in weight. In the event the swine exceeds either of

these limitations, it is not allowed within the city. A miniature potbelly pig shall be considered a small domesticated animal when determining the number of small domesticated animals permitted on a lot.

C. *Domesticated fowl*. Up to three (3) domesticated fowl may be kept on any lot that is at least five thousand (5,000) square feet, subject to the provisions of Ch. 8.05 EMC. These domesticated fowl are in addition to the small domesticated animals that may be permitted on a lot in accordance with subsection (A) of this section. One (1) additional domesticated fowl is permitted for each one thousand (1,000) square feet of land in excess of the minimum five thousand (5,000) square foot threshold. In no case shall a coop or other accessory structure that restrains or houses domesticated fowl be located closer than ten (10) feet from any other residential lot.

D. *Large domesticated animals*. Large domesticated animals are permitted only on lots of at least twenty thousand (20,000) square feet subject to the provisions of Ch. 8.05 EMC. The keeping of swine is prohibited, except for a single miniature potbelly pig maintained in accordance with subsection (B) of this section.

1. One (1) large domesticated animal for every twenty thousand (20,000) square feet of lot area is permitted.
2. Large domesticated animals and structures housing them must be kept at least fifty (50) feet from any other lot in a residential zone.

E. *Beekeeping*. Beekeeping is permitted as an accessory use, when registered with the State Department of Agriculture; provided, that:

1. No more than four (4) hives, each with only one (1) swarm, shall be kept on lots of less than twenty thousand (20,000) square feet.
2. Hives shall not be located within twenty-five (25) feet of any property line except when situated eight (8) feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than eight (8) feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any property line within twenty-five (25) feet of a hive and extending at least twenty-five (25) feet beyond the hive in both directions.

19.08.080 Parking, storage or habitation of major recreational equipment.

No more than one (1) unit of a recreational vehicle as defined in EMC 19.02.339 or equipment shall be stored outside an enclosed building or structure on residential property; said equipment shall be screened from view of surrounding neighbors and shall not be used for habitation.

19.08.085 Parking commercial motor vehicles in residential zones.

A. Commercial motor vehicles are not permitted to be parked on residentially zoned property unless actively delivering goods. Commercial motor vehicles include:

1. Vehicles with a gross weight rating (GVWR) of twenty-six thousand and one (26,001) pounds or more; and
2. Trailers with a GVWR of ten thousand and one (10,001) pounds or more if the gross weight rating of the combined vehicles is twenty-six thousand and one (26,001) pounds or more.

19.08.090 Parking or storage of inoperable vehicles.

No more than one (1) vehicle of any kind in inoperable condition not licensed nor legally operable upon roadway shall be stored or parked on any residentially zoned property for more than thirty (30) days unless said vehicle is stored in an enclosed area and hidden from view of surrounding neighbors.

19.08.100 Nonconforming development.

A. *Purpose.* The intent and purpose of this section is to:

1. Ensure reasonable opportunity for use of legally created lots which do not meet current minimum requirements for the district in which they are located.
2. Ensure reasonable opportunity for use, maintenance and improvement of legally constructed buildings, structures and site development features which do not comply with current minimum requirements for the district in which they are located.
3. Ensure reasonable opportunity for continuation of legally established uses which do not conform to use regulations for the district in which they are located.
4. Encourage the eventual replacement of nonconforming uses having potentially undesirable impacts on conforming uses.

5. Encourage the eventual upgrading of nonconforming buildings, structures, and site development features which do not comply with current minimum requirements for the district in which they are located.

B. *Applicability.* Nonconforming uses, structures, lots, or signs are not favored by law and this title, and it is to avoid injustice that this title accepts such elements. To benefit from the protection given to nonconforming development, such use, structure, or sign must have been lawfully established pursuant to a county resolution in effect at the time of annexation which rendered it nonconforming, or it must have been lawfully established prior to the effective date of this chapter or subsequent amendments thereto, or lawfully established prior to the purchase or condemnation of right-of-way by the city of Ephrata. This section distinguishes between and defines nonconforming uses, major nonconforming buildings and structures, minor nonconforming buildings and structures, nonconforming lots of record and nonconforming signs. Different requirements are made applicable to each of these categories. The degree of restriction made applicable to each separate category is dependent upon the degree to which that category of nonconformance is a nuisance or incompatible with the purpose and requirements of this title.

C. *Nonconforming uses.*

1. *Applicability of restrictions.* Regulations applicable to nonconforming uses are in addition to regulations applicable to nonconforming structures, lots, and signs, and in the event of any conflict the most restrictive provisions shall apply.

2. *Expansion of nonconforming uses.* No existing building, structure, or land devoted to a nonconforming use shall be expanded, enlarged, extended, reconstructed, intensified, or structurally altered unless the use thereof is changed to a use permitted in the district in which such building, structure, or land is located except as follows: When authorized by conditional use permit, a nonconforming use may be expanded, enlarged, extended, reconstructed, intensified, or structurally altered.

3. *Change of nonconforming use.* When authorized by the Community development director, a nonconforming use may be changed to a use of a like or more restrictive nature.

4. *Extension of nonconforming use.* When authorized by the Community development director, a nonconforming use may be extended throughout those parts

of a building which were manifestly designed or arranged for such use prior to the date when such use of such building became nonconforming, if no structural alterations except those required by law are made therein.

5. *Discontinuance of nonconforming use.* When a nonconforming use of land or a nonconforming use of all or part of a structure is discontinued or abandoned for a period of six (6) months, such use shall not be resumed, notwithstanding any reserved intent not to abandon such use. Normal seasonal cessation of use, or temporary discontinuance for purposes of maintenance or improvements, shall not be included in determination of the six (6) month period of discontinuance.

6. *Reversion to nonconforming use.* If a nonconforming use is changed to a permitted use, the nonconforming use shall not be resumed.

7. *Residential exception to nonconforming use status.* Legally established residential uses located in any residential zoning district shall not be deemed nonconforming in terms of density provisions and shall be a legal use.

D. *Nonconforming buildings and structures.*

1. *Applicability of restrictions.* Regulations applicable to nonconforming structures are in addition to regulations applicable to nonconforming uses, lots, and signs, and in the event of any conflict the most restrictive provisions shall apply.

2. *Major nonconforming buildings and structures.* No major nonconforming structure may be expanded, enlarged, extended, reconstructed, or structurally altered or changed, nor may any major nonconforming building, structure, or lot be occupied after discontinuance of change in use, unless the structure, use, and associated grounds and development are brought into compliance with use and minimum development standards of the district in which such structure is located, except as follows:

a. Any major nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other natural disaster, may be restored, reconstructed, and used as before; provided, that the work be vested by permit application within one (1) year of such happening; any restoration or reconstruction not vested by permit application within twelve (12) months from the date of the fire or other casualty shall be deemed abandoned and not allowed to be restored.

b. Such repairs and maintenance work as required to keep the structure in sound condition may be made to a major nonconforming structure, provided no such structural alterations shall be made except such as are required by law or ordinance or authorized by the Community development director.

3. *Minor nonconforming buildings and structures.* No minor nonconforming structure may be expanded, enlarged, extended, reconstructed or otherwise structurally altered or changed, nor may any minor nonconforming building, structure, or lot be occupied after discontinuance or change in use, unless the structure and associated grounds and development are brought into compliance with the minimum development standards of the district in which such structure is located, except as follows:

a. Any minor nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other natural disaster, may be restored, reconstructed and used as before; provided, that the work be vested by permit application be completed within one (1) year of such happening; any restoration or reconstruction vested by permit application twelve (12) months from the date of the fire or other casualty shall be deemed abandoned and not allowed to be restored.

b. Such repairs and maintenance work as required to keep the structure in sound condition may be made to a minor nonconforming structure, provided no such structural alterations shall be made except such as are required by law or ordinance or authorized by the Community development director.

4. *Community development director's authority.* The Community development director may waive specific development standard requirements or impose additional requirements when all the following criteria are met:

a. When owing to special circumstances a literal enforcement of the provisions of this title or other land use regulatory ordinances of the city will result in unnecessary hardship.

b. When the waiver of development requirements is in harmony with the purpose and intent of city ordinances and the comprehensive plan.

c. When the proposed use, building, and development will function without adverse impact upon adjacent property, development in the area or the city as a whole.

d. When a conditional use permit is not required.

E. *Nonconforming lots.*

1. *Applicability of restrictions.* Regulations applicable to nonconforming lots are in addition to the regulations applicable to nonconforming uses, structures, and signs, and, in the event of conflict, the most restrictive provisions shall apply.

2. *Nonconforming lots of record.*

a. *Residential districts.*

(1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district; provided, that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located.

(2) In all single-family zoning districts, if two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record and if all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

(3) In any district in which duplex dwellings are permitted, a duplex dwelling and customary accessory buildings may be erected on any single lot of record

with a minimum area of seven thousand two hundred (7,200) square feet, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width that are generally applicable in the district; provided, that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located.

b. *Other districts.* In any other district, permitted building and structures may be constructed on a nonconforming lot of record, provided site coverage, yard, landscaping, and off-street parking requirements are met. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership and if all or part of the lots do not meet the minimum requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

F. *Nonconforming signs.*

1. *Applicability of restrictions.* Regulations applicable to nonconforming signs are in addition to regulations applicable to nonconforming uses, structures, and lots, and in the event of conflict the most restrictive provisions shall apply.

2. *Continuation of nonconforming signs.*

a. Signs that were legally existing as of the effective date of this title or subsequent amendments thereto that do not conform to the regulations of this title shall be considered nonconforming signs. Nonconforming signs may not be moved, relocated, altered, or added to without receiving approval from the planning department.

b. No sign permit shall be issued to allow legal signs on property having an illegal or nonconforming sign until such time as the nonconforming or illegal sign is modified to conform to this title.

3. *Amortization period.*

a. *Abandoned signs.* Abandoned signs must be removed within ninety (90) days.

b. *Number and type of signs.* The number and type of allowable signs for each occupancy must conform to the regulations of this title.

19.08.110 Reduction of lot area.

No land may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking or any other requirements of the zoning district or use.

19.08.120 Irregular-shaped lots.

On irregular-shaped lots, the average distance from the building line to the lot line shall be no less than the minimum yard provision; provided, however, that no part of the structure shall be located so that one-half (1/2) the minimum yard provision occurs at any point along such averaged alignment.

19.08.130 Visibility at intersections in residential districts.

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along the street lines twenty (20) feet from the point of the intersection.

19.08.140 Visibility at access points for automobiles.

Areas for ingress and egress for automobiles shall be designed in such a manner that adequate visibility is ensured.

19.08.150 Side yard on corner lot.

The side yard along a side street on a corner lot shall have a minimum yard of ten (10) feet, except where a larger yard may be required.

