

Uniontown

Land Use Ordinance

**Including zoning, critical areas,
signs, and subdivision requirements**

**January 2004
Amended February, 2009
Amended April, 2014**

**Community review meeting held September 22, 2003
Public hearing held October 13, 2003
Public hearing held October 15, 2008
Public hearing held April 2, 2014**

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Title 17 LAND USE

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17.04 GENERAL PROVISIONS

- 17.04.010 Title for citation--Applicability.
- 17.04.020 Purpose of provisions.
- 17.04.030 Compliance with Title 17 provisions-Resolution of conflicts.

17.04.010 Title for citation--Applicability. This title shall be known as the "Uniontown Land Use Ordinance" of the city. It replaces all previous editions of the ordinance codified herein.

17.04.020 Purpose of provisions.

- A. The purposes of this title are:
 - 1. To implement the city's comprehensive plan;
 - 2. To encourage conservation and development of the town with compatible adjacent uses and separation of incompatible uses;
 - 3. To conserve natural resources and protect critical areas;
 - 4. To improve the city's appearance;
 - 5. To facilitate adequate provisions for community utilities and facilities such as water, sewage, and electrical distribution systems; transportation; schools, parks, and other public requirements;
 - 6. To promote health, safety and general welfare of the public; and
 - 7. Implementation of the Growth Management Act.
- B. This title may limit the individual's use of or development of his/her property for the purpose of protecting the health, safety and general welfare of the public. If some reasonable use of property is allowed, the effect of this title is a proper exercise of public power.

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17.04.030 Compliance with Title 17 provisions--Resolution of conflicts.

- A. No land, building, structure or premises shall be used or occupied and no building or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered in violation of the limitations contained in this title. Refer to Chapter 17.40 for restrictions on continued use of existing nonconforming buildings and uses.
- B. Where the conditions imposed by any provision of this title differ from comparable conditions imposed by any other provisions or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

17.06 DEFINITIONS AND INTERPRETATION OF LANGUAGE

- A. All words, unless defined below, are defined by the "Webster's New World Dictionary of the American Language." As used in this title:
 1. Words in the present tense include the future;
 2. Words in the singular include the plural;
 3. The word "person" includes association, firm, partnership or corporation;
 4. Words designating gender include all genders unless otherwise specified;
 5. The word "structure" includes buildings;
 6. The word "occupied" includes designed for or intended to be occupied;
 7. The word "city" includes town; and
 8. The word "shall" is always mandatory and not merely directive.
- B. The words and phrases set out in this article, unless the context of the title otherwise requires, shall have the meaning provided herein.

17.06.050 Accessory structure or use means a structure or use incidental and subordinate to the principal use or structure and located on the same lot or tract.

17.06.055 Alley means a right-of-way that is fifteen feet or more in width and is dedicated to public use for providing service access to adjoining properties.

17.06.060 Aquifer recharge area means an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into underground water supplies.

17.06.070 Assisted care homes means a home for five or more handicapped or elderly residents with staffing assistance provided on a twenty-four-hour a day basis.

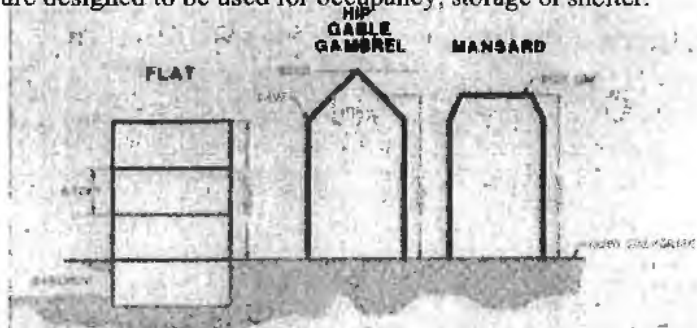
17.06.080 Basement means the usable portion of a building that is at least partly below grade.

17.06.082 Bed and Breakfast means a building where up to two rooms are available for rent on a short term basis (less than monthly) and the operator lives in the building or in an adjacent building..

17.06.085 Block means a group of lots, tracts or parcels within well-defined and fixed boundaries.

17.06.090 Building means a structure designed to be used for occupancy, storage or shelter.

17.06.100 Building height means the vertical distance measured from the mean elevation of the finished grade to the highest point of the roof beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip or gambrel roofs.



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17.06.110 Building, principal means a building in which the principal use on the lot is conducted.

17.06.120 Boarding house or rooming house means a building or group of buildings where fewer than ten rooms are available for rent on a weekly or longer term basis and the operator lives in the building or adjacent building. If the rooms are complete dwelling units including cooking, toilet and living space and facilities, the building shall be defined as a multifamily building. If there are ten or more rooms for rent, the building shall be defined as a motel or hotel or multifamily building.

17.06.125 Commercial Transmission tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, including radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, or personal communication services towers, alternative tower structures and similar. It shall also include a structure, shelter, cabinet or vault used to house and protect electronic equipment necessary for processing wireless communication signals. Exempt from this definition are licensed, amateur (HAM) radio station antenna and satellite dish antennas less than two meters in diameter.

17.06.130 Conditional use means a use that is not a permitted use in a zone due to potential negative effects of the use, but is a use which can be permitted with special conditions or restrictions to prevent or eliminate the potential negative effects.

17.06.135 Critical areas include the following areas: wetlands, aquifer recharge areas, frequently flooded areas, fish and wildlife habitat conservation areas, and geologically hazardous areas. Chapter 17.24 includes the general location of these areas and the additional development requirements that apply in these critical areas.

17.06.140 Day care center means any child care arrangement that provides care for a fee for more than five children more than four hours per day more than two days per week.

17.06.150 Dwelling or housing unit means an independent living unit designed and intended for occupancy by not more than one household of up to six members or one family and having its own cooking, toilet and living space.

17.06.155 Easement means a grant of the right to use a designated portion of land for a specific use.

17.06.160 Family means a person or group of people who are related to each other by birth or marriage or adoption, or other legally recognized family, or a household of up to six people who are living as a single housekeeping unit.

17.06.170 Feedlot means an enclosure or facility of any size used for confinement feeding of more than five animals with hay, grain, silage or other livestock feed, but shall not include facilities where animals have access to pasture that meets the density requirements listed in section 17.36.020.

17.06.180 Fence means an accessory structure, including landscape planting, designed and intended to serve as a barrier, or as a means of enclosing a yard or other area or other structure, or to serve as a boundary feature separating two or more properties.

17.06.190 Floodplain means any land area susceptible to being inundated in a one-hundred-year flood (base flood) as delineated in the "Flood Boundary and Floodway Map" prepared by the U.S. Federal Emergency Management Administration or successor.

17.06.200 Floodway means the channel of a watercourse and adjacent land areas that must be kept open in order to permit the discharge of a one-hundred-year flood without raising the surface elevation more than one foot. The floodway is delineated in the HUD map.

17.06.210 Floor area means the area of a floor that is established by measuring from the exterior face of the walls of a building and includes all areas usable for human occupancy or storage.

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17.06.220 Garage, private means an accessory building or portion of a main building used for the parking or temporary storage of private automobiles, trailers, mobilehomes, boats, or other vehicles owned or used by occupants of the main building.

17.06.230 Garage, public means a building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

17.06.235 Geologically hazardous areas means areas that are susceptible to significant erosion, sliding or other geological events that would be hazardous to development in the area or damage adjacent areas.

17.06.240 Grade, finished means the average of the finished ground level at the center of all exterior walls of the building, unless otherwise specified.

17.06.250 Granny apartment means an accessory dwelling unit which can be occupied only by a direct relative of the family, and which occupies the principal dwelling unit.

17.06.260 Group home means a dwelling shared by more than six people who live together as a single housekeeping unit. This does not include residential halfway houses for people who are being confined or treated for addictions, antisocial behavior or illegal activities.

17.06.270 Guest house means an accessory building or dwelling unit designed for and used to house transient visitors or guests of the occupants of the principal dwelling unit.

17.06.280 Halfway house means a home for not more than nine residents who are being treated for alcoholism, drug abuse, antisocial behavior or illegal activities. A halfway house has staff on the premises twenty-four hours a day.

17.06.290 Hazardous substance or hazardous waste means any substance or material that, because of its properties, may be detrimental to the health of any person coming in contact with the material or substance and all dangerous and extremely hazardous waste as set forth in RCW 70.105.000.

17.06.300 Home business or home occupation means a business or occupation carried on within a dwelling or accessory building by the occupants of the dwelling on the same lot.

17.06.310 Inn means a building where three or more rooms and fewer than ten rooms are available for rent on a short term basis (less than monthly) and the operator lives in the building or in an adjacent building.

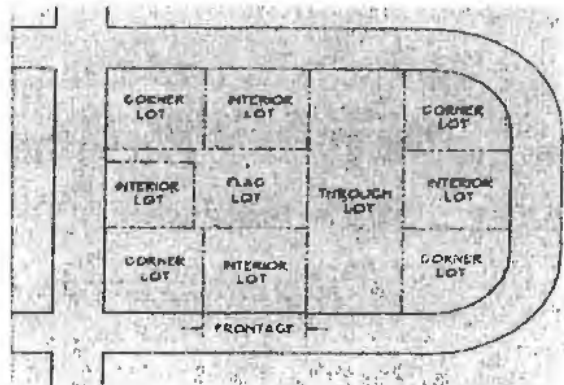
17.06.320 Junkyard, or salvage yard, or wrecking yard means an area of more than two thousand five hundred square feet not enclosed by a building, and used for the dismantling, storage, or handling of junked vehicles or other machinery, or for the purpose of storage of dismantled material, junk and scrap machinery, or for the purpose of storage of dismantled material, junk and scrap.