19.08.160 Accessory buildings.

A. An accessory building can be located anywhere on a lot if it conforms with the setbacks required by this title for a principal building. In the rear one-half (1/2) of a lot the accessory building can be built to within five (5) feet of the side and two (2) feet of the rear lot lines, except when attached to a principal building, in which case it must have the same setbacks as the main building.

B. Guesthouse accessory buildings shall be located on the rear half of the building site. There shall be not more than one (1) guesthouse on any one (1) building site, which, together with other accessory buildings, shall not exceed thirty (30) percent of the area of the rear yard on which it is built. No kitchen or cooking facilities shall be permitted in any guesthouse.

19.08.170 Projections into required yards.

Certain architectural features may project into required yards or courts as follows: Cornices, canopies, eaves or other architectural features may protrude up to a distance of two (2) feet into any required yard.

19.08.180 Structures to have access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing and required off-street parking.

19.08.190 Exceptions to height regulations.

The height limitations for the various districts shall not apply to spires, flagpoles, belfries, cupolas, noncommercial antennas, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. The height limitations shall not apply to barns and silos provided that they are not located within fifty (50) feet of any lot line. City-owned elevated reservoirs, water tanks, fire or police training towers and standpipes are exempt from height restrictions.

19.08.205 Temporary use regulations.

This section shall be known as the temporary use regulations. Provisions authorizing temporary uses are intended to permit occasional temporary uses, activities and structures when consistent with the purpose of this title and when compatible with the general vicinity and adjacent uses.

A. *Permitted uses.* The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations in this section and such additional conditions as may be established by the Community development director:

1. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.

2. Contractor's office, storage yard and equipment parking and servicing on the site of an active construction project.
3. Circuses, carnivals, rodeos, fairs or similar transient amusement or recreational activities.
4. Indoor or outdoor art and craft shows and exhibits.
5. Christmas tree sales lots, fireworks and flower stands, limited to location on lots not used for residential purposes in commercial or industrial zoning districts.
6. Mobile home residences used for occupancy by supervisory and security personnel on the site of an active construction project.
7. Mobile home residential units used for occupancy of security personnel when not otherwise allowed as an accessory use.
8. Indoor or outdoor special sales, including swap meets, flea markets, parking lot sales, warehouse sales or similar activities, limited to locations on lots not used for residential purposes in commercial or industrial districts, and when operated not more than ten (10) days in the same month, unless otherwise permitted by the city.
9. Temporary use of mobile trailer units or similar portable structures for nonresidential purposes, located in districts where the use is a permitted use.
10. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises, to be permitted in commercial or industrial zoning districts only.
11. Temporary signs relating directly to the temporary uses described in this section, which may be permitted for a period not to exceed the operation of the use. The signs may be portable in nature and must be placed on the premises. No off-premises signs are permitted. No more than two (2) signs per use shall be permitted and no sign shall exceed a thirty-two (32) square feet total of all faces. Maximum sign height shall be eight (8) feet. No sign permit shall be required.
12. Garage sales, moving sales and similar activities for the sale of personal belongings when operated not more than three (3) days in the same week or more than twice in the same calendar year. No permit is required.

13. Fund-raising carwashes. No permit is required.

14. The Community development director may authorize additional temporary uses not listed in this subsection when it is found that the proposed uses are in compliance with the requirements and findings of subsection (C) of this section.

B. *Conditions of temporary use.*

1. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the use.

2. A temporary use conducted in a parking facility shall not occupy or remove from availability more than twenty-five (25) percent of the spaces required for the permanent use, except in the Commercial-1 (C-1) zoning district or as approved by the city council.

3. Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking need not comply with the development requirements of Ch. 19.05 EMC, but must provide safe and efficient interior circulation and ingress and egress from the public right-of-way.

4. No temporary use shall occupy or use public rights-of-way, parks or other public lands in any manner unless specifically approved by the city council.

5. No temporary use shall occupy a site or operate within the city for more than ninety (90) days within any calendar year, except as follows:

a. When authorized by the Community development director, a temporary use may operate an additional ninety (90) days if it is found that such an extension will be consistent with the requirements of subsection (C) of this section.

b. When authorized by the hearing examiner, a temporary use may operate an additional one (1) year if it is found that such an extension will be consistent with the requirements of subsection (C) of this section.

6. All signs shall comply with the requirements of Ch. 19.06 EMC, pertaining to sign regulations, except as otherwise specified in this section.

7. All temporary uses shall obtain, prior to occupancy of the site or culmination of activities, all required city permits, licenses or other approvals, e.g., business license, building permit, zoning permit, etc.

8. The Community development director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

C. *Determinations.* The Community development director may authorize the temporary uses described in subsection (A) of this section after consultation and coordination with all other applicable city departments and other agencies and only when the following determinations can be made:

1. The temporary use will not impair the normal, safe and effective operation of a permanent use on the same site.
2. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
3. The temporary use will not impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.
4. The use and associated structures and living quarters will be conducted and used in a manner compatible with the surrounding area.
5. The temporary use shall comply with all applicable standards of the Grant County health department.

D. *Application and authorization.*

1. Application to conduct a temporary use shall be made to the planning department, and shall include such information as the Community development director may require to evaluate the use and to make the determinations required by this section.

2. Application shall be made prior to the requested date for commencement of the temporary use, and the Community development director shall make a determination whether to approve, approve conditionally or deny the temporary use within ten (10) days after the date of application.

3. Authorization of a temporary use shall be by issuance of a zoning permit.

4. A temporary use authorized pursuant to this section shall not be exempted or relieved from compliance with any other ordinance, law, permit or license applicable to such use, except where specifically noted.

19.08.215 Multifamily transition areas.

A. Purpose; applicability. The purpose of the multifamily transition area requirements is to mitigate potential adverse impacts of multifamily development on adjacent uses, and to minimize impacts of abutting streets on multifamily occupants. Multifamily transition area requirements are designed to provide a buffer between multifamily residential districts and adjacent single-family districts, and between multifamily districts and abutting streets. Multifamily transition area requirements are superimposed over development standards of the underlying zones. Multifamily buildings and other development within one hundred (100) feet of a single-family district or one hundred (100) feet of an abutting street are affected by the requirements of this section.

B. Development standards. Within a multifamily transition area, the following development standards shall apply, except where specifically exempted under EMC 19.09.045 pertaining to administrative design review. These standards are in addition to other development standards applicable under this title.

1. *Minimum yard requirements (setbacks).*

a. The minimum yard requirement on any street frontage within a multifamily transition area shall be related to the classification of the adjacent street. This classification shall be determined by the city public works director. The setbacks are as follows:

(1) A property frontage on an primary or secondary street shall have a minimum setback of twenty (20) feet and an average setback of forty (40) feet. The average setback shall be calculated along the full length of the property line, utilizing the first sixty (60) feet of the property depth.

(2) A property frontage on a local access street shall have a minimum setback of twenty (20) feet and an average setback of thirty (30) feet. The average setback shall be calculated along the full length of the property line, utilizing the first forty (40) feet of the property depth.

b. The portion of a property abutting a single-family district shall have a minimum setback of twenty (20) feet and an average setback of forty (40) feet. The average setback shall be calculated along the full length of the property line, utilizing the first sixty (60) feet of the property depth.

2. *Height limitation.*

a. *Generally.* The maximum height of any structure within a multifamily transition area shall not exceed two (2) stories or twenty-five (25) feet at the minimum setback line. Building height may be increased one (1) foot in height for each additional foot of horizontal setback from the minimum setback line, up to the maximum height limit for the zoning district.

b. *Exception to height limitation for small lots with multiple street frontages.* On lots of one (1) acre or less and having more than one (1) street frontage, the height limitation of this section shall apply along the longest street frontage. On any other street frontage, the height limitation of this section shall not apply.

3. *Landscaping.*

a. A minimum twenty (20) feet of perimeter landscaping shall be provided on primary or secondary streets. A minimum fifteen (15) feet of perimeter landscaping shall be provided on local access streets.

b. Where a parking area abuts a public street, the intervening landscaped area shall be bermed, unless the Community development director finds berming to be ineffective due to topographic conditions, or where he determines that berming will obscure necessary sight distance lines. Such berm shall be a minimum of three (3) feet high on an arterial or collector street, and a minimum of two and one-half (2 1/2) feet high on the frontage of a local access street. Where the Community development director finds berming to be ineffective, an alternative screening method approved by the Community development director shall be employed.

c. A minimum six (6) foot high sight-obscuring fence shall be provided where a development abuts a single-family district.

19.08.240 Preservation of trees.

A. *Purpose.* Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the city, to preserve the natural wooded character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system, and to provide a transition between various land uses in the city.

B. *Regulations.* Application of regulations for the preservation of significant trees is as follows:

1. On all undeveloped property in the city, all trees of a six (6) inch caliper or greater shall be retained on the property where they are growing.
2. Where it is not feasible to retain all trees on the site due to the proposed development, a site specific tree plan, drawn to scale, shall be prepared. The tree plan shall indicate the species of tree and precise location of all trees of a six (6) inch caliper or greater on the site in relation to proposed buildings, streets, parking areas, storm drainage facilities, and utilities. Trees to be retained pursuant to this section shall be marked by encircling the tree with a stripe of nontoxic paint of a color and type sufficient to remain visible during onsite construction activity. Trees to be retained shall be protected during construction, and the dripline shall be delineated with boundary markers. No grade changes or storage of materials shall be allowed within the tree dripline. Drainage patterns shall not be significantly altered that may be detrimental to the subject trees.
3. The tree plan and photograph of the trees on the property shall be submitted to the city planning department for its review prior to the issuance of a zoning or building permit.
4. The planning department shall review the tree plan in relation to the proposed development and make a determination of which trees will be permitted to be removed.
5. The planning department may cause a modification of the development plan to ensure the retention of the maximum number of trees. Should the applicant elect to

alter the development plan in order to preserve special trees or wooded areas in a natural state, the Community development director may waive specific requirements to allow for flexibility and innovation of design.

6. There shall be no clear-cutting of trees of a six (6) inch diameter or greater on undeveloped land for the purpose of preparing that site for future development.

C. *Applicability.* The requirements of this section shall be imposed in conjunction with approval of subdivisions, short subdivisions, planned unit developments, development of undeveloped land, and/or when a change in the area devoted to parking and circulation is required by the Ephrata Municipal Code. However, this section does not apply to a permit for a single-family dwelling, unless restrictions on the removal of significant trees on individual single-family lots have been imposed through prior city approval.

D. *Required Review.* The city planning department shall review the proposed removal of significant trees with each application within the applicability of this section.

E. *Retention of significant trees.*

1. *Perimeter landscaping area.* In the required perimeter landscaping areas, as set forth in Ch. 19.07 EMC, the applicant shall retain all significant trees which will not constitute a safety hazard. Areas devoted to access and sight distance, and areas to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements are exempt from this requirement.