17.06.330 Kennel means any premises or building in which five or more dogs, cats or other household pets are kept for a fee for board, training, propagation or sale. This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.

17.06.340 Lot means the fractional part of subdivided lands having fixed boundaries and of sufficient area to meet minimum zoning requirements. The term includes tracts or parcels.

17.06.350 Lot area means the total horizontal area within the lot lines of a lot.

17.06.360 Lot, corner means a lot abutting on two intersecting streets other than an alley.



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17.06.370 Lot, coverage means the portion of a lot that is occupied by all buildings on the lot, including all roofed areas.

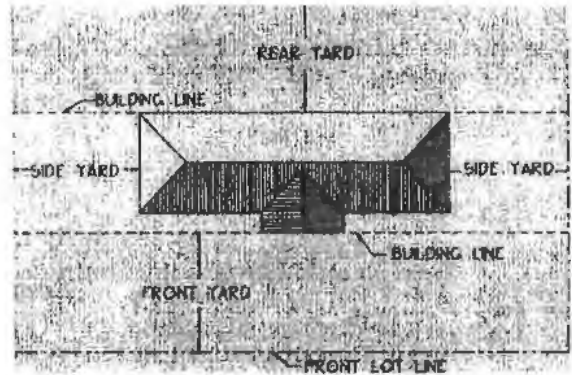
17.06.375 Lot, developable means a lot that provides a building site appropriate for the intended use when all physical characteristics and all zoning requirements are considered.

17.06.380 Lot line means the property line bounding a lot.

17.06.390 Lot line, front means the lot line separating the lot from the street other than an alley and, in the case of a corner lot, the shortest lot line along a street other than an alley.

17.06.400 Lot line, rear means the lot line which is opposite and most distant from the front lot line.

17.06.405 Manufactured house means a residential structure constructed to the National Manufactured Housing Construction and Safety Standards (HUD standards) that is built off-site and transported to the building site, in accordance with state and federal requirements.



17.06.410 Manufactured house, designated means a residential structure constructed to the National Manufactured Housing Construction and Safety Standards (HLTD standards) that is built off-site and transported to the building site, in accordance with state and federal requirements and:

1. Is comprised of at least two fully-enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
2. Has a roof pitch of not less than 3:12 with a roofing material similar in appearance to roofing materials commonly used on conventional site-built single-family residences; and
3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family residences.

17.06.420 Mobilehome means a self-contained dwelling unit designed so that it can serve as a primary housing unit for a household, and designed to be movable. This does not include designated manufactured homes.

17.04.430 Mobilehome park. "Mobilehome park" means any property used for the accommodation of five or more fully serviced inhabited mobilehomes.

17.04.435 Modular house. A "modular house" means a residential structure built of conventional materials to Uniform Building Code Standards that is built off-site and transported to the building site. (Ord. 338 (part), 1996)

17.06.440 Motel or hotel means a building or group of buildings with ten or more guest units, and consisting of individual sleeping quarters or dwelling units available for short term (less than monthly) rental.

17.06.450 Multifamily building means a building containing more than one dwelling unit or more than ten boarding or housekeeping rooms, other than a motel or hotel.

17.06.460 Nonconforming building means any building which does not conform to the building size or location limitations of the zoning district in which it is located.

17.06.470 Nonconforming use means a use of a lot or building which is not an approved use in the zoning district where the use is located.

17.06.472 Pedestrian walkway means and includes rights-of-way, easements, or facilities dedicated to public use and designated for pedestrian circulation purposes.

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17.06.475 Plat means a map of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets or other divisions.

17.04.480 Principal use means the primary use of the land or building.

17.06.490 Recreational vehicle park means a lot where five or more sites are available for short term (less than monthly) rental for parking recreational vehicles as temporary living quarters.

17.06.500 Recreational vehicle or travel trailer means a vehicle, self-propelled or otherwise designed to temporarily shelter persons en route on a recreational or vacation trip.

17.06.510 Recycling collection center means a lot, area or building wherein recoverable material is separated or processed prior to shipment to others who will use those materials to manufacture new products.

17.06.511 Recycling collection point means a lot, building or area that serves as a drop-off site for temporary storage of recoverable material, where no processing occurs and where all material is kept within clean, well-maintained containers.

17.06.512 Recycling plant means a facility that processes or causes recoverable materials to be treated such that said materials are converted into usable products. This is not junkyard, wrecking yard or salvage yard.

17.06.514 Right-of-way means the land dedicated for public use for utilities, vehicular travel, or pedestrian travel.

17.06.518 Roadway means the portion of a right-of-way that is improved for vehicular traffic.

17.06.520 Sight-obscuring fence or screening means a method by which a view of one site is shielded from view from adjacent sites. To qualify as a sight-obscuring fence, at least seventy-five percent of the fence surface must consist of opaque material.

17.06.530 Sign means any device, letters, figures, design or symbols that is visible to people not on the lot where such device is located and is intended to attract the attention of people to any place, person, event, business or merchandise or communicate information to people.

17.06.532 Sign, temporary means any sign that is used in connection with a circumstance, situation, project, or event that is designed, intended or expected to take place or to be completed within a short and definite period of time after the erection of the sign.

17.06.534 Sign, off-site means a sign that directs attention to a business, commodity, service, or attraction that is not located on the lot where the sign is located.

17.06.535 Streets and roads mean and include:

1. Minor. A street whose sole function is to provide access to not more than ten housing units. A minor street is a dead end, cul-de-sac or loop street that does not connect to other areas.
2. Local. A street whose sole function is to provide access to more than ten and no more than twenty-five housing units.
3. Collector. A street that provides access to more than twenty-five housing units or connects minor or local streets to an arterial.
4. Arterial. A street that serves for circulation of traffic into, out of, or around the town.

17.06.540 Structure means an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

17.06.550 Structural alteration means any change to the supporting members of a building, including foundations, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.

17.06.555 Subdivider means any person, partnership or corporation or other legal entity who is subdividing land.

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17.06.560 Subdivision means the division of land into two or more lots, tracts or parcels for the purpose of sale, lease or transfer and includes all resubdivisions or replatting.

17.06.562 Subdivision, major (long subdivision or plat) means the division of land into nine or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

17.06.564 Subdivision, minor (short subdivision or plat) means the division of land into eight or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

17.06.570 Use means an activity or a purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

17.06.580 Variance means a change in the requirements on an individual lot to accommodate unusual or unique circumstances which prevent a reasonable and normal use of the lot without an undue hardship.

17.06.590 Vehicle means any contrivance in or on which persons or things may be contained, carried or conveyed, whether in motion or standing, and includes cars, trucks, travel trailers, campers, trailers, motorcycles, farm vehicles or other similar mechanical devices fitted with wheels or runners.

17.06.600 Vision clearance area means a triangular area on a lot at the intersection of two streets, or of a street and an alley.

17.06.610 Wetland means an area which is inundated and saturated by water at a frequency and duration which supports vegetation which can live only in saturated soil.

17.06.620 Yard means an open space on a lot which cannot contain any buildings or other structures.

17.06.630 Yard, front means an open space between side lot lines, measured horizontally from the front lot line at right angles to the nearest point of a building or other structures.

17.06.640 Yard, rear means an open space between side lot lines, measured horizontally and at right angles from the rear lot line or, if there is an alley, measured from the center of the alley right of way to the nearest point of a building or other structures.

17.06.650 Yard, side means an open space between a building and the side lot line, measured horizontally and at right angles from the side lot line to the nearest point of a building.

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Title 17 LAND USE

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4. To improve the city's appearance;
5. To facilitate adequate provisions for community utilities and facilities such as water, sewage, and electrical distribution systems; transportation; schools, parks, and other public requirements;
6. To promote health, safety and general welfare of the public; and
7. Implementation of the Growth Management Act.

B. This title may limit the individual's use of or development of his/her property for the purpose of protecting the health, safety and general welfare of the public. If some reasonable use of property is allowed, the effect of this title is a proper exercise of public power.

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Zoning map

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Chapter 17.10 **BASIC PROVISIONS**

Sections:

- 17.10.010 Uses _Generally
- 17.10.020 Conditional uses
- 17.10.030 Nonconforming uses and structures
- 17.10.040 Accessory uses--Permitted types
- 17.10.050 Building construction--All buildings
- 17.10.060 Building height and set back--Exceptions
- 17.10.070 Height of fences, walls and hedges
- 17.10.080 Lot size, setback, lot coverage and building size

17.10.010 Uses - Generally. All uses in any zone shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in the use charts in each zoning district chapter (Chart 17.10.020, chart 17.16.020 and chart 17.20.020). If a use is not listed, it is prohibited unless the Planning Commission determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions which apply to a listed use shall apply to any use which is permitted as a similar use.

17.10.020 Conditional uses. All conditional uses in any zone shall be subject to the procedures and requirements described in Chapter 17.44.

17.10.030 Nonconforming uses and structures. Continuation of nonconforming uses in any zone shall conform to the requirements of Chapter 17.40.

17.10.040 Accessory uses--Permitted types. In addition to the uses listed as permitted accessory uses in the use charts in each zoning district, those buildings or uses in any zone which are generally accepted as supportive uses and facilities which are normally associated with a permitted principal use are permitted as accessory uses. Examples of these generally accepted and permitted accessory facilities and uses are garages for vehicles owned and operated by occupants of a related residence, shops for hobby work or repairing personal property, garden buildings, shelters for pets or animals raised for the consumption by residents, barns where general farming is permitted, etc.

17.10.050 Building construction--All buildings.

- A. No temporary, mobile or movable buildings can remain on a lot in town for more than sixty days except:
 - 1. A mobile or manufactured home in a mobile home park; or
 - 2. After a building permit has been obtained, a temporary construction office or a recreational vehicle that serves as the residence for an owner/builder who is building a residence on the lot can be placed on the lot and can remain on a lot for the term of the construction work or one year, whichever is shorter, unless extended as a conditional use to accommodate a longer construction period; or
 - 3. An unoccupied recreational vehicle or travel trailer parked on a land parcel that includes the primary residence of the owner of the recreational vehicle or travel trailer.
 - 4. Movable buildings within the following limits:
 - a The height of the building can not exceed ten feet,
 - b The siding and roof structure must be similar in appearance to siding material commonly used on buildings within the applicable zone,

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- c The floor area of all moveable structures on a lot can not exceed 10% of the maximum permitted lot coverage area.

In all other circumstances, all buildings built or installed in Uniontown must:

1. Be built to the Uniform Building Code requirements or must be a designated manufactured house
 2. Meet the State Energy Code requirements where applicable,
 3. Be installed on and attached to a permanent foundation, and
 4. Be permanently attached to all required utilities.
- B. The permanent foundation of a building must meet the requirements for footings and foundations contained in the Uniform Building Code or, for a designated manufactured house the footings and foundations must:
1. Be installed below the frostline to the ground level as required in the Uniform Building Code; and
 2. Be installed from the ground level to the house as required in the Washington Administrative Code and in the specifications provided by the manufacturer.
- C. The area between the lowest inhabitable floor and the ground level at the perimeter of a designated manufactured house must be enclosed with solid material that provides an appearance similar to crawl space enclosures on permanent site-built single-family residences. The crawl space enclosure material and installation must meet Uniform Building Code requirements.

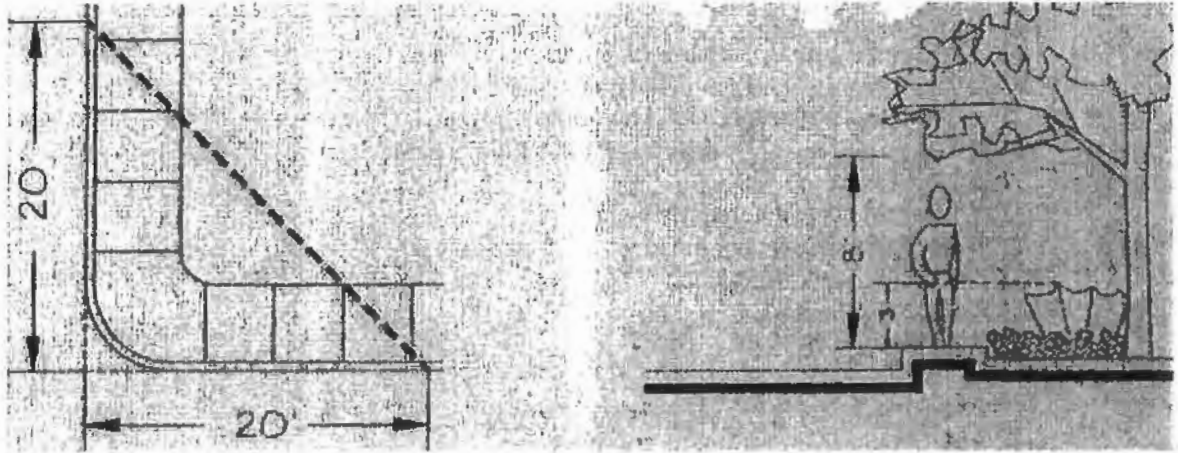
17.10.060 Building height and yard set back--Exceptions.

- A. Church spires, chimneys, flagpoles, tanks, grain storage elevators, cooling towers, communication towers and other similar structures may exceed the building height limitations.
- B. Cornices, eaves, chimneys, belt courses, leaders, sills, pilasters or other similar architectural or ornamental features; open balconies or unenclosed stairways not covered by a roof or canopy; and open, unenclosed porches, platforms, or landings not covered by a roof or canopy, which do not extend above the level of the first floor may extend or project into a required yard up to two feet.
- C. Open, unenclosed patios, terraces, courtyards and decks or similar surfaced areas not covered by a roof or canopy which do not extend more than one foot above the finished grade may occupy, extend or project into a required yard.
- D. If there are dwelling structures on both abutting lots with front or rear yards of less than the required depth, the yard for the lot need not exceed the average yard depth of the abutting dwellings. In no case shall the yard setback be less than ten feet.
- E. On a steep site a garage may be constructed in a natural bank of earth without regard to front yard set back requirement, provided all exterior walls except the front are concealed by the earth for not less than seventy-five percent of their separate areas.
- F. One accessory structure that does not exceed six feet in height or one hundred twenty feet in floor area may be located within the rear yard setback.

17.10.070 Height of fences, walls and hedges. The height of fences, walls, railings, or mature hedges in required yard setbacks shall not exceed six feet in height above the finished grade level of the adjacent sidewalk or, if there is no sidewalk, the finished grade level of the adjacent street.

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At street intersections, a triangular area on each corner lot shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The triangle shall be established from the corner of the intersecting property lines and shall have equal sides of twenty feet each along each street front. In this triangular area no fences, bushes, structures or other vision-obstructing elements shall be in the area between three feet and eight feet above the finished grade of the adjacent streets.



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Chapter 17.12 RESIDENTIAL DISTRICTS

Sections:

- 17.12.010 Specific zones--Intent and purpose.
- 17.12.020 Uses--Generally.
- 17.12.030 Conditional uses.
- 17.12.040 Nonconforming uses and structures.
- 17.12.050 Accessory uses--Permitted types.
- 17.12.060 Building construction--All buildings.
- 17.12.070 Lot size, setback, lot coverage and building size.
- 17.12.080 Accessory uses--Size limits.
- 17.12.086 Home occupation requirements.
- 17.12.090 Off-street parking.
- 17.12.100 Landscaping--Required.
- 17.12.110 Exterior lighting.
- 17.12.120 Signs and displays.
- 17.12.130 Sidewalks.

17.12.010 Specific zones--Intent and purpose.

A. Urban Residential (UR). These are areas where the intent is to develop and maintain a medium-density residential appearance and environment with limited low-density business uses which directly support residents of the area.

B. Neighborhood Residential (NR). These are areas where the intent is to develop and maintain a low-density residential appearance and environment with limited accessory uses which directly support a resident.

C. Rural Residential (RR). These are areas where the intent is to maintain an open agricultural appearance and environment with limited residential structures and accessory buildings.

17.12.020 Uses--Generally. All uses in residential zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in Chart 17.12.020. Refer to section 17.10.010 for uses not listed.

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Chart 17.12.020

USES IN RESIDENTIAL ZONES

	<u>ZONES</u>		
	UR	NR	RR
A. Agricultural Uses:			
1. Feedlots	X	X	X
2. General farming	A	P	P
3. Nurseries and greenhouses	A	A	P
B. Commercial Uses:			
1. Administrative offices providing no customer services on the premises	P	A	A
2. Bed and Breakfast	A	A	A
3. Day care center	P	A	A
4. Home business or occupation	A	A	A
5. Inn	C	A	P
6. Kennels	X	X	X
7. Professional service offices	P	A	A
8. Recreational vehicle park	C	X	X
9. Veterinary clinic	C	C	C
10. Commercial transmission towers	X	X	C
C. Community Facilities:			
1. Churches	P	C	C
2. Community centers and similar facilities	P	C	C
3. Parks	P	P	P
4. Schools	P	C	C
D. Residential:			
1. Assisted care home	P	A	A
2. Boardinghouse	P	A	A
3. Caretaker's quarters	A	A	A
4. Group home	P	C	C
5. Guest house or granny apartment	A	A	A
6. Halfway house	X	X	X
7. Multifamily (garden apartment, 3+ units, etc.)	P	C	X
8. Recycling collection point	C	C	C
9. Single-and two family houses	P	P	P
E. Utility: Transformer, Pump Station, Etc.	C	C	C

P - Permitted principal use; X - Prohibited use; A - Accessory use; C - Conditional use

17.12.030 Conditional Uses.- Please see section 17.10.020 in Basic Provisions Chapter.

17.12.040 Nonconforming uses and structures. Please see section 17.10.030 in Basic Provisions Chapter.

17.12.050 Accessory uses—Permitted types. Please see section 17.10.040 in Basic Provisions Chapter.

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17.12.060 Building construction—All buildings. Please see section 17.10.050 in Basic Provisions Chapter 17.10

17.12.070 Lot size, setback, lot coverage and building size

	Zon		
	UR	NR	
	5,000 sf	7,500 sf	
Minimum lot width	50'	50'	
Minimum lot depth	75'	100'	
Minimum front and rear yards	10'	15'	
Minimum side yard	5'	10'	
Minimum side yard adjacent to a street	10'	15'	
Maximum lot coverage	60%	45%	

Maximum building height. For all accessory buildings the structure height is limited to 14ft. for the specified setback. An additional foot of height is permitted from the specified setback up to a maximum 25ft. The accessory building height is defined the same as 17.06.100, Building Height. Refer to section 17.10.070 for limit on height of fences and section 17.10.060, for exceptions and paragraph F for height of small accessory structures in rear yard setback. When there is an alley or street immediately adjacent to the property line, the building height restriction is based on the distance the building is from the center line of the adjacent alley or street right of way rather than the distance from the property line.