2. *Site interior.*

a. In areas of the site other than the required perimeter landscape area, the applicant shall retain a minimum fifteen (15) percent of the diameter inches of the significant trees existing in this area; provided, that alder, chinese elm and cottonwood trees diameter inches shall be discounted by a factor of one-half (1/2). In applying the requirement for retention of significant trees, the Community development director shall consider a priority the preservation of the following types of significant trees:

(1) Healthy significant trees over sixty (60) feet in height;

(2) Significant trees which form a continuous canopy;

(3) Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;

(4) Significant trees which provide winter wind protection or summer shade;

(5) Groups of significant trees which create a distinctive skyline feature; and

(6) Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.

b. The Community development director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection (E)(2)(a) of this section if a group of trees and its associated undergrowth can be preserved.

3. *Exemption.* The provisions of this subsection which require retention of significant trees are not applicable in any downtown land use district.

4. *Reduced parking bonus.* If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Community development director may approve a reduction of up to ten (10) percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

F. *Alternative tree retention option.*

1. An applicant may request a modification of the tree retention requirements set forth in subsection (E) of this section.

2. The Community development director may approve a modification of the perimeter or interior tree retention requirements if:

a. The modification is consistent with the stated purpose of this section; and

b. The modification proposal either:

(1) Incorporates the retention of significant trees equal in equivalent diameter inches or incorporates the increased retention of significant trees and naturally occurring undergrowth beyond what would otherwise be required, or

(2) Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural uses.

3. Where a modification proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials from the city's list of plants for the Pacific Northwest.

G. *Replacement of removed or damaged trees.* Trees removed illegally from undeveloped land or trees designated for retention which are damaged or destroyed shall be replaced as follows:

1. One (1) existing tree at a six (6) inch diameter shall be replaced by two (2) new trees.

2. For each additional three (3) inches of diameter, one (1) new replacement tree shall be added, up to a maximum of six (6) trees.

3. Replacement deciduous trees shall be at least two (2) inches in diameter at the time of planting. An evergreen shall be at least six (6) to eight (8) feet in height.

19.08.270 Adult uses.

A. *Adult uses*, as defined in EMC 19.02.008, are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following specified uses or zones:

1. Within one thousand (1,000) feet of any residential zone (S-R, R-1, R-2, R-3, R-4 and R-5).

2. Within one thousand (1,000) feet of any public or private school.

3. Within one thousand (1,000) feet of any church or other religious facility or institution.

4. Within one thousand (1,000) feet of any public park.

5. Within one thousand (1,000) feet of any public library.

B. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel

upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land is to be separated.

C. Violation of the use provisions of this section is declared to be a public nuisance per se, which shall be abated by the city attorney under state law, including procedures set forth in EMC 19.09.090.

D. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any city ordinance or statute of the state regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

19.08.280 Group homes class II and III.

A. *Purpose.* It is the purpose of this section to outline general conditions with which class II and III group homes, as defined in EMC 19.02.173, must comply when applying for a conditional use permit to locate in the city.

B. *Dispersion requirements.* A class II and III group home must locate a minimum of six hundred (600) feet from any other class II or III group home. This distance will be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel or property or the land use district boundary line from which the proposed use is to be separated.

C. *Separation requirements.* A one thousand (1,000) foot separation requirement will apply to class II and III group homes to separate such facilities from sensitive land uses such as public or private schools, churches, or other religious facilities or institutions, parks and playgrounds, and other such uses that are deemed to be sensitive. In addition to the sensitive uses listed in this subsection, class III group homes must be separated at least one thousand (1,000) feet from all residential areas. This distance would be measured by the same method as that used for the dispersion requirements described in subsection (B) of this section.

D. *Registration and licensing.* Group homes must obtain all licenses necessary for operation by state and federal agencies. Class II and III group homes must also register with the city by supplying information pertinent to the validity, update, and renewal status of the home's state and federal license. Accuracy of all information

contained in any state or federal license shall be verified to the extent possible by the city, and any applicant for a group home conditional use permit shall have the responsibility to ensure that any changes made to the license prior to its renewal are immediately provided to the city.

19.08.300 Zero lot line development – Authorized.

Zero lot line development may be permitted in the following zoning districts:

- A. R-3 small lot single-family residential.
- B. R-4 small lot single-family and multifamily residential.
- C. R-5 Multifamily residential townhouse.

19.08.310 Same – Permitted uses.

Uses permitted in zero lot line developments shall be as outlined in the underlying zoning district.

19.08.320 Zero lot line – Development standards for single-family zoning districts.

Zero lot line development standards for single-family zoning districts are as follows:

- A. *Minimum lot.* Minimum lot size is three thousand six hundred (3,600) square feet.
- B. *Maximum site coverage.* Maximum site coverage is fifty (50) percent.
- C. *Density.* The density of the zero lot line development shall not exceed the density of the underlying zoning district.
- D. *Minimum yard requirements.* Minimum yard requirements are as follows:
 - 1. Front (dwelling): Ten (10) feet.
 - 2. Front (garage): Twenty (20) feet.
 - 3. Rear: Eight (8) feet.
 - 4. One (1) side: Zero (0) feet.
 - 5. Other side (dwelling): Ten (10) feet.
 - 6. Other side (garage): Five (5) feet.

E. *Distance between dwellings.* Minimum distance between dwellings is fifteen (15) feet.

F. *Height limitation.* The height limitation is two (2) stories, not to exceed thirty-five (35) feet.

G. *Openings prohibited on zero lot line side.* The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of opening; provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall of at least eight (8) feet in height is provided on the zero lot line. The wall shall be constructed of the same material as exterior walls of the unit. Opaque openings or high-level windows above eight (8) feet in height shall be allowed. There is no restriction on openings where a wall is located on a zero lot line facing open space.

H. *Open space.* Each zero lot line development shall provide not less than twenty-five (25) percent of the gross land area for common open space, which shall be:

1. Concentrated in large areas and designed to provide either passive or active recreation.
2. Owned and maintained as follows:
 - a. If under one (1) ownership, owned and maintained by the ownership:
 - b. Held in common ownership by all the owners of the development by means of a homeowners' association. Such homeowners' association shall be responsible for maintenance of the common open space. If such open space is not maintained in a reasonable manner, the city shall have the right to provide for the maintenance thereof and bill the homeowners' association accordingly. If unpaid, such bills shall be a lien against the homeowners' association; or
 - c. Dedicated for public use if accepted by the city legislative authority or other appropriate public agency.

I. *Perimeter buffer.* A ten (10) foot minimum width buffer strip is required on all boundaries of the development. The ten (10) foot buffer strip may be part of the lots, or may be an area maintained by a homeowners' association. The buffer strip required in this subsection may be a credit against the open space requirements of subsection (I) of this section.

J. *Walls.* There shall be no contiguous walls between units.

K. *Storage of recreational vehicles.* The storage or parking of recreational vehicles shall be prohibited within a zero lot line development.

19.08.330 Same – Development standards for multifamily zoning districts.

Zero lot line development standards for multifamily zoning districts are as follows:

A. *Minimum site area.* Minimum site area is five (5) acres.

B. *Minimum lot size.* Minimum lot size is three thousand (3,000) square feet.

C. *Maximum site coverage.* Maximum site coverage is fifty (50) percent.

D. *Density.* The density of the zero lot line development shall not exceed the density of the underlying zoning district.

E. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front (dwelling): Fifteen (15) feet.
2. Front (garage): Twenty (20) feet.
3. Rear: Ten (10) feet. (currently 5 feet unless on an alley, then 0)
4. One (1) side: Zero (0) feet.
5. Other side (dwelling): Fifteen (15) feet.
6. Other side (garage): Five (5) feet.

F. *Distance between dwellings.* Minimum distance between dwellings is fifteen (15) feet.

G. *Height limitation.* The height limitation is two (2) stories, not to exceed thirty-five (35) feet.

H. *Openings prohibited on zero lot line side.* The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of opening; provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit and a solid wall at least eight (8) feet in height is provided on the zero lot line. The wall shall be

constructed of the same material as exterior walls of the unit. Opaque openings or high-level windows above eight (8) feet in height shall be allowed. There is no restriction on openings where a wall is located on a zero lot line facing open space.

I. *Open space.* Each zero lot line development shall provide not less than twenty (20) percent of the gross land area for common open space, which shall be:

1. Concentrated in large areas and designed to provide either passive or active recreation.
2. Owned and maintained as follows:
 - a. If under one (1) ownership, owned and maintained by the ownership;
 - b. Held in common ownership by all the owners of the development by means of a homeowners' association. Such homeowners' association shall be responsible for maintenance of the common open space. If such open space is not maintained in a reasonable manner, the city shall have the right to provide for the maintenance thereof and bill the homeowners' association accordingly. If unpaid, such bills shall be a lien against the homeowners' association; or
 - c. Dedicated for public use if accepted by the city legislative authority or other appropriate public agency.

J. *Perimeter buffer.* A ten (10) foot minimum width buffer strip is required on all boundaries of the development. The ten (10) foot buffer strip may be part of the lots, or may be an area maintained by a homeowners' association. The buffer strip required in this subsection may be a credit against the open space requirements of subsection (I) of this section.

K. *Walls.* One (1) wall may be contiguous between buildings.

L. *Storage of recreational vehicles.* The storage or parking of recreational vehicles shall be prohibited within a zero lot line development.

19.08.340 Same – Platting requirements.

Zero lot line subdivisions are subject to the procedures outlined in the city subdivision code, EMC 18.04, regarding zero lot line subdivisions.

19.08.350 Accessory dwelling unit regulations.

A. *Intent.* The city provides these accessory dwelling unit regulations for the following purposes:

1. To increase the supply of affordable rental units through better use of the existing housing stock, much of which is under-utilized because the baby boom has been followed by an empty nester boom, because there are fewer children per family, because there are more single parent households, and because there are more one (1) and two (2) person elderly households.
2. To make homeownership more affordable because it will be easier to buy both new and existing homes with the help of an accessory apartment.
3. To make it more comfortable for older people to retain their homes because an accessory apartment can provide them with added income, security, companionship, and the opportunity to trade rent reductions for needed services.
4. To make it easier for single parents to meet mortgage payments and hold onto their homes in the wake of a divorce and, as a result, keep their children in the same neighborhood.
5. To increase the opportunity for disabled persons to live independently because accessory units can provide them with both privacy and the proximity to needed support.
6. To reduce the isolation of households that is a result of increased affluence in housing, and/or longer lifespans and periods of frailty, and/or suburban land use patterns that isolate people who cannot drive.
7. To make better use of existing public investment in streets, transit, water, sewer, and other utilities.

B. *Standards and criteria.*

1. One (1) ADU per dwelling unit is allowed out-right within all S-R, single-family residential zones, and single-family dwellings within the city.
2. An ADU may be established in a new or existing single-family dwelling by creating the unit within or in addition to the dwelling, or as a detached unit from the principal dwelling.

3. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.
4. The design and size of an ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this section, the building official may grant modifications for individual cases pursuant to the International Building Code, the International Residential Code, or other applicable building codes, and as subsequently amended or recodified.
5. One (1) of the dwelling units shall be owner occupied as the owner(s) principal residence for at least six (6) months a year. No permit for an ADU will be issued until the owner files a covenant evidencing this use limitation against the property; this covenant must also be recorded in the records of the Grant County Auditor. This covenant shall be in a form acceptable to the city attorney.
6. If both the ADU or the principal unit ceases to be owner occupied for more than six (6) months, the ADU permit shall be deemed revoked and use of the unit as an ADU must cease immediately.
7. The size of an ADU contained within or attached to an existing single-family structure shall be limited by the existing structure's applicable zoning requirements. An ADU incorporated in the construction of a new single-family house shall be limited to forty (40) percent of the principal unit. The size of a detached ADU, for either new construction or an existing home, shall be up to eight hundred (800) square feet or thirty-three (33) percent of the size of the principal unit, whichever is smaller.
8. The owner or developer shall take every effort to avoid additional entrances or other visible changes on the street facade of the house which indicates the presence of an ADU.
9. A permit application must be completed and approved for all ADUs. The planning department shall determine the application requirements for an ADU permit.
10. ADUs existing prior to the adoption of the accessory housing ordinance may be found to be legal on the condition that the property owner applies for an ADU permit and complies with all required standards and provisions. Such property owners have a one (1) year period from the date the accessory housing ordinance is adopted in

which to apply for an ADU permit, after which time such property owners can be subject to fines and penalties established in this title.

11. Adjacent neighbors of an ADU applicant shall be notified of the ADU zoning permit application. This notification is informational only. The decision by the planning department to grant an ADU zoning permit is nonappealable by the neighbors of the permit holder.

19.08.359 Accessory living quarters.

A. *Intent.* The city provides these accessory living quarter (ALQ) regulations for the following purposes:

1. To meet the need for onsite dwelling of an owner or employee to provide for security of the business.
2. To reduce the need for commute trips.

B. *Standards and criteria.*

1. One (1) ALQ per commercial or manufacturing building is allowed outright within all commercial and industrial zones within the city.
2. An ALQ may be established in a new or existing commercial or industrial/manufacturing building by creating the living quarters within or as an addition to the building, or as a detached structure from the principal structure.
3. The ALQ, as well as the main structure, must meet all applicable setbacks, lot coverage, and building height requirements.
4. The design and size of an ALQ shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this section, the building official may grant modifications for individual cases pursuant to the International Building Code, the International Residential Code, or other applicable building codes, and as subsequently amended or recodified.
5. The size of an ALQ contained within or attached to a commercial or manufacturing establishment shall be limited to twenty (20) percent of the commercial or

industrial/manufacturing structure in which the ALQ is located. The size of a detached ALQ shall be limited to no more than one thousand (1,000) square feet.

6. A permit application must be completed and approved for all ALQs. The planning department shall determine the applicable requirements for an ALQ permit.

19.08.400 Planned unit development, PUD.

The intent of the PUD is to create a process to promote diversity and creativity in site design, and protect and enhance natural and community features. The process is provided to encourage unique developments which may combine a mixture of residential, commercial, and industrial uses. The PUD process permits departures from the conventional siting, setback, and density requirements of a particular zoning district in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility. By using flexibility in the application of development standards, this process will promote developments that will benefit citizens that live and work within the city.

A. Zoning districts where permitted. PUDs are permitted in all zoning districts with the exception of the A-E, airport enterprise zone; provided, however, that PUDs in S-R zone are only allowed if the site is at least fifty (50) acres in size, except as provided in subsection (C) of this section.

B. Permitted uses.

1. *Principally permitted uses.* The principally permitted uses in PUDs shall be the same as those permitted in the underlying zoning classifications, except as provided in subsection (B)(4) of this section.

2. *Conditional uses.* The conditional uses in PUDs shall be the same as those permitted in the underlying zoning classification. The conditional use permit review process may be consolidated with that of the PUD pursuant to procedures specified in subsection (F) of this section.

3. *Accessory uses.* Accessory uses and buildings which are customarily incidental and subordinate to a principally permitted use are also permitted.

4. *Exceptions.* In residential PUDs of fifty (50) acres or more located in S-R zone, and in residential PUDs of ten (10) acres or more located in other zoning districts,

commercial uses may be permitted. Commercial uses shall be limited to those uses permitted in the neighborhood commercial district (C-3). In PUDs of fifty (50) acres or more in size located in S-R zone, attached dwelling units are permitted only if they are condominiums created in accordance with the Washington Condominium Act, Chapter 64.34 RCW; provided, that if a proposed PUD in a single-family zoning district includes such attached condominiums, the density bonus provisions outlined in subsection (D) of this section shall not apply; and further provided, that no condominium building may exceed two (2) stories.

C. *Development standards.* The following development standards are minimum requirements for a planned unit development:

1. *Minimum lot size exclusion.* The minimum lot size requirements of the districts outlined in this title shall not apply to PUDs.

2. *Minimum site acreage.* Minimum site acreage for a PUD is established according to the zoning district in which the PUD is located, as follows:

Zones	Minimum Site Acreage
Multifamily (R-2, R-4, R-5)	Two (2)
Commercial, office and manufacturing zones	None
R zones (R-1, R-3) consisting entirely of detached single-family dwellings	5 acres
R zones (R-1, R-3) not comprised entirely of detached single-family dwellings	50 acres

3. *Minimum perimeter building setback.* The minimum perimeter building setback of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in EMC 19.08.215), except where specifically exempted by administrative design review (as provided in EMC 19.09.045). The planning commission may reduce building separation requirements to the minimum required by the building and fire departments according to the criteria set forth in subsection (F)(1) of this section. If an adjacent property is undevelopable under this title, the planning commission may also reduce the perimeter building setback requirement to the minimum standards in the city building and fire codes.

4. *Maximum height of structures.* The maximum height of structures of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in EMC 19.08.215), except where specifically exempted by administrative design review (as provided in EMC 19.09.045). The planning commission may authorize additional height in C-1, C-2, C-3, zones where proposed development in the PUD is compatible with the scale and character of adjacent existing developments.

5. *Open space.*

a. The standard set forth in this subsection shall apply to PUD residential developments only. Each PUD shall provide a minimum of thirty-five (35) percent of the total site area for common open space. In mixed use PUDs containing residential uses, thirty-five (35) percent of the area used for residential use shall be reserved as open space.

b. For the purpose of this section, open space shall be defined as land which is not used for buildings, dedicated public rights-of-way, traffic circulation and roads, parking areas, or any kind of storage. Open space includes, but is not limited to privately owned woodlands, open fields, streams, wetlands, severe hazard areas, landscaped areas, trails through parks and sensitive areas (not including required sidewalks), gardens, courtyards, or lawns. Common open space may provide for either active or passive recreation.

c. Open space within a PUD shall be available for common use by the residents, tenants, or the general public, depending on the type of project.

6. *Streets.* If streets within the development are required to be dedicated to the city for public use, such streets shall be designed in accordance with the standards outlined in the city’s “Community Street and Construction Standards” code and other appropriate city standards. If streets within the development are to remain in private ownership and remain as private streets, the following standards shall apply:

a. *Minimum private street pavement widths for parallel parking in residential planned unit developments.* Minimum private street pavement widths with and without parallel parking in residential planned unit developments are as follows:

	No Parking	Parking One Side	Parking Both Sides
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	(feet)	(feet)	(feet)
One-way streets	20	29	38
Two-way streets	22	31	40

The minimum widths set out in this subsection may be modified upon review and approval by the city fire chief and the city public works director, providing they are sufficient to maintain emergency access and traffic safety. A maintenance agreement for private streets within a PUD shall be required by the city council as a condition of PUD approval.

b. *Vehicle parking areas.* Adequate vehicular parking areas shall be provided. Vehicular parking areas may be provided by on-street parking or off-street parking lots. The design of such parking areas shall be in accordance with the standards outlined in Ch. 19.05 EMC. In single-family PUDs, parking shall be provided at a ratio of 1.8 parking stalls per dwelling unit; garages are excluded from the parking circulation. The Community development director may recommend for planning commission approval, additional parking based upon site design and project land uses; the recommendation may include a requirement for on-street parking.

c. *One-way streets.* One-way loop streets shall be no more than two thousand (2,000) feet long.

d. *On-street parking.* On-street parking shall be permitted. Privately owned and maintained "no parking" and "fire lane" signs may be required as determined by the city public works director and city fire department chief.

7. *Pedestrian walkways.* Pedestrian walkways shall be provided to connect residences to public walkways and streets and shall be constructed of material deemed to be an all-weather surface by the public works director and Community development director.

8. *Landscaping.*

a. Minimum perimeter landscaping of the underlying zone shall apply. Additional landscaping shall be required as provided in Ch. 19.07 EMC and EMC 19.08.215.

b. All PUD developments shall ensure that parking areas are integrated with the landscaping system and provide screening of vehicles from view from public streets. Parking areas shall be conveniently located to buildings and streets while providing for landscaping adjacent to buildings and pedestrian access.

c. Solid waste collection areas and waste reduction or recycling collection areas shall be conveniently and safely located for onsite use and collection, and attractively site screened.

9. *Signs.* The sign regulations of Ch. 19.06 EMC shall apply.

10. *Platting.* If portions of the PUD are to be subdivided for sale or lease, the procedures of the city subdivision code, as amended, shall apply. Specific development standards such as lot size, street design, etc., shall be provided as outlined in subsection (E) of this section.

11. *View regulations.* View regulations as specified in EMC 19.08.060 shall apply to all PUDs.

12. *Design review.* PUDs shall be subject to administrative design review in EMC 19.09.045. PUDs of only single-family detached residences shall be evaluated using the review criteria of EMC 19.09.045(C), multifamily design review.

D. *Density bonus standards.* The density of residential development for PUDs will be based on the gross density of the underlying zoning district with density bonuses allowed as described below. PUDs under twenty (20) acres in size located in R zones shall not be allowed density bonuses except as provided by subsection (D)(8) of this section. For all other PUDs, the planning commission may recommend a dwelling unit density not more than twenty (20) percent greater than that permitted by the underlying zone upon findings and conclusions that the amenities or design features which promote the purposes of this subsection, as follows, are provided:

1. *Open space.* A four (4) percent density bonus may be authorized if at least ten (10) percent of the open space is in concentrated areas for passive use. Open space shall include significant natural features of the site, including but not limited to fields, woodlands, watercourses, and permanent and seasonal wetlands. Excluded from the open space definition are the areas within the building footprints, land used for

parking, vehicular circulation or rights-of-way, and areas used for any kind of storage.

2. *Active recreation areas.* A four (4) percent density bonus may be authorized if at least ten (10) percent of the site is utilized for active recreational purposes, including but not limited to jogging or walking trails, pools, children's play areas, etc. Only that percentage of space contained within accessory structures that is directly used for active recreation purposes can be included in the ten (10) percent active recreation requirement.