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17.12.080 Accessory uses--Size limits. Accessory uses in residential zones must be limited to no more than forty percent of the total permitted lot coverage on the lot.

17.12.086 Home occupation requirements. It is the intent of this code to permit any legal economic activity in a residential unit to the extent that the home-based activity does not detract from the residential character of the home or neighborhood and the activity does not create a nuisance (noise, odors, visual blight, etc.) to neighbors. Home occupations must conform to the following requirements (Refer to Chapter 17.32 for the sign restrictions that apply):

1. The use cannot occupy more than forty percent of the gross floor area of all structures on the lot;
2. The home business cannot employ on-site more than two people who are not residents of the dwelling where the work is occurring;

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3. No exterior changes are permitted on the structures and no structures can be built on the lot which reflect any use other than a residential use;
4. The noise level of the work in the home occupation may not exceed normal residential noise levels;
5. The home occupation shall not create traffic or parking volumes which significantly exceed normal residential traffic and parking volumes;
6. No outside storage of items related to the home occupation is permitted; and
7. Odor, gas, vibrations, magnetic interference, or other detrimental elements which go beyond the boundaries of the lot may not be produced in the home occupation.

17.12.090 Off-street parking.

- A. The intent of parking requirements in residential districts is to maintain the residential character of the area and to reduce congestion on the street.
- B. The amount of off-street parking spaces required for each use is listed in Chapter 17.28. Parking in residential zones shall be located on the lot on which the use is located.

17.12.100 Landscaping or Screening--Required. The intent of the landscaping requirements in residential districts is to decrease the potential negative effect of higher-density residential uses and nonresidential uses on lower-density residential uses.

- A. All multifamily developments and commercial uses in residential districts must provide landscaping and screening including a street tree on each street frontage and one additional tree for every fifty lineal feet of street frontage.
- B. Outdoor storage areas larger than two thousand five hundred square feet shall be screened from adjacent property and from public right of ways with a sight-obscuring fence six feet in height or a landscaped berm at least four feet high or a hedge at least two feet high when planted.

17.12.110 Exterior lighting. Exterior lighting in residential zones shall be shielded and directed away from adjacent property. Elevated exterior lighting shall not exceed a height of fifteen feet above finished grade, and shall be scaled in size and intensity to match the magnitude of the area to be lit.

17.12.120 Signs and displays. Signs and displays shall be in compliance with Chapter 17.32.

17.12.130 Sidewalks. Whenever a vacant lot is being developed, sidewalks shall be installed along all street frontages in accordance with specifications and standards adopted by the city council.

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Chapter 17.16

COMMERCIAL DISTRICTS

Sections:

- 17.16.010 Specific zones--Intent and purpose
- 17.16.020 Uses--Generally.
- 17.16.030 Conditional uses.
- 17.16.040 Nonconforming uses and structures.
- 17.16.050 Accessory uses.
- 17.16.060 Building construction—All buildings.
- 17.16.070 Maximum building size.
- 17.16.080 Special use areas--Maximum size.
- 17.16.090 Building setbacks.
- 17.16.100 Off-street parking.
- 17.16.110 Screening and landscaping--Required.
- 17.16.120 Exterior lighting.
- 17.16.130 Sidewalks.
- 17.16.140 Signs.

17.16.010 Specific zones--Intent and purpose

- A. Entry Commercial Areas (EC). The intent of this zone is to provide visible and convenient retail and auto services adjacent to Highway 195 at the north and south entries to Uniontown.
- B. Central Commercial Area (CC). This zone can accommodate a wide range of services and commercial activities to serve community-wide needs. This is the preferred district for the location of governmental services, professional services, retail trade and services and wholesale trade.
- C. Community and Institutional Areas (CI). These are areas for churches, schools, cemeteries and major active parks or other potential moderate to high public or semipublic uses.

17.16.020 Uses--Generally. All uses in commercial zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in Chart 17.16.020. Refer to section 17.10.010 for information on uses not listed.

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Chart 17.16.020
USES IN COMMERCIAL ZONES

	ZONES		
	EC	CC	CI
A. Agricultural Uses.			
1. Nurseries and greenhouses	P	A or C	A or C
B. Commercial Uses.			
1. Day care center	P	P	P
2. Bus station or other transportation facility	P	P	X
3. Offices			
a. Non-customer service administrative offices	A or C	P	A
b. Customer service and professional service offices (accountants, architects, attorneys, insurance, etc.)	A or C	P	A
4. Parking as principal use	P	P	X
5. Recreation vehicle park	P	X	C
6. Sales and services			
a. Agricultural services	P	P	X
b. Automotive retail sales and services	P	P	X
c. Construction sales and services	P	P	X
d. Eating and drinking establishments	P	P	A
e. Equipment service, maintenance and repair	P	P	X
f. General retail sales and services	P	P	A
g. Inn	P	P	C
h. Medical services including clinics	P	P	C
i. Motel	P	P	X
j. Sales, service or rental of large commercial or construction equipment	P	P	X
k. Veterinary clinic	P	P	X
7. Theaters and places of public assembly	X	P	C
8. Commercial transmission towers	X	X	C
C. Community Facilities and Institutions.			
1. Community center	X	P	P
2. Governmental equipment repair and maintenance shop	C	A	C
3. Governmental offices	C	P	P
4. Lodges and fraternal organizations	C	P	P
5. Museum	P	P	P
6. Parks and playgrounds	C	C	P
7. Police and fire stations	P	P	C
8. Recycling collection center	P	P	C
9. Religious facility	C	P	P
10. Schools	C	P	P
D. Light Manufacturing	A	A	X
E. Off-premises signs (as limited in Chapter 17.28)			
1. Advertising signs	X	X	X
2. Directional signs	P	P	P

P - Permitted use; X - Prohibited use; A - Accessory use only; C - Conditional use

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Chart 17.16.020 (continued)
USES IN COMMERCIAL ZONES (continued)

	ZONES		
	EC	CC	CI
F. Residential. The first floor street front of a building and 50% of the building area on the first floor can not be used for residential uses.			
1. Assisted care and nursing homes	C	P	C
2. Boarding homes	X	P	C
3. Caretaker's quarters	A	A	A
4. Group home	X	P	C
5. Halfway house	X	C	C
6. Multifamily	A or C	P	A or C
G. Junk yard, salvage yard, wrecking yard	X	X	X
H. Utility Substations.	P	C	C
I. Warehouse and Storage.			
1. General warehouse	A	A	X
2. Mini-warehouse, frozen food lockers and similar retail storage facilities	P	P	X
3. Outdoor storage	A	A	X

P - Permitted use; X – Prohibited use; A - Accessory use only; C – Conditional use

17.16.030 Conditional uses. Please see section 17.10.020 in Basic Provisions Chapter

17.16.040 Nonconforming uses and structures. Please see section 17.10.030 in Basic Provisions Chapter.

17.16.050 Accessory uses—Permitted types. Please see section 17.10.040 in Basic Provisions Chapter.

17.16.060 Building construction—All buildings. Please see section 17.10.050 in Basic Provisions Chapter.

17.16.070 Maximum Building Size, fences and vision clearance areas.

A. The total building floor area in commercial zones shall not exceed two times the lot area.

B. The maximum permitted building height is thirty-five feet. Refer to section 17.10.060 for exceptions.

C. Refer to section 17.10.070 for restrictions at street intersections.

17.16.080 Special use areas—Maximum size. To maintain the continuity of the commercial street fronts and to reduce the effect of commercial uses on surrounding residential areas, outdoor storage areas, outdoor sales and display areas are limited to fifty percent of the lot area. Residential uses are not permitted on the first floor street front and cannot use more than fifty percent of the floor area on the first floor.

17.16.090 Building setbacks.

A. All side and rear yard building setbacks in commercial zones shall equal the setback required in the adjacent residential zone along any property line which is adjacent to or abuts residential zoned sites.

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- B. In the Central Commercial Zone, all buildings shall abut the front property line with no off-street parking permitted in front of the buildings.
- C. The following outdoor activities shall be located at least fifty feet from any residential zoned lot:
 - 1. Outdoor sales and/or service of food or beverages;
 - 2. Outdoor recycling collection stations; and
 - 3. Outdoor storage.
- D. Animals maintained as part of a business and structures housing them shall not be located within fifty feet of any residential zoned lot.
- E. Manufacturing, fabricating, repairing, refuse compacting and recycling and other activities which are major noise generators shall be conducted wholly within an enclosed structure. These and other major noise generating uses shall not be located within fifty feet of a residential zoned lot.
- F. Venting from uses which produce major odors, vapors, smoke, cinders, dust, gas and fumes shall be at least ten feet above finished sidewalk grade and cannot be vented within one hundred feet of a residentially zoned lot.

17.16.100 Off-street parking. The intent of the commercial parking requirements is to insure reasonably convenient customer parking and reduce congestion on adjacent streets without disrupting the continuity of the commercial street front.

The amount of off-street parking required for each use is listed in Chapter 17.28. Parking in commercial zones shall be located within one hundred fifty feet of the lot on which the use is located. Within the CC zone, the off-street parking must be located beside or behind the building.

17.16.110 Screening and landscaping--Required. The intent of the screening and landscaping requirements is to develop a commercial area which is attractive, and to buffer adjacent residential areas from the effect of neighboring commercial uses. The following landscaping is required on all lots in commercial zones:

- 1. If the distance from the curb to the property line is eight feet or more, a street tree shall be planted on each street frontage and one additional tree shall be planted for every fifty lineal feet of street frontage.
- 2. A landscaped berm or landscaped area five or more feet deep shall be installed and maintained adjacent to each street front property line, except where a permanent structure, driveway or entry walkway is in this area.