3. *Stormwater drainage.* A two (2) percent density bonus may be authorized if stormwater drainage control is accomplished using natural onsite drainage features. Natural drainage features may include streams, creeks, ponds, etc.

4. *Native vegetation.* A four (4) percent density bonus may be authorized if at least fifteen (15) percent of the native vegetation on the site is left undisturbed in large open areas.

5. *Parking lot size.* A two (2) percent density bonus may be authorized if off-street parking is grouped in areas of sixteen (16) stalls or less. Parking areas must be separated from other parking areas or buildings by significant landscaping in excess of type V standards as provided in EMC 19.07.050. At least fifty (50) percent of these parking areas must be designed as outlined in this subsection to receive the density bonus.

6. *Mixed housing types.* A two (2) percent density bonus may be authorized if a development features a mix of residential housing types. Single-family residences, attached single units, condominiums, apartments, and townhomes are examples of housing types. The mix need not include some of every type.

7. *Project planning and management.* A two (2) percent density bonus may be granted if a design/development team is used. Such a team would include a mixture of architects, engineers, landscape architects, and designers. A design/ development team is likely to produce a professional development concept that would be consistent with the purpose of the zoning regulations.

8. *Increased wetland buffer widths.* A ten (10) percent density bonus may be granted for a wetland buffer that is increased by twenty-five (25) feet. A twenty

(20) percent density bonus may be granted for a wetland buffer that is increased by fifty (50) feet. All other requirements of the PUD standards shall apply.

These standards are thresholds, and partial credit is not given for partial attainment. The site plan must at least meet the threshold level of each bonus standard in order for density bonuses to be given for that standard. In no case shall any of the density bonus provisions be combined to create a total bonus greater than twenty (20) percent.

E. *Master plan approvals.* The master plan process is intended to allow approval of a generalized, conceptual development plan on a site which would then be constructed in phases over a longer period of time than a typical planned unit development. The master plan approval process is typically appropriate for development which might occur on a site over a period of several years, and in phases which are not entirely predictable.

1. *Submittal requirements.* The distinguishing characteristic between a master plan development application and a planned unit development application is that a master plan development proposal is conceptual in nature. However, the master plan application shall provide sufficient detail of the scope of the development, the uses, the amount of land to be developed and preserved, and how services will be provided. The specific submittal requirements are noted below:

- a. A written description of the scope of the project, including total anticipated build-out (number of units of residential, gross floor area for commercial), and the types of uses proposed;
- b. A clear vicinity map, showing adjacent roads;
- c. A fully dimensional site plan, which would show the areas upon which development would occur, the proposed number of units or buildings in each phase of the development, the areas would be preserved for open space or protection of environmentally sensitive features, and a generalized circulation plan, which would include proposed pedestrian and bicycle circulation;
- d. A generalized drainage and stormwater runoff plan;

- e. A site map showing contours at not greater than five (5) foot intervals and showing any wetlands, streams, or other natural features;
- f. A description of the proposed phasing plan;
- g. Documentation of coordination with the Ephrata school district;
- h. Certificates of water and sewer availability;
- i. Generalized building elevations showing the types of uses being proposed.

2. *Density.* The gross density of a residential master plan project shall be the same as the density allowable in the underlying zoning district.

3. *Open space.* The criteria in subsection (C)(5) of this section shall apply.

4. *Application process.* The application process for a master plan application shall be as outlined in subsection (F) of this section.

5. *Review criteria.* The review criteria for a master plan application shall be the same as those outlined in subsection (G) of this section.

6. *Administrative approval of individual phases.* Once a master site plan PUD has been approved pursuant to subsection (F) of this section, any individual phase of the development shall be reviewed and approved administratively, as outlined in Ch. 19.09 EMC; provided, that for each phase of development that includes a residential condominium, the applicant shall submit a copy of the condominium declaration recorded against the property, and as outlined in RCW 64.34.200.

7. *Time limits.* The master plan approved by the city council, as provided in subsection (F) of this section, shall be valid for a period of up to seven (7) years. At the end of this seven (7) year period, development permits must be issued for all phases of the master plan development. An extension of time may be requested by the applicant. A single extension may be granted by the Community development director for a period of not more than two (2) more additional years.

8. *Modifications.* Once approved, requests for modifications to the master plan project shall be made in writing to the Community development director. The

Community development director shall make a determination as to whether the requested modification is major or minor as outlined in subsection (I) of this section.

F. *Application process.* The application process includes the following steps: informal review process, compliance with the State Environmental Policy Act, community information meeting, development plan review, and public hearing before the planning commission.

1. *Informal review process.* An applicant shall meet informally with the planning department at the earliest possible date to discuss the proposed PUD. The purpose of this meeting is to develop a project that will meet the needs of the applicant and the objectives of the city as defined in this title.

2. *SEPA compliance.* Compliance with the State Environmental Policy Act and regulations and city SEPA requirements shall be completed prior to development plan review.

3. *Development plan review.* After informal review and completion of the SEPA process, a proposal shall next be reviewed by city staff through the development plan review process. Comments received by the project developer under the development review process shall be used to formalize the proposed development prior to the development being presented at a public hearing before the planning commission.

4. *Community information meeting.*

a. A community information meeting shall be required for any proposed PUD located in a residential zone or within three hundred (300) feet of a residential zone. At this meeting, the applicant shall present the development proposed to interested residents. Issues raised at the meeting may be used to refine the PUD plan. Notice shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than three hundred (300) feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.

b. Nonresidential PUDs not located within three hundred (300) feet of a residential zone shall not require a community information meeting.

5. *Public notice and planning commission public hearing.* The planning commission shall hold at least one (1) public hearing on the proposed PUD and shall give notice thereof in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than three hundred (300) feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.

6. *Consolidation of land use permit processes.* The PUD approval process may be used to consolidate other land use permit processes, which are required by other sections of this title. The public hearing required for the PUD may serve as the public hearing for the conditional use permit, subdivision, and rezoning if such land use permits are a part of the overall PUD application. When another land use permit is involved which requires city council approval, the PUD shall not be deemed to be approved until the city council has approved the related land use permit. If a public hearing is required for any of the categories of actions listed in this subsection, the planning commission shall employ the public hearing notice requirements for all actions considered which ensure the maximum notice to the public.

7. *City Council decision.* The city council shall issue a written decision within ten (10) working days from the date of the closed record public meeting. Parties of record will be notified in writing of the decision. For a proposed residential PUD that includes condominiums as outlined in subsection (B)(4) of this section, a condition of approval by the city council shall be that for each development phase the applicant shall submit a recorded copy of the covenants, conditions, and restrictions recorded against the property. Within thirty (30) days of receipt of the planning commission's recommendation, the city council shall, at a regular meeting, consider the application. Any appeal from the final decision of the city council shall be pursuant to the appeal provisions of Ch. 17.01 EMC.

8. *Effective date.* In approving a PUD, the city council shall specify that the approved PUD shall not take effect unless or until the developer files a completed development permit application within the time periods required by this title as set

forth in subsection (G) of this section. No official map or zoning text designations shall be amended to reflect the approved PUD designation until such time as the PUD becomes effective.

G. *Review criteria for planned unit developments.* Upon receipt of a complete application for a residential PUD, the planning department shall review the application and make its recommendation to the planning commission. The planning commission shall determine whether to grant, deny, or condition an application based upon the following review criteria:

1. *Residential planned unit development criteria.*

- a. The proposed PUD project shall have a beneficial effect upon the community and users of the development which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.
- b. The proposed PUD project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. The term compatibility includes but is not limited to apparent size, scale, mass, and architectural design.
- c. Unusual and sensitive environmental features of the site shall be preserved, maintained, and incorporated into the design to benefit the development and the community.
- d. The proposed PUD project shall provide areas of openness by using techniques such as clustering, separation of building groups, and use of well-designed open space and landscaping. Open space shall be integrated within the PUD rather than be an isolated element of the project.
- e. The proposed PUD project shall promote variety and innovation in site and building design, and shall include architectural and site features that promote community interaction, such as porches, de-emphasized garages, sidewalks/walkways and adjacent common areas. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale, and orientation.

f. Building design shall be based on a unified design concept, particularly when construction will be in phases.

2. *Nonresidential planned unit development criteria.*

a. The proposed project shall have a beneficial effect which would not normally be achieved by traditional lot-by-lot development and not be detrimental to present or potential surrounding land uses as defined by the comprehensive plan.

b. Unusual and sensitive environmental features of the site shall be preserved, maintained, and incorporated into the design to benefit the development and the community.

c. The proposed project shall provide areas of openness by the clustering of buildings, and by the use of well-designed landscaping and open spaces. Landscaping shall promote a coordinated appearance and break up continuous expanses of building and pavement.

d. The proposed project shall promote variety and innovation in site and building design. It shall encourage the incorporation of special design features such as visitor entrances, plazas, outdoor employee lunch and recreation areas, architectural focal points, and accent lighting.

e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

H. *Time limits.*

1. *Application for development permit.* The applicant shall apply for a development permit no later than one (1) year following final approval of the PUD. The application for development permit shall contain all conditions of the PUD approval.

2. *Extensions.* An extension of time for development permit application may be requested in writing by the applicant. Such an extension may be granted by the Community development director for a period not to exceed one (1) year. If a development permit is not issued within two (2) years, the PUD approval shall become null and void and the PUD shall not take effect.

I. *Modifications of plan.* Requests for modifications of final approved plans shall be made in writing and shall be submitted to the planning department in the manner and form prescribed by the Community development director. In commercial and industrial/manufacturing zoning districts, where a master plan is consistent with a development agreement, the determination of whether a proposed modification is minor or major shall be made at the sole discretion of the Community development director; provided, however, that the Community development director's determination must be consistent with criteria established in the development agreement. If the development agreement does not establish such criteria, the Community development director's determination shall be consistent with the criteria stated in subsections (I)(1) and (I)(2) of this section. The criteria for determining minor and major modifications in all other cases shall be as stated in subsections (I)(1) and (I)(2) of this section. The criteria for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification.

1. *Minor modifications.* Modifications are deemed minor if all the following criteria are satisfied:

- a. No new land use is proposed;
- b. No increase in density, number of dwelling units, or lots is proposed;
- c. No change in the general location or number of access points is proposed;
- d. No reduction in the amount of open space is proposed;
- e. No reduction in the amount of parking is proposed;
- f. No increase in the total square footage of structures to be developed is proposed; and
- g. No increase in general height of structures is proposed.

Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of buildings or landscaped areas, minor changes in phasing and timing, and minor changes in elevations of buildings.

2. *Major modifications.* Major adjustments are those which, as determined by the Community development director, substantially change the basic design, density,

open space, or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the planning commission. The planning commission may review such adjustments at a regular public hearing and forward a recommendation to the city council for final decision. If a public hearing is held, the process outlined in subsection (F) of this section shall apply. The city council shall issue a written decision to approve, deny, or modify the request. Such a decision shall be final. Any appeals of this decision shall be in accordance with EMC 17.01.040.