In addition to the general required landscaping, refer to Chapter 17.28 for the screening and landscaping required on outdoor parking, sales and storage areas.

Areas or berms required to be landscaped shall be planted with trees, shrubs, and evergreen ground cover, in a manner which covers the required setback, excluding driveways, within three years from the date of issuance of the permit. Features such as walkways, decorative paving, sculptures or foundations may cover a maximum of thirty percent of each required landscaped area or berm. Trees shall be selected from the city's recommended list for tree planting.

17.16.120 Exterior lighting. Exterior lighting in commercial zones shall be shielded and directed away from residential uses. Exterior lighting on poles shall not exceed a height of twenty feet above finished grade.

17.16.130 Sidewalks. Whenever new development is built on a vacant commercial lot or existing buildings are substantially rebuilt or significantly expanded (expansion or renovation exceeds 100% of the building's valuation established by the County Assessor for the year prior to the start of the expansion or renovation), sidewalks must be installed along all street fronts with handicapped-accessible ramps at

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intersections. The sidewalk shall be installed and maintained in accordance with rules and standards issued by the city council.

17.16.140 Signs. Signs and displays in commercial zones shall be in compliance with Chapter 17.32.

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Chapter 17.20 INDUSTRIAL DISTRICT

Sections:

- 17.20.010 Intent and purpose.
- 17.20.020 Permitted and prohibited uses.
- 17.20.030 Conditional uses.
- 17.20.040 Nonconforming uses and structures.
- 17.20.050 Accessory uses.
- 17.20.060 Building construction—All buildings.
- 17.20.070 Maximum building size.
- 17.20.080 Accessory use areas--Maximum size.
- 17.20.090 Building setbacks.
- 17.20.100 Off-street parking.
- 17.20.110 Screening and landscaping--Required.
- 17.20.120 Access.
- 17.20.130 Exterior lighting, glare and heat.
- 17.20.135 Sidewalks
- 17.20.140 Toxic, noxious, explosive, flammable or hazardous material.

17.20.010 Intent and purpose.

- A. The intent of the General Industrial (GI) district is to accommodate the development of industrial, manufacturing and other related high-intensity uses while buffering adjacent less intensive use areas from additional traffic, noise or other significant negative effects.

17.20.020 Permitted and prohibited uses. All uses in the industrial zone shall either be permitted as a principal use, an accessory use or a conditional use, or prohibited as indicated in Chart 17.20.020. Refer to section 17.10.010 for information on uses not listed.

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chart 17.20.020 USES IN THE INDUSTRIAL ZONE

	GI
A. Agricultural Uses:	
1. Feedlots	X
2. General farming	C
3. Nurseries and greenhouses	P
B. Commercial Uses:	
1. Day care center	A
2. Offices	A
3. Sales and services:	
a. Agriculture and animal services	P
b. Construction sales and services	P
c. Non-household sales and services:	
i. Sale of heating fuel	P
ii. Sales, service and rental of large commercial equipment	P
d. Automotive sales and services	A
4. Research, development and testing laboratories	P
5. Transportation facilities	P
6. Commercial transmission tower	P
C. Community Facilities and Institutions:	
1. Governmental equipment repair and maintenance shop	P
2. Museum	A
3. Parks and playgrounds	C
4. Power plants and substations	P
5. Recycling collection center	P
6. Waste transfer service	P
D. Manufacturing and Fabrication	P
E. Off-Premise Signs:	
1. Advertising signs	C
2. Directional signs	P
F. Residential:	
1. Caretaker's quarters	A
2. Other residential	X
G. Junk yard, salvage yard, wrecking yard	X
H. Warehouse and Storage:	
1. General warehouse	P
2. Mini-warehouse, frozen food lockers and similar retail storage facilities	A
3. Outdoor storage	A

P - Permitted use

X - Prohibited use

A - Accessory use only

C - Conditional use

17.20.030 Conditional uses. Please see section 17.10.020 in Basic Provisions Chapter.

17.20.040 Nonconforming uses and structures. Please see section 17.10.030 in Basic Provisions Chapter.

17.20.050 Accessory uses—Permitted types. Please see section 17.10.040 in Basic Provisions Chapter.

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17.20.060 Building construction—All buildings. Please see section 17.10.050 in Basic Provisions Chapter.

17.20.070 Maximum building size, fences and vision clearance areas.

- A. The maximum building floor area in the industrial zone shall not exceed the lot area.
- B. The maximum permitted building height is thirty-five feet. Refer to section 17.10.060 for exceptions.
- C. Refer to section 17.10.070 for restrictions at street intersections.

17.20.080 Accessory use areas--Maximum size. Accessory uses in the industrial zone must be limited to no more than forty percent of the lot area.

17.20.090 Building setbacks.

- A. The setback requirements are intended to allow the maximum use of industrial zoned property while buffering adjacent residential and commercial areas from the impact of industrial uses.
- B. Industrial sites adjacent to, abutting, or across a street or alley from residential zoned sites shall have all buildings and uses set back twenty-five feet along any property line which is adjacent to, abuts or faces residential zoned sites. The minimum required setback on all other property lines shall be five feet.
- C. The following outdoor activities and similar activities shall be set back at least fifty feet from any residential zoned property:
 - 1. Outdoor sales, display or service;
 - 2. Outdoor recycling collection stations; and
 - 3. Outdoor storage.
- D. Animals maintained as part of a business and structures housing them shall not be located within one hundred feet of any residential zoned lot.
- E. Manufacturing, fabricating, repairing, refuse compacting, recycling, salvaging and other activities which are major noise generators shall be conducted wholly within an enclosed structure when located within one hundred feet of residential zoned sites. These and other major noise-generating uses shall not be located within fifty feet of residential zoned property.
- F. Venting from uses which produce major odors, vapors, smoke, cinders, dust, gas and fumes shall be at least twenty feet above finished grade and cannot be vented within one hundred feet of residential zoned property.

17.20.100 Off-street parking. The amount of off-street parking required for each use is listed in Chapter 17.28.

17.20.110 Screening and landscaping--Required.

- A. The screening and landscaping requirements are intended to promote the development of industrial areas which are attractive locations for stable, long-term industrial businesses and to buffer adjacent residential areas from the effect of industrial uses.
- B. The following types of landscaping are required of all uses in industrial zones:
 - 1. A street tree must be planted on each street frontage and one additional tree must be planted for every fifty lineal feet of street frontage.
 - 2. A landscaped berm or landscaped area at least five feet deep shall be installed and maintained adjacent to each street property line.

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- C. Outdoor storage areas on lots adjacent to or abutting residential or commercial zoned property shall be screened with six-foot-high screening between the storage area and all property lines adjacent to or abutting residential or commercial zoned property.
- D. Wherever six-foot-high screening is required, it may be either:
 - 1. A sight-obscuring fence or wall six feet in height; or
 - 2. A landscaped berm at least four feet in height or a hedge which will achieve a height of five feet within three years of planting and is at least two feet high at the time of planting.
- E. Areas or berms required to be landscaped shall be planted with trees, shrubs, and evergreen groundcover, in a manner which covers the required area within three years from the date of issuance of the permit. Trees shall be selected from the city's recommended list for tree planting.

17.20.120 Access. All sides of buildings and all areas of storage lots in the industrial zone shall be accessible to fire-fighting equipment.

17.20.130 Exterior lighting, glare and heat. Exterior lighting in the industrial zone shall be shielded and directed away from residential zoned areas. Exterior lighting on poles shall not exceed a height of thirty feet above finished grade. Any operation producing intense glare or heat shall be conducted within an enclosure which prevents significant glare or heat on adjacent streets or property.

17.20.135 Sidewalks. Whenever new development is built on a vacant industrial lot or existing buildings are substantially rebuilt or significantly expanded (expansion or renovation exceeds 100% of the building's valuation established by the County Assessor for the year prior to the start of the expansion or renovation), sidewalks must be installed along all street fronts with handicapped-accessible ramps at intersections. The sidewalk shall be installed and maintained in accordance with rules and standards issued by the city council.

17.20.140 Toxic, noxious, explosive, flammable or hazardous material.

- A. No use shall, at any time, discharge toxic, noxious or flammable matter into the storm drain or sewer system, across the boundaries of the property where the use is located, onto the ground or into streams. The disposal of industrial waste shall be subject to the regulations of the appropriate federal, state and local regulatory agencies.
- B. The storage, utilization or manufacture of materials, goods or products which are or produce flammable or explosive vapors or gases is permitted only where the materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.

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Chapter 17.24

OVERLAY ZONES - RESOURCE LANDS & CRITICAL AREAS

Sections:

- 17.24.010 Intent and purpose.
- 17.24.020 Exemptions.
- 17.24.030 Reference maps and inventories.
- 17.24.050 Mitigation, maintenance, monitoring and contingency.
- 17.24.060 Surety.
- 17.24.070 Special Reports.
- 17.24.080 Resource Lands and Fish and Wildlife Conservation Areas.
- 17.24.100 Critical Areas – Geologically Hazardous.
- 17.24.110 Critical Areas - Aquifer recharge and wellhead protection areas.
- 17.24.120 Critical Areas – Wetlands.
- 17.24.130 Critical Areas – Frequently Flooded Areas.