Chapter 19.09 ADMINISTRATION

Sections:

19.09.010 Development plan review.

19.09.020 Zoning permit.

19.09.030 Conditional use permit.

19.09.040 Variances.

19.09.042 Administrative variances.

19.09.045 Administrative design review.

19.09.046 Downtown design review.

19.09.050 Amendments.

19.09.060 Administrative interpretation generally.

19.09.065 Interpretation of uses.

19.09.070 Appeal of administrative interpretations.

19.09.080 Revocation of permits or variances.

19.09.090 Performance standards procedures.

19.09.300 Responsibility for establishment of lot lines and setback lines.

19.09.010 Development plan review.

A. Review of development plans shall be carried out by the planning department for all buildings and structures hereafter erected, constructed, structurally altered, repaired, or moved within or into any district requiring development plan review and whenever a city permit is required, and for the use of vacant land or for a change in the character of the use of land or buildings, within any district requiring development plan approval.

B. The development plan review is an administrative review, the primary purpose of which is to define and describe the needs of the particular site covered by a development plan in reference to the requirements of this title. The community development director shall make the final decision on development plan review. Development plan review is categorized as a Process I application and shall be subject to the applicable requirements of Ch. 17.01 EMC. Any appeal from the final decision of the community development director shall be to the hearing examiner in accordance with the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC. In addition to the other requirements of this title, the planning department shall approve a development plan only after the following standards, as a minimum, when applicable, have been incorporated into the development plan:

1. Storm drainage must be handled by each proposed development in conformance with existing storm drainage plans and in conformance with city policies for storm drainage.
2. A planned street system is a primary element of any development plan proposed within the city and must be compatible with the city's circulation plans. Development which is proposed in areas of the city which have a planned street system which is a part of the comprehensive plan or the city's six (6) year plan, and any other street plan, shall make provisions for such streets and must not cause implementation of such street plans to become unattainable because the street plan is considered secondary to the development plan.
3. A pedestrian circulation system must become a part of any development plan when the proposed development will generate or attract pedestrians. The planning department shall conduct site plan review to ensure that adequate parking is provided within close proximity to each unit entrance.

4. The proposed development shall be compatible with existing development adjacent to or within five hundred (500) feet of the property line of the proposed development. Compatibility shall not refer to architectural design features, but to siting of building and location of off-street parking.

5. Efforts shall be made to preserve trees, natural vegetation or other environmental amenities.

19.09.020 Zoning permit.

A. Zoning permits shall be required for all grading permits, buildings and structures hereafter erected, constructed, altered, repaired or moved within or into any district established by this title, and for the use of vacant land or for a change in the character of use of land or buildings within any district established by this title.

B. The zoning permit shall certify that the proposed use is in accordance with the requirements and standards of this title. A zoning permit shall not be issued until the development plan has been approved.

C. Zoning permits are categorized as Process I applications and shall be subject to the applicable requirements of Ch. 17.01 EMC. Any appeal of the final decision of the community development director shall be to the hearing examiner pursuant to the applicable requirements of Ch. 19.12 EMC and Ch. 17.01 EMC.

19.09.030 Conditional use permit.

A. *Purpose.*

1. Conditional use permits, revocable, conditional or valid for a time period may be issued by the hearing examiner for any of the uses or purposes for which such permits are required or permitted by the terms of this title. The purpose of the conditional use permit is to allow the proper integration into the community of uses which may be suitable only on certain conditions in specific locations in a zoning district, or if the site is regulated in a particular manner. A conditional use permit is categorized as a Process III application and shall be subject to the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC.

2. Any use existing at the time of adoption of this title which is within the scope of uses permitted by a conditional use permit in the district in which the property is

situated shall be deemed a conforming use without necessity of a conditional use permit.

3. Any expansion of an existing conditional use may be required to apply for a new conditional use permit if the community development director finds that there is a change in the nature of the use by such expansion.

B. Application.

1. The owner or his agent may make application for a conditional use permit, which shall be on a form prescribed by the planning department and filed with the planning department. Applications for conditional use permits shall be filed in accordance with the requirements of Ch. 17.01 EMC.

2. Development plans shall be submitted, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration. The plans shall show proposed landscaping, off-street parking, signs, ingress and egress and adjacent land uses. The plan shall include other information as may be required by the planning department.

C. Public hearing. The hearing examiner shall hold an open record public hearing on any proposed conditional use, and shall give notice thereof in accordance with the procedures established pursuant to Ch. 19.12 EMC and EMC 17.01.130 and 17.01.140.

D. Standards and criteria for granting. A conditional use permit shall only be granted after the hearing examiner has reviewed the proposed use to determine if it complies with the standards and criteria set forth below and in accordance with the requirements for Process III applications under Ch. 17.01 EMC. A conditional use permit shall only be granted if such finding is made.

1. The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district.

2. The size of the site is adequate for the proposed use.

3. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.

4. The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.
5. Adequate buffering devices such as fencing, landscaping or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.
6. The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.
7. The proposed use complies with the performance standards, parking requirements and other applicable provisions of this title.
8. Any other similar considerations may be applied that may be appropriate to a particular case.

E. *Action of hearing examiner.* Special conditions may be imposed on the proposed development to ensure that the proposed use will meet the standards and criteria of subsection (D) of this section in granting a conditional use permit. Guarantees and evidence that such conditions are being complied with may be required.

F. *Appeals.* The decision of the hearing examiner shall be final. Any appeal of the hearing examiner's decision shall be pursuant to the appeal provisions of Ch. 17.01 EMC.

G. *Period of validity.* Any conditional use permit granted by the hearing examiner shall remain effective only for three (3) years unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within three (3) years, the conditional use permit shall become invalid.

19.09.040 Variances.

The hearing examiner shall have the authority to grant a variance where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this title might result from the strict application of certain provisions. A variance may not be granted to allow a use that is not in conformity with the uses specified by this title for the district in which the land is located. (Note: Sign variances are heard by the city hearing examiner.)

A. *Application.* The owner or his agent may make application for a variance, which shall be on a form prescribed by the planning department and filed with the planning department. An application for a variance shall be filed in accordance with the requirements of Ch. 17.01 EMC.

1. A variance is categorized as a Process III application and shall be subject to the requirements of Ch. 17.01 EMC.

B. *Public hearing.* The hearing examiner shall hold an open record public hearing on any proposed variance in accordance with the requirements of Ch. 19.12 EMC and Ch. 17.01 EMC.

C. *Conditions for granting.* Before any variance may be granted, it shall be shown and the hearing examiner shall find that:

1. The variance shall not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located;

2. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

D. *Appeals.* The decision of the hearing examiner shall be final. Any appeal of the hearing examiner's decision shall be pursuant to the appeal provisions of Ch. 17.01 EMC.

E. *Period of validity.* Any variance authorized by the hearing examiner shall remain effective only for three (3) years, unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within three (3) years, the variance shall become invalid.

19.09.042 Administrative variances.

A. *Scope.* The community development director shall have the authority to grant an administrative variance for up to twenty-five (25) percent of the numerical zoning code standard for setbacks, lot coverage, and building height as provided in this title.

B. *Application.* The owner or his/her agent may make application for an administrative variance, which shall be on a form prescribed by the community development director and filed with the planning department. An administrative variance is classified as a Process II application and shall be subject to the applicable requirements of Ch. 17.01 EMC. The community development director shall review applications for completeness, and a notice of completeness will be issued within twenty-eight (28) calendar days after submittal. Those applications deemed incomplete shall be returned to the applicant for further action in accordance with the provisions of EMC 17.01.100.

C. *Conditions for granting an administrative variance.* The community development director may grant an administrative variance if it is shown that:

1. The administrative variance does not detract from the desired character and nature of the vicinity in which it is proposed;
2. The administrative variance enhances or protects the character of the neighborhood or vicinity by protecting natural features, historic sites, open space, or other resources;
3. The administrative variance does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies; and
4. Granting the administrative variance does not constitute a threat to the public health, safety and welfare within the city.

D. *Appeals.* Appeals of the community development director shall be submitted within fourteen (14) calendar days of the date of the director's decision and shall be in accordance with the requirements of EMC 17.01.190.

E. *Fee.* The fee for an administrative variance shall be one hundred dollars (\$100).

19.09.045 Administrative design review.

A. *Purpose and scope.* Administrative design review is an administrative process, the purpose of which is to implement and give effect to the comprehensive plan, its policies

or parts thereof through the adoption of design criteria for development relative to site layout, landscape architecture, and exterior structure design. It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning design, and encourage a diversity of imaginative solutions to development through the planning review and application of certain criteria. These criteria have been formulated to improve the design, siting, and construction of development projects so as to be compatible, both visually and otherwise, with the topographic, open space, urban, or suburban characteristics of the land or adjacent properties, while still maintaining allowable densities to be applied in a manner consistent with established land use policies, the comprehensive plan, this title, and community development goals of the city.

The adoption of design criteria is an element of the city's regulation of land use, which is statutorily authorized. Application of the multifamily design process to the design criteria adopted in this section is established as an administrative function delegated to the planning department pursuant to RCW Title 35A; therefore, in implementing the administrative design review process, the community development director may adopt such rules and procedures as are necessary to provide for expeditious review of proposed projects. Further rules may be promulgated for additional administrative review.

B. Application and review process. Administrative design review process is classified as a Process II application and shall be subject to the applicable requirements of Ch. 17.01 EMC. The applicant must make application for the design review process on forms provided by the planning department. Upon receipt of an application for design review, the community development director shall circulate the application to the public works director, building official, and the city administrator for review. Prior to making a final decision, the community development director shall review any comments submitted for consideration. In the administration of this process, the community development director may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in subsections (C) and (D) of this section, as well as a detailed explanation of the design review process.

C. Residential design review. In order to diminish the perception of bulk, and provide visual interest along residential home facades that face public areas, architectural design considerations shall be applied. Homes located within subdivisions and short

subdivisions shall be subject to residential design review. This design review shall be applied administratively as part of the building permit review process for each new home.

1. *Orientation of homes.* The entry facade of each dwelling unit shall be generally oriented toward the highest classification street from which access to the lot is allowed.

2. *Attached units.* A building that contains a grouping of attached units shall not exceed a two hundred (200) foot maximum length and shall be separated from other groups of attached units by a minimum fifteen (15) feet.

D. *Multifamily design review.* The planning department shall use the following criteria in the evaluation and/or conditioning of applications under the multifamily design review process:

1. *Site design.*

- a. The site plan for the development should be integrated with the surrounding neighborhood.
- b. The site plan should take into consideration significant environmental considerations and the lay of the land.
- c. The site plan should provide an open space network which will accommodate a wide variety of activities, both semipublic and private.
- d. The site plan should accommodate vehicular access and parking in a manner which is convenient, yet does not allow the automobile to dominate the site.
- e. The site plan should provide safe and convenient pedestrian circulation.