17.24.010 The intent and purpose of this chapter is to provide for reasonable protection of the natural environment, resource lands and the general public health, safety and welfare, and is intended to protect the functions and values of critical areas including wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas and satisfy the requirements of RCW 36.70A.060 by:

- A. Establishing standards to protect critical areas;
- B. Protecting the general public, resources and facilities from injury, loss of life, property damage or financial loss due to flooding, landslides, or steep slopes failure;
- C. Protecting unique, fragile and valuable elements of the environment including without limitation wildlife and its habitat;
- D. Meeting the requirements of the National Flood Insurance program and maintaining the Town as an eligible community for federal flood insurance benefits;
- E. Preventing cumulative adverse environmental impacts on water availability, water quality, groundwater, wetlands, rivers and streams;
- F. Providing appropriate guidance and protection measures for addressing the needs and concerns associated with resource lands and critical areas that help define the quality of life in Uniontown;
- G. Encouraging the retention of open space and development of recreational opportunities, conserving fish and wildlife habitat, and increasing access to natural resource lands and water;
- H. Implementing applicable mandated federal and state regulations; and
- I. Using best available science where appropriate in determining measures needed protect the functions and values of critical areas and for the preservation or enhancement of anadromous fisheries.

17.24.020 Exemptions. The activities enumerated below are exempt from the provisions of this chapter. The final determination of whether an activity is exempt is an administrative function of the building official.

- A. Agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices including the raising of crops or the grazing of livestock.
- B. Normal maintenance or repair of existing buildings, structures, roads or development, including damage by accident, fire or natural elements. Normal repair of buildings and structures involves restoring to a state comparable to the original condition including the replacement of walls,

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fixtures and plumbing, provided that the repair does not expand the number of dwelling units in a residential building, the building or structure is not physically expanded, and, in the case of damaged buildings and structures, a complete application for a building permit for the repair work is submitted to the Town within six months of the event and repair is completed within the terms of the permit.

- C. Emergency construction necessary to protect property from damage by the elements. An emergency is an unanticipated event or occurrence which poses an imminent threat to public health, safety, or the environment, and which requires immediate action within a time too short to allow full compliance. Once the threat to the public health, safety, or the environment has dissipated, the construction undertaken as a result of the previous emergency shall then be subject to and brought into full compliance with this chapter.
- D. The normal maintenance and repair of culverts and bridges that does not involve the use of heavy equipment, and that does not require permit issuance from other local, state or federal agencies.
- E. Reasonable Use Exemption. "Reasonable Use" means the minimum use to which a property owner is entitled under applicable state and federal constitutional provisions, including takings and substantive due process. Reasonable use shall be liberally construed to protect the constitutional property rights of the applicant.

A reasonable use exemption may be secured only if:

1. The strict application of this Title 17.70 would deny reasonable use of the property.
2. There is no other reasonable use that would result in less impact on the critical area.
3. Any alterations permitted to the critical area shall be the minimum necessary to allow for reasonable use of the property.
4. A reasonable use exemption may only be secured by using the Town's conditional use process.

17.24.030 Reference maps and inventories. The distribution of critical areas within the Town are described and displayed in reference materials and on maps maintained by the Town. These reference materials are intended for general information only and do not depict site-specific designations. They are intended to assist the Town, applicants and other participants in the permit process determine if a resource land or critical area may exist in the proposed development area and if further review and consideration may be needed. These reference materials shall include but are not limited to the following:

- A. Maps.
 1. Uniontown adopted Critical Area Map;
 2. Flood Insurance Map for Uniontown;
 3. U.S.G.S. 7.5 Minute Series Topographic Quadrangle Maps; and
 4. Washington Department of Fish and Wildlife Priority Habitats and Species and Wildlife Heritage Maps and Data.
- B. Documents.
 1. Uniontown Comprehensive Plan;
 2. Natural Resources Conservation Service Soil Survey - Uniontown;

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3. Washington State Department of Ecology (DOE) Wetlands Identification and Delineation Manual;
 4. Washington State DOE Wetlands Rating System for Eastern Washington; and
 5. Washington State DOE Wetlands Buffers: Use and Effectiveness.
- C. Uniontown Critical Areas Map. The approximate location and extent of critical areas are shown on the critical area maps. This map is used as a guide for Uniontown, project applicants, and/or property owners and does not provide a final critical area designation.

17.24.050 Mitigation, maintenance, monitoring and contingency. Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater hydrological and biologic functions. There shall be no net loss of ecological function and value as a result of any mitigation project, with risks reduced through the use of mitigation ratios. Compensatory mitigation plans shall be consistent with the state Department of Ecology Guidance on Wetland Mitigation in Washington State publications #04-06-013c and #04-06-13b as revised.

A. Mitigation Shall Be Required in the Following Order of Preference:

Avoiding the impact altogether by not taking a certain action or parts of an action.

1. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
2. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
3. Reducing or eliminating the impact over time by preservation and maintenance operations.
4. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

- A. The property owner shall be responsible for reporting to the Town and undertaking appropriate corrective action when monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures.

17.24.070 Required site specific information. In order to maintain and protect critical areas, as well as to assist in identifying such areas, site-specific environmental information may be required when evaluating a development proposal. For any special reports or habitat management plans needed as part of the review process the applicant shall use a qualified scientific expert. Whether a person is a qualified scientific expert with expertise appropriate to the relevant critical areas is determined by the person's professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience

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with evidence of the ability to produce peer-reviewed publications or other professional literature. No one factor is determinative in deciding whether a person is a qualified scientific expert. Where pertinent scientific information implicates multiple scientific disciplines, counties and cities are encouraged to consult a team of qualified scientific experts representing the various disciplines to ensure the identification and inclusion of the best available science. The preparation of special reports or tests is the responsibility of the applicant for a development permit. Costs incurred by the Town to engage technical consultants or for staff review and interpretation of data and findings submitted by or on behalf of the applicant shall be reimbursed by the applicant in accordance with a schedule adopted by the Town.

All required grading and excavation plans shall be prepared by an engineer licensed to practice in the State of Washington, and shall contain the following information:

1. The general vicinity and specific location of work, the name and address of the owner and the engineer who prepared the plans;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limits of proposed excavation and fill sites, finished contours and proposed drainage systems and/or facilities, including an estimated runoff served by the systems and/or facilities; and
4. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land on adjacent property within thirty feet of the property line; and
5. Recommendations to accommodate soil or geological conditions.

17.24.080 Resource Lands and Fish and Wildlife Conservation Areas. No agricultural resource, forest resource, mineral resource lands or fish and wildlife conservation areas have been identified or designated in Uniontown.

17.24.100 Critical Areas – Geologically Hazardous. Uses and activities allowed within geologically hazardous areas are those uses permitted by the zoning district, subject to the provisions of this section. Geologically hazardous areas are areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns.

- A. Any land containing soils, geology or slopes that meet any of the following criteria shall be classified as having a known or suspected risk of being geologically hazardous areas:
 1. Areas identified by the United States Department of Agriculture Natural Resources Conservation Service as having a “severe” rill and inter-rill erosion hazard;
 2. Areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors including any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Example of these may include, but are not limited to the following:
 - a. Areas of historic failures;
 - b. Areas potentially unstable as a result of rapid stream incision or stream bank erosion; or
 - c. Any area with a slope of forty-five percent or steeper and with a vertical relief of ten or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.
- B. The Building Official shall review each development permit application to determine if there appears to be any geologically hazardous areas on the site. If it appears that a geologically hazardous area may be present, the applicant shall submit a geological hazard area risk assessment prepared by an engineer or geologist to assess the presence of hazardous area on the site in an area that will be affected by the proposed project. If the risk assessment concludes that the project may have a significant adverse geological affect on a geological hazardous area, the

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applicant shall submit a geotechnical report prepared by an engineer licensed to practice in the State of Washington or a geologist. The report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and identification of construction practices, monitoring programs and other mitigation measures needed. The Town may waive the requirement for the report if there is adequate geological information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures.

- C. Critical facilities, such as hospitals and emergency response centers, shall be restricted in geologically hazardous zones.

17.24.110 Critical Areas – Aquifer Recharge and Wellhead Protection Areas. Uses and activities permitted within aquifer recharge areas and wellhead protection areas are those that are authorized in the applicable zoning district, subject to the provisions of this section. Also, refer to the 2007 Uniontown Water System Plan. Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

- A. The Building Official shall review each development permit application to determine if the area to be developed appears to be within any aquifer recharge area or wellhead protection area.

1. General standards. The following minimum standards shall apply to all development activities occurring within aquifer recharge and wellhead protection areas. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer and that the proposed activity will not adversely effect the recharging of the aquifer. The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, and the Whitman County Health Department.

- a. Development activities within an aquifer recharge and wellhead protection areas shall be designed, developed and operated in a manner that will not degrade the Town's groundwater resources.
- b. Any land use where substances of moderate risk are used, stored, treated or handled; or which produce moderate risk waste shall be kept in a facility designed to prevent the release of any such materials into the groundwater.
- c. The following uses and activities are prohibited within an aquifer recharge area:
 - The conversion of heating systems to fuel oil or the installation of new fuel oil heating systems;
 - Accumulation of junk materials;
 - Hazardous substance treatment, storage and disposal facilities;
 - Solid waste and inert debris landfills, transfer stations, recycling facilities;
 - Petroleum product pipelines; and
 - Mineral extraction.
2. Specific standards. The following standards shall apply to the activity identified below, in addition to the general standards outlined above.
 - a. Construction of an aboveground storage tank or vault, regardless of the storage capacity, for the storage of moderate substances or dangerous wastes as defined under State laws and regulations may be authorized subject to the following standards:
 - The design of the storage tank or vault shall include an impervious containment area enclosing or underlying the tank, which is large enough to contain one hundred twenty percent of the volume of the tank.
 - Leak and release detection equipment shall be installed on all tanks and vaults.