2. *Landscape design.*

- a. The landscape plan should integrate with and enhance the surrounding neighborhood landscape.
- b. The landscape plan should incorporate existing natural features of significance.
- c. The landscape plan should enhance the planned open space network.

- d. The landscape plan should enhance the parking and utility areas on the site.
- e. The landscape plan should enhance building forms and orientation.

3. *Building design.*

- a. The buildings in the development should, where appropriate, maintain neighborhood scale and density.
- b. The buildings in the development should be oriented to provide for privacy of residents.
- c. The exterior design of all buildings in the development should provide for individual unit identity.

E. *Appeals.* The decision of the Community development director to condition or reject any application under the administrative design review process is final unless an appeal is made by the applicant or any party of record to the hearing examiner within fourteen (14) calendar days of either the issuance of the director's conditional approval under this section of any application, or the director's written decision rejecting any application under this section. The appeal shall be conducted by the hearing examiner as an open record appeal hearing in accordance with the requirements of Ch. 19.06 EMC and Ch. 17.01 EMC. The decision of the hearing examiner shall be final unless an appeal is made to the superior court within twenty-one (21) calendar days after the hearing examiner's notice of decision.

19.09.046 Downtown design review.

A. *Purpose and scope.*

1. Downtown design review is an administrative process, the purpose of which is to implement and give effect to the downtown plan, its policies or parts thereof, through the adoption of downtown design guidelines, as set forth in subsection (D) of this section, for development within the downtown planning area, which is bounded by C St. SW to the west, 3rd Avenue NW to the north, Alder St. to the east, and 3rd Avenue SW to the south.

It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning development in the downtown planning area and encourage a diversity of imaginative solutions to

development through the review and application of the downtown design guidelines. These guidelines have been formulated to ensure that the design, siting and construction of development will provide a quality pedestrian-oriented urban environment in a manner consistent with established land use policies, the comprehensive plan, and zoning code of the city.

2. The adoption of the downtown design guidelines is an element of the city's regulation of land use, which is statutorily authorized. The downtown design review process adopted herein is established as an administrative function delegated to the city's planning department pursuant to RCW Title 35A. Therefore, in implementing the downtown design review process, the Community development director may adopt such rules and procedures as are necessary to provide for review of proposed projects.

3. All development within the downtown planning area shall be subject to the provisions of this section.

B. Application and review process. The downtown design review process is administrative and is conducted as part of the permit review process. The applicant must make application for the design review process on forms provided by the planning department. Upon receipt of an application for design review, the Community development director shall circulate the application to the appropriate city departments and offices for review. Prior to issuing a final decision, the Community development director shall review any comments submitted for consideration. In the administration of this process, the planning department may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in the downtown design guidelines.

C. Design review committee. There is hereby established the downtown design review committee, which shall make all final decisions on applications for downtown design review. The committee shall be comprised of three (3) members, who shall be appointed by the Community development director under the authority delegated to him under RCW Title 35A. The members shall serve at the pleasure of the Community development director. The planning director shall, by administrative rule, establish the rules of procedure for the committee, which shall be made available to the public upon publication.

D. *Downtown design guidelines – Adoption.* The downtown design review committee shall use the downtown design guidelines in the evaluation and/or conditioning of applications under the downtown design review process. The downtown design guidelines, entitled “Ephrata Downtown Design Guidelines,” prepared by the city of Ephrata planning and recreation departments, are hereby adopted by this reference as authorized pursuant to RCW 35A.12.140 and shall be placed on file in the offices of the city clerk and planning department.

E. *Appeals.* The decision of the downtown administrative design review committee to approve, condition or reject any application under the downtown design review process is final unless an appeal is made to the hearing examiner within fourteen (14) calendar days of either the issuance of the committee’s conditional approval or rejection of any application under this section. Appeals to the hearing examiner shall be conducted as set forth in Ch. 19.06 EMC. The decision of the hearing examiner shall be final, unless an appeal is made to the Grant County superior court, within twenty-one (21) calendar days of the date of the decision.

19.09.050 Amendments.

This title may be amended by the city council by changing the boundaries of zoning districts (rezones which change the official zoning map) or by changing any other provisions thereof (text amendments which add, delete or otherwise modify the text of this title) whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

A. *Initiation.* An amendment may be initiated as follows:

1. Amendments to the text of this title and official zoning map amendments may be initiated by resolution of intention by the city council. Text amendments and zoning map amendments are heard by the planning commission and city council. In the case of area-wide zoning or rezoning, both text amendments and zoning map amendments may be heard by the planning commission and city council in accordance with Ch. 17.01 EMC.
2. Amendments to the text of this title may be initiated by resolution of intention by the planning commission.
3. Official zoning map amendments (rezones), including the application of the “C” (conditional use) suffix, may be initiated by application of one (1) or more owners, or

their agents, of the property affected by the proposed amendment, which shall be made on a form prescribed by the planning department and filed with the planning department. The application shall be submitted in the manner required for Process VI applications. The planning commission shall consider the application in an open record public hearing in accordance with 17.01 EMC.

B. *Public hearing.* The planning commission shall hold an open record public hearing on any proposed amendment, and shall give notice thereof in accordance with the requirements of Ch. 17.01 EMC.

C. *Standards and criteria for granting a request for rezone.* The following standards and criteria shall be used by the planning commission and city council to evaluate a request for rezone. Such an amendment shall only be granted if the city council determines that the request is consistent with these standards and criteria and subject to the requirements of Ch. 17.01 EMC.

1. The proposed rezone is consistent with the comprehensive plan.
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.
5. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the city.

D. *Recommendation of planning commission.* Following the public hearing provided for in this section, the planning commission shall make a report of findings and recommendations with respect to the proposed amendment and shall forward such to the city council, which shall have the final authority to act on the amendment.

E. *City council action/appeal.*

1. The city council shall, at a regular public meeting, consider the recommendation and issue a final decision. The decision of the city council is appealable to the Grant

County superior court within twenty-one (21) calendar days from the issuance of a notice of decision and in accordance with the requirements of Ch. 17.01 EMC and Chapter 36.70C RCW.

2. If the application for an amendment is denied by the city council, the application shall not be eligible for resubmittal for one (1) year from date of the denial, unless specifically stated to be without prejudice. A new application affecting the same property may be submitted if, in the opinion of the planning commission, circumstances affecting the application have changed substantially.

19.09.060 Administrative interpretation generally.

The Community development director may make interpretations of the provisions of this title. Such administrative interpretations shall include determinations of uses permitted in the various districts, and approval or disapproval of development plans and zoning permits. Other interpretations may be made as specific circumstances arise which require such interpretations. The purpose of such administrative interpretations is to provide a degree of flexibility in the administration of this title while following the intent of the city council. Administrative interpretations are subject to applicable requirements of Process I applications per Ch. 19.01 EMC.

19.09.065 Interpretation of uses.

A. Land uses which are listed as principally permitted uses in the Land Use Tables shall be permitted subject to the review processes, standards, and regulations specified in Title 19. If a use is not listed in the Land Use Tables, it shall be considered to be a prohibited use unless the Community development director determines it to be a permitted use following the process outlined below. If a proposed use is not specifically listed in the Land Use Tables, an applicant may request from the Community development director an interpretation as to whether or not such use is a permitted use. In determining whether a proposed use closely resembles a use expressly authorized in the applicable zoning district(s), the Community development director shall utilize the following criteria:

1. The use resembles or is of the same basic nature as a use expressly authorized in the applicable zoning district or districts in terms of the following:
 - a. The activities involved in or equipment or materials employed in the use;

b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, lighting and glare, and aesthetic appearance.

2. The use is consistent with the stated purpose of the applicable district or districts.

3. The use is compatible with the applicable goals and policies of the Comprehensive Plan.

B. A record shall be kept of all interpretations and rulings made by the Community development director. Such decisions shall be used for future administration. The Community development director shall report decisions to the planning commission when it appears desirable and necessary to amend this code. The Community development director's determination is classified as a Process I application and shall be processed and subject to the applicable requirements of Ch. 17.01 EMC and may be appealed as provided in Ch. 17.01 EMC.

C. *Appeals.* Any appeal from the Community development director's determination shall be an open record appeal hearing and shall be filed in accordance with the procedures established for Process I applications under Ch. 17.01 EMC.

19.09.070 Appeal of administrative interpretations.

A. Any appeal of administrative decisions relating to the enforcement or interpretation of this title, unless otherwise specifically provided for in this chapter, shall be in writing, and shall be filed with the planning department within fourteen (14) calendar days after such decision, and in the manner set forth in Ch. 17.01 EMC.

B. The appeal shall be heard by the hearing examiner, and the hearing examiner shall render his or her decision in accordance with the requirements of Ch. 19.06 EMC and Ch. 17.01 EMC.

19.09.080 Revocation of permits or variances.

Any zoning permit, planned unit development permit, conditional use permit or variance granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith.

19.09.090 Performance standards procedures.

The Community development director shall have the power to authorize the following procedures prior to the issuance of a zoning permit for industrial uses as provided for in the several industrial districts:

A. Application for zoning permit. An application for a zoning permit for a use subject to performance standard procedures shall be submitted by the owner or his agent in duplicate on a form prescribed by the planning department. The applicant shall also submit in duplicate a plan of the proposed machinery, processes and products, and specifications for the mechanisms and techniques to be used in restricting the creation or emission of dangerous and objectionable elements as set forth in EMC 19.08.050(D). The applicant shall also provide such supporting scientific, technical or other data or information as is necessary to establish that the use will comply with the performance standards set forth in EMC 19.08.050.

B. Review by expert consultants. The Community development director, upon obtaining approval of the costs by the city council, may refer the application for review and report to one (1) or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in EMC 17.08.050 in a manner set forth in the application. A copy of such report shall be filed with the planning department for inspection by interested persons.

C. Review by Community development director. Within thirty (30) days after the planning department has received the application provided for in this section, or within such period as agreed to by the applicant, the Community development director shall decide whether the proposed use will conform to the applicable performance standards, and on such basis shall authorize or refuse to authorize issuance of a zoning permit, or require a modification of the proposed equipment or operation. Any zoning permit so authorized and issued shall be conditioned upon, among other things, the applicant's completed buildings and installations conforming in operation to the applicable performance standards.

D. Continued enforcement.

1. The planning department shall investigate any purported violation of performance standards. For the purpose of investigating such violations, the Community development director may employ qualified experts.

2. After investigation, on due notice to the alleged violator, the Community development director may order the violations corrected within a prescribed period of time, and if such violations are not so corrected may order the violator to cease and desist from carrying on that portion of the operation or process causing a violation.

E. *Violations.* If violation has occurred, the Community development director shall report to the city attorney if the violation was willful or likely to occur again, and the city attorney may order the violator to take such steps as are necessary to ensure future compliance with this chapter. The procedure provided in this subsection shall not be exclusive, and, if the violation has been willful or without reasonable justification the violator may be prosecuted as for a misdemeanor.