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- b. Construction of an underground storage tank or vault, regardless of the storage capacity, for the storage of moderate substances or dangerous wastes as defined by State laws and regulations may be authorized subject to the following standards:
 - The design of the storage tank or vault shall include an impervious containment area enclosing or underlying the tank, which is large enough to contain one hundred twenty percent of the volume of the tank.
 - All storage tanks and vaults shall either be cathodically protected against corrosion, constructed of non-corrosive materials, or steel clad with non-corrosive materials.
 - The lining of all tanks and vaults shall be compatible to the substance to be stored.
 - Leak and release detection equipment shall be installed on all tanks and vaults.
- c. Surface impoundments, defined by State laws and regulations, shall be designed by a professional engineer and constructed with an impermeable liner and other components as appropriate to prevent discharge of any material on the ground surface and/or into the groundwater system. Surface impoundments shall be designed and constructed with a minimum excess capacity equal to one hundred twenty percent of the projected volume of liquid to be contained including intentional and unintentional stormwater capture.
- d. All developments proposed within an aquifer recharge area shall comply with the following standards:
 - Connection to a public sanitary sewer system or an approved community sewer system and connection to an approved public water service shall be required.
 - Stormwater detention and retention facilities shall be designed using best available science and management practices to separate chemical and biological pollutants from the water prior to infiltration.
 - All impervious surfaces shall maintain a fifteen foot setback from areas identified as being highly susceptible to transporting contaminants to the groundwater (springs, wetlands, etc.) and no amount of stormwater runoff shall be directed towards the susceptible area(s).

B. All subdivisions located within an aquifer recharge area shall have an informational note placed on the face of plat stating this subdivision is within an aquifer recharge area..

17.24.120 Critical Areas – Wetlands. Uses and activities allowed within wetlands or associated wetland buffers are those uses permitted by the zoning district, subject to the provisions of this chapter. Wetland or wetlands means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

- A. The Building Official shall review each development permit application to determine if the area to be developed appears to contain any wetlands.
- B. If the proposed development appears to include a wetland, the applicant shall provide a wetland boundary survey and rating evaluations completed by a biologist or wetland ecologist using the Washington State Wetland Rating System for Eastern Washington (Ecology Publication #02-06-019, as amended). Wetlands regulated under development regulations adopted pursuant to this chapter shall be delineated in accordance with the manual adopted by the department pursuant to RCW 90.58.380.
- C. The Town may waive the requirement for the survey for development if:

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1. The proposed development is not within 100 feet of the associated wetlands; or
 2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures.
- D. The wetland boundary and any associated buffer area shall be identified on all plats, maps, plans and specifications submitted for the project.
- E. A wetland management and mitigation plan shall be required when impacts to a wetland are unavoidable during project development. Wetland management and mitigation plans shall be prepared by a biologist or wetland ecologist who is knowledgeable of wetland conditions within eastern Washington.
- F. General standards. The following minimum standards shall apply to all development activities occurring within designated wetlands and/or their buffers.
1. Wetlands will be left undisturbed, unless the development proposal involves appropriate mitigation and enhancement measures as determined on a site-specific basis.
 2. Appropriate buffer areas shall be maintained between all permitted uses and activities and the designated wetland.
- G. Specific standards. The following standards shall apply to the activity identified below, in addition to the general standards outlined above.
1. When no other practical alternative exists, public or private road repair, maintenance, expansion or construction may be authorized within a wetland buffer, subject to the following minimum standards:
 - a. No significant adverse impacts to the designated wetland or buffer area shall result from the repair, maintenance, expansion or construction of any public or private road;
 - b. Road repair and construction shall be the minimum necessary to provide safe traveling surfaces.
 2. Development within a wetland buffer shall comply with the following minimum standards:
 - a. All plats shall disclose the presence on each residential lot one building site, including access, that is suitable for development and which is not within the designated wetland or its associated buffer;
 - b. All designated wetland areas and their associated buffers shall be clearly identified on all final plats, maps, documents, etc.;
 - c. Boundaries of a critical area be clearly marked prior to construction activities. Wetland and habitat buffer boundaries shall be permanently signed or identified.

17.24.130 Critical Areas – Frequently Flooded Areas. Uses and activities permitted within designated frequently flooded areas are those that are authorized in the applicable zoning district, subject to the provisions of this section and the provisions of Chapter 15.12, Flood Damage Protection of Uniontown Municipal Code. Frequently flooded areas are lands in the flood plain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like. Frequently flooded areas perform important hydrologic functions and may present a risk to persons and property as designated by WAC 365-190-080(3). Classifications of frequently flooded areas include, at a minimum, the 100-year flood plain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.

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Overlay zone map

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Chapter 17.28

PARKING AND OUTDOOR STORAGE

Sections:

17.28.010	Application
17.28.015	Off-street parking--Minimum number of spaces
17.28.020	Existing parking deficits
17.28.030	Loading berths--Required--Number
17.28.040	Central commercial zone--Existing buildings--Exception to requirements
17.28.050	Shared parking--Agreement for--Location--Amount required
17.28.060	Barrier-free parking spaces--Required--Dimensions
17.28.070	Dimensions--Parking space and loading berths
17.28.080	Location of parking--Any type of dwelling
17.28.090	Location of parking--Other uses
17.28.100	Improvement of parking, outdoor sales and outdoor storage areas

17.28.010 Application. The requirements for providing off street parking shall apply to all new land uses or expansion of land uses if the expansion or addition costs an amount equal to or more than the building's valuation established by the County Assessor for the year prior to the start of the expansion. The requirements of this section for maintenance, landscaping and screening of parking, outdoor sales and outdoor storage areas (17.28.100) applies to all areas larger than two thousand five hundred square feet.

17.28.015 Off-street parking--Minimum number of spaces. The minimum number of off-street parking spaces required for specific uses are set forth in Chart 17.28.010. In the case of a use not specifically mentioned in Chart 17.28.010, the requirements for off-street parking shall be based on the requirements for the most comparable uses.

Chart 17.28.010 REQUIRED OFF-STREET PARKING

Use	Parking Requirement
A. Commercial Uses	
1. Day care centers	1 space for each 5 children plus 1 loading and unloading space for each 10 children
2. Medical clinics and services	1 for each 250 sq. ft. of gross floor area (GFA)
3. Offices	1 for each 500 sq. ft. GFA
4. Retail sales and services	
a. General retail	1 for each 500 sq. ft. GFA
b. Eating/drinking establishments	1 for each 250 sq. ft. GFA
c. Lodging (motels, bed & breakfast, etc.)	1 for each sleeping room
B. Community Facilities and Institutions.	
1. Governmental shops, fire stations, etc.	1 for each 2,000 sq. ft. GFA
2. Governmental offices	1 for each 500 sq. ft. GFA
3. Parks and playgrounds	1 for each 10,000 sq. ft. of park area
4. Schools, community centers, museums, religious facility and lodges/ fraternal organizations	1 for each 5 fixed seats in auditoria and public assembly rooms; plus 1 for each 500 sq. ft. of other area
C. Manufacturing and Recycling Centers.	1 for each 2,000 sq. ft. of OFA
D. Residential	
1. Boarding house	1 for each two sleeping rooms
2. Group homes, nursing homes, and congregate care facilities	1 for each 5 beds
3. Single-family or duplex	2 for each dwelling unit
4. Triplex or larger	1 1/2 for each dwelling unit
5. Multi-unit housing for seniors	1 for each dwelling unit
E. Warehouse and Storage.	1 for each 5,000 sq. ft. of storage area

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17.28.020 Existing parking deficits. Existing parking deficits of legally established uses shall be allowed to continue even if a Change of use occurs as long as the new use would not require more parking, as defined in Chart 17.12.020, than the old use required.

17.28.030 Loading berths--Required--Number. Every commercial, and industrial use which has an aggregate gross floor area of ten thousand square feet or more shall provide one off-street truck loading and unloading berth.

17.28.040 Central commercial zone--Existing buildings--Exception to requirements. The off-street parking requirements shall not apply to uses in existing buildings in the central commercial zone.

17.28.050 Shared parking--Agreement for--Location--Amount required.

- A. Shared parking shall be located within one hundred fifty feet of the property to be served by the parking. An agreement providing for the shared use of parking, executed by the parties involved shall be filed with the city and shall be recorded as an encumbrance on the title of each property involved. Shared parking privileges shall continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required in this chapter.
- B. When the users who are sharing the parking area have the same hours of operation, the total off-street parking required for all uses may be reduced by twenty-five percent, provided that the reduced parking shall not be less than the minimum parking requirements for any single use served by the shared parking.
- C. When the users who are sharing the parking have different hours of operation, the total off-street parking required for all uses may be reduced by forty percent, provided that the reduced parking shall not be less than the minimum for any single use served by the shared parking.

17.28.060 Barrier-free Parking spaces--Required -Dimensions. Barrier-free parking spaces shall be provided as required by the Washington State Rules and Regulations for Barrier-Free Design. Unless more space is required under state rules and regulations, barrier-free parking spaces, accessible to disabled persons, shall be provided in every off-street parking facility with ten or more parking spaces at the rate of one accessible parking space for every fifty parking spaces. The minimum width of each accessible barrier-free space must be thirteen feet including the parking space and adjacent aisle space.