19.09.300 Responsibility for establishment of lot lines and setback lines.

Notwithstanding any provisions in this title to the contrary, the city shall have no duty to verify or establish lot lines or setback lines at a development. The location of lot lines or setback lines at a development and construction related thereto shall be the responsibility of the applicant and owner.

Chapter 19.10 ENFORCEMENT

Sections:

19.10.010 Violations.

19.10.020 Duty to enforce.

19.10.030 Investigation and notice of violation.

19.10.040 Stop work order.

19.10.050 Emergency order.

19.10.060 Extension of compliance date.

19.10.070 Violation – Penalty.

19.10.080 Additional relief.

19.10.010 Violations.

A. It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the city without first obtaining the permits or authorizations required for the use by this title.

B. It is a violation of this title for any person to use, construct, locate or demolish any structure, land or property within the city in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. It is a violation of this title to remove or deface any sign, notice, complaint or order required by or posted in accordance with this title or Ch. 20.08 EMC.

D. It is a violation of this title to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

E. It is a violation of this title for anyone to fail to comply with the requirements of this title.

19.10.020 Duty to enforce.

A. It shall be the duty of the community development director to enforce this title. The director may call upon the police, fire or other appropriate city departments to assist in enforcement.

B. Upon presentation of proper credentials, the director or duly authorized representative of the director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this title.

C. This title shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this title to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this title.

E. No provision or term used in this title is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

19.10.030 Investigation and notice of violation.

A. The director or his representative shall investigate any structure or use which the director reasonably believes does not comply with the standards and requirements of this title.

B. If, after investigation, the director determines that the standards or requirements have been violated, the director may seek compliance and serve a notice of violation on the owner, tenant or other person responsible for the condition and/or otherwise enforce pursuant to this chapter and EMC 19.10.070 below.

19.10.040 Stop work order.

Whenever a continuing violation of this title will materially impair the director's ability to secure compliance with this title, or when the continuing violation threatens the health or safety of the public, the director may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this title.

19.10.050 Emergency order.

A. Whenever any use or activity in violation of this title threatens the health and safety of the occupants of the premises or any member of the public, the director may issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an emergency order shall constitute a violation of this title.

B. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance, and the director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible, or both, in the manner provided by law.

19.10.060 Extension of compliance date.

A. The director may grant an extension of time for compliance with any notice or order, whether pending or final, upon the director's finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

B. An extension of time may be revoked by the director if it is shown that the conditions at the time the extension was granted have changed, if the director determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date.

19.10.070 Violation – Penalty.

A. *Civil.* Any violation of any provision of this chapter constitutes a civil violation under Ch. 1.04 EMC for which a monetary penalty may be assessed and abatement may be required as provided therein.

B. *Criminal.* In addition or as an alternative to any other penalty provided in this chapter or by law, any person violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable in accordance with the provisions of EMC 1.12 relating to criminal penalties for misdemeanors.

19.10.080 Additional relief.

The director may seek legal or equitable relief to enjoin any acts or practices and restore or abate any condition which constitutes or will constitute a violation of this title when civil or criminal penalties are inadequate to effect compliance.

**Chapter 19.12
HEARING EXAMINER**

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19.12.010 - Purpose

The purpose of this Chapter is to establish a system of applying land use regulatory controls which will best satisfy the following basic needs;

- (1) To separate the land use regulatory function from the land use planning process;
- (2) to ensure procedural due process and appearance of fairness in land use regulatory hearings; and
- (3) To provide an efficient and effective land use regulatory system which integrates the public hearing and decision making processes for land use matters.

19.12.020 - Creation of Land Use Hearing Examiner

Pursuant to RCW 35A.63.170, the Office of the City of Ephrata Land Use Hearing Examiner, hereinafter referred to as "Examiner", is hereby created. The Examiner shall interpret, review and implement land use regulations as provided in this chapter or by

other ordinance. Unless the context requires otherwise, the term Examiner as used herein shall include Deputy Examiners and Examiners Pro Tem.

19.12.030 - Appointment and Term

The Examiner shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

19.12.040 - Qualifications

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Examiners shall hold no other elective or appointed office or position in city government.

19.12.050 - Compensation

The Examiner may be classified as regular, part time employees or the city may contract with the Examiner for the performance of the duties described in this ordinance. The compensation to be paid the Examiner shall be that established in the annual city budget.

19.12.060 - Hearing Examiner Pro-Tem and/or Deputy Examiner

The Examiner Pro-Tem and/or Deputy Examiner shall, in the event of the absence or the inability of the Examiner to act, have all the duties and powers of the Examiner.

19.12.070 - Freedom from Improper Influence

No person, including city officials, elective or appointive, or any other person shall attempt to influence an Examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with an Examiner in the performance of his or her duties in any other way; PROVIDED, that this section shall not prohibit the city attorney from rendering legal services to the Examiner upon request.

19.12.080 - Conflict of Interest

No Examiner shall conduct or participate in any hearing, decision or recommendation in which the Examiner has a direct or indirect substantial financial or familiar interest, or in

which the Examiner has a direct or indirect personal interest that might interfere with his or her decision-making process, or concerning which the Examiner has had substantial pre-hearing contacts with proponents or opponents. Any such actual or potential conflict shall be disclosed to the parties immediately upon discovery of such conflict and any hearing shall be conducted by a Deputy or Pro-Tem Examiner.

19.12.090 - Powers

(1) The Examiner shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter written findings of fact and conclusions of law as provided for herein. The decision of the Examiner on the following matters shall be final and conclusive unless such decision is appealed pursuant to 19.12.170:

(2) The Examiner shall be empowered to hear and decide any and all requests for variance of the city zoning ordinances, pursuant to the limitations of RCW 35A.63.110(2).

(3) The Examiner shall be empowered to hear and decide any and all requests for conditional use permits pursuant to the city zoning ordinances.

(4) The Examiner shall be empowered to hear and decide any all requests related to an environmental determination pursuant to the city ordinances.

(5) The Examiner shall be empowered to hear and decide any and all requests for a special use permit pursuant to the city zoning ordinances.

(6) The Examiner shall be empowered to hear and decide any and all appeals of actions of the zoning code enforcement officials of the city pursuant to the city zoning ordinances.

19.12.100 - Applications

(1) Applications for all matters to be heard by the Examiner shall be presented to the Community Development Director. The Community Development Director shall accept such applications only if all applicable filing requirements are met, including payment of the filing fee. The Community Development Director shall be responsible for assigning a date for a public hearing for each application and for ensuring due notice of public hearing for each application. The public hearing date shall be in conformance with time requirements as defined in Ephrata Municipal Code Chapter 17.01 after the filing of a

completed application and furnishing all necessary data to the Community Development Director.

(2) The Community Development Director, in consultation with the City Administrator, shall establish an application fee that recovers from applicants at least 75% of the costs of the Examiner and City staff in association with the proposed request. (Ord. 06-07, 2006)

19.12.110 - Report by Community Development Director

When such application has been set for public hearing, the Community Development Director shall coordinate and assemble the comments and recommendations of other city departments and governmental agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the Community Development Director=s findings and recommendations. At least seven (7) days before the scheduled hearing the report shall be filed with the Examiner and copies thereof shall be mailed to the applicant and made available for public inspection or for use by any interested party for the cost of reproduction.

19.12.120 - Rules

The Examiner shall have the power to prescribe rules and regulations for the conduct of hearings under this chapter. Such rules may provide for the cross-examination of witnesses, the administration of oaths, and the preservation of order.

19.12.130 - Public Hearings

Before rendering a decision or recommendation on any application, the Examiner shall hold at least one (1) public hearing thereon. Notice of the time and place of the public hearing shall be given as provided in EMC, Chapter 17.01. At the commencement of the hearing, the Examiner shall give oral notice regarding the register provided for in section 19.12.160.

19.12.140 - Official Case Record

The record of the public hearing conducted by the Examiner shall include, but need not be limited to, the following materials:

(a) The application or petition;

- (b) The departmental staff reports;
- (c) All evidence received or considered, which shall include all exhibits and other materials filed;
- (d) A statement of all matters officially noticed;
- (e) A decision or a recommendation containing the findings and conclusions of the Examiner; and
- (f) Any environmental determination made pursuant to the State Environmental Policy Act (SEPA) and the city ordinances in furtherance of that act.

19.12.150 - Examiner's Decision - Findings Required

Within thirty (30) days following the conclusion of the hearing, unless a longer period is mutually agreed to in writing between the applicant and the Examiner, or unless the Examiner announces at the conclusion of the receipt of all the evidence, including any view of the property, the Examiner's decision shall be issued. The Examiner shall render a written decision which shall include at least the following:

- (1) Findings of fact based upon the record and conclusions of law therefrom which support the Examiner's decision. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the city's comprehensive plan, other official policies and objectives, and land use regulatory enactments.
- (2) A decision on the application which may be to grant, deny, or grant with conditions, modifications and restrictions which the Examiner finds necessary to make the application compatible with its environment, the comprehensive plan, other official policies and objectives, and land use regulatory enactments.
- (3) A statement that the decision will become final in fourteen (14) days unless appealed to the council together with a description of the appeal procedure prescribed in Section 19.12.170.

19.12.160 - Notice of Examiner's Decision

Not later than three (3) working days following the rendering of a written decision, copies thereof shall be mailed to the applicant and to other interested parties of record

in the case. All copies so mailed shall be transmitted by the U.S. postal service to the last address provided to the Community Development Director's office by the addressee. "Parties of record" shall include the applicant and all other persons who specifically request notice of decision by signing a register provided for such purpose at the public hearing and provide a current mailing address.

19.12.170 - Appeal of Examiner's Decision

Appeals of Examiner's decision shall conform to those standards as set in Ephrata Municipal Code Chapter 17.01.195.

19.12.180 - Council Action

A. When taking any action on an appeal, the Council shall make and enter findings of fact from the record and conclusions therefrom produced by the Examiner which support its action. The decision of the Council is limited to a review of the record produced by the Examiner and arguments as to errors alleged to have been produced by the Examiner. Those errors shall be succinctly identified in the appeal and argument to the Council. The Council may adopt all or portions of the Examiner's findings and conclusions. If the Council finds the Examiner's decision should be modified, the decision of the Examiner shall be remanded to the Examiner to review the concerns of the Council and prepare and submit for further examination by the Council revised findings and conclusions if appropriate.

B. Any action of the Council to overturn a decision of the Examiner shall require a vote of a simple majority plus one of the members present at the council meeting. The action of the Council approving, modifying, or rejecting a decision of the Examiner shall be final and conclusive, unless a person with standing files an appeal with the Superior Court within the time limits provided for by law.

19.12.190 - Computation of Time

Computation of any period of time prescribed or allowed by these rules shall begin with the first day following that on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday or national or state holiday, the period shall run until the end of the next following business day.