17.28.070 Dimensions--Parking space and loading berths.

- A. The average size of vehicle parking space shall be at least eight and one-half feet in width and seventeen feet in length.
- B. Off-street loading berths shall be not less than ten feet in width and twenty-five feet in length.

17.28.080 Location of parking--Any type of dwelling. The required off-street parking shall be located on the same lot with the building to be served but shall not be in any required front or side yard abutting a street.

17.28.090 Location of parking--Other uses. Off-street parking shall be located on the same lot with, or not more than one hundred fifty feet from, the lot to be served by the parking.

17.28.100 Improvement of parking, outdoor sales and outdoor storage areas. Any parking, outdoor sales or outdoor storage areas larger than two thousand five hundred square feet shall be improved in accordance with the following requirements:

- A. Surface. The area shall be surfaced with a durable and dustless (gravel, asphalt, concrete, etc.) surface, shall be graded and drained in a manner which disposes of the surface water without

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the water crossing the surface of any sidewalk, and shall be maintained in good condition, free of weeds, dust, trash, and debris.

- B. Lighting. Any lighting used to illuminate these areas shall be arranged so as to direct light away from any adjoining residential area.
- C. Vision Clearance Area. The area of both sides of driveways and easements shall be kept clear of any obstruction as required in section 17.10.070.
- D. Landscaping. One tree or evergreen shrub shall be planted and maintained for every two thousand five hundred square feet of surface area. A five-foot-deep landscaped setback shall be maintained along all lot lines adjacent to a street or a residential zoned lot.
- E. Screening Outdoor Storage Areas. A six-foot-high screen shall be installed around outdoor storage areas larger than two thousand five hundred square feet. Whenever screening is required, it shall be, as needed to screen the storage area from adjacent public right of ways, either a sight-obscuring fence six feet in height or a landscaped berm at least four feet high or a hedge which will grow to a height of five feet within three years and is at least two feet high when planted.

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Chapter 17.32 Signs

Sections:

17.32.010	Intent and purpose.
17.32.020	Application of chapter provisions.
17.32.030	All zones--Signs permitted or prohibited.
17.32.040	Specific zones--Signs permitted or prohibited.
17.32.050	Public rights-of-way--Signs projecting over--Requirements.
17.32.060	Intersections --Sign distance from.
17.32.070	Ground-mounted or pole signs--Landscaping around.
17.32.080	Electrical signs--Illumination limitations.
17.32.090	Structural standards--Property owner duties.
17.32.100	Maintenance and removal.
17.32.110	Existing nonconforming signs.

17.32.010 Intent and purpose. The intent of the standards in this chapter is to promote traffic safety; to protect property values and preserve community aesthetic assets; to promote signage that is complementary to the buildings and uses to which they relate and signage that is harmonious with the surrounding neighborhood and properties; to encourage the use of signs that attract and invite the public's attention; and to permit businesses to identify their premises and advertise their products.

17.32.020 Application of chapter provisions and exemptions. This chapter applies to all signs which are visible from public rights-of-way except the following signs.

- A. Traffic signs, directional signs and public service information signs installed by a governmental agency;
- B. Point of purchase advertising displays such as product dispensers,
- C. National flags and flags of political subdivisions;
- D. Temporary decorations and signs customary for special holidays, community events, or social events (annual sausage feed, reunions, flea market, or similar events),
- E. Limited temporary advertising, for annual or once a season, or one time only sales events (annual inventory clearance sale, fall craft sale, grand opening, or similar) displayed on a lot for not more than thirty (30) days prior to the event and removed within seven (7) days following the completion of the event with a total area including all devices (banners, streamers, strings of pennants, fabric signs, clusters of flags, temporary signs, wind-animated objects, and similar devices) not exceeding thirty two (32) square feet;
- F. In commercial zones, signs on the inside of a window or glass door that do not cover more than 25% of the glass area or signs that are an integral part of or are applied to the surface of the building that do not cover more than twenty five percent (25%) of the surface on which the sign is applied.
- G. Cemetery markers;
- H. Historical site plaques and signs that are integral to historic buildings;
- I. Identifying and activity signs not exceeding sixteen (16) square feet in area for a religious, community or institutional building;
- J. Building, site information signs and directional signs such as addresses, entry, parking area, home business, memorial signs or tablets, name of buildings and dates of building erection, name of the occupant or owner, or similar signs with numbers and letters not more than one foot high and a sign area not exceeding five (5) square feet.
- K. Structures or improvements intended for a separate use, such as phone booths, donation containers and recycling containers;

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- L. Welcome signs, time and temperature displays and community bulletin boards approved by the Planning Commission;
- M. Architectural features, decorative features, and artistic murals that do not include words that advertise or promote commerce, products, goods or services;
- N. Building construction signs that identify the architect, engineer or contractor for work under construction with an area up to thirty two square (32) feet for the period of the sign-related activity; and
- O. Non-illuminated real estate "for sale" or "for rent" signs, temporary political yard signs and similar temporary signs with an area up to eight (8) square feet.

17.32.030 All zones--Signs permitted or prohibited.

- A. Prohibited signs include flashing signs, signs which rotate, roof signs that extend above the highest point of the roof beams, deck or ridge, and off-site advertising signs (billboards) and signs that simulate traffic warning or directional signs (stop, detour, etc.)
- B. No temporary, exempt or permanent sign may be placed in the required vision clearance area at street intersections as defined in 17.36.040.

17.32.040 Specific zones--Signs permitted or prohibited.

- A. Signs in Residential Zones. No internally lighted, changing-image, or message board signs are permitted. Refer to section 17.32.080 for restrictions on illuminating a sign.
- B. Signs in Commercial and Industrial Zones.
 - 1. Each lot may have wall, projecting, awning, canopy, marquee, under-marquee, pole or ground signs. Each sign must be an exempt temporary sign (section 17.32.030), a moveable sandwich board sign described in paragraph 4 below or must be a permanently installed sign. To install a permanent sign, a building permit must be obtained and the sign must be installed as required to meet the Building Code structural standards. One off-site permanently installed directional sign up to eight (8) square feet in area is permitted on each lot.
 - 2. The maximum area of a non-exempt sign may not exceed thirty-two square feet and the maximum area of all signs on a lot, not including exempt signs under section 17.32.020 or sandwich board signs permitted under paragraph 6 below, may be up to twenty five square feet or when the street frontage exceeds fifty feet, may not exceed one-half (1/2) square foot for each lineal foot of street frontage of the lot where the business is located. The maximum height of any portion of a sign shall not exceed the height of the structure on the lot or twenty-five (25) feet above existing grade, whichever is lower.
 - 3. Changing message or reader-board signs are permitted for displaying community service information (temperature, time, community meeting announcements, or public service announcements) or information on the establishments or businesses located on the property on which the sign is located.
 - 4. When signs are located within fifty (50) feet of an abutting lot in a residential zone, illuminated signs must be oriented so that no portion of the sign face is visible from the permitted location of a principal structure on the abutting lot.
 - 5. One sandwich board (moveable A-frame) sign may be displayed in front of an operating business in the public right of way area but not in the traffic or parking area. A sign may not block more than twenty five percent (25%) of the width of the sidewalk area, may not exceed ten (10) square feet in area, and may not be more than three feet high if the sign is located within the required vision clearance area at street intersections as defined in 17.36.040.

17.32.045 Determination of Sign Area. The surface area of a sign shall be computed by including the entire area enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or

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used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself. The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet. The sign surface area of a double faced sign constructed or installed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the " V " does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

17.32.050 Public rights-of-way--Requirements.

- A. Signs projecting over any public right-of-way, shall have a minimum clearance of eight feet over the adjacent sidewalk or other grade of the adjacent public right of way if there is no sidewalk. No permanent sign shall extend into any public right-of-way to less than five feet from the curb-line, or more than five feet beyond the property line. Marquee signs shall not project beyond the front of the marquee. Marquee signs may not be higher than the top of the marquee, and the total vertical dimension of marquee signs may not exceed three feet. Only one sign may be placed on or attached to any face of a marquee.
- B. A public right-of-way use permit (refer to Chapter 17.52) is required on all signs installed on public rights-of-way except temporary sandwich board signs.

17.32.060 Intersections --Sign distance from. Signs within the vision clearance area at intersections must meet the requirements as defined in section 17.10.070.

17.32.070 Ground-mounted or pole signs--Landscaping around. Each sign that is not an exempt temporary sign or a sign attached to a building must be a permanently installed sign with an area equal to the sign area landscaped and maintained around the base of the sign. This landscaping must include vegetation and may include brick and other similar decorative material.

17.32.080 Electrical signs--Illumination limitations. No sign may contain or utilize any exposed incandescent lamp with a wattage in excess of twenty-five watts. All external light sources must be directed down and only on the sign and the light source shall be shielded so that the source shall be visible only on the lot where the sign is located.

17.32.090 structural standards--Property owner duties. The owner of the sign or property owner must install each sign so that it meets all of the structural requirements in the Building Code and provides a-structure that is sound and able to withstand all normal forces. A building permit must be obtained to install a non-exempt permanent sign.

17.32.100 Maintenance and removal.

- A. All signs must be kept in a safe condition at all times. Damaged or deteriorated signs must be repaired within thirty days of damage or deterioration becoming visible. The area surrounding ground-mounted signs must be kept free of litter and debris at all times.
- B. All temporary signs must be removed within fourteen (14) days of the completion of the related activity or project. All conforming signs must be removed within one hundred eighty (180) days of the date of the closure or discontinuance of the establishment or use with which the signs were associated.

17.32.110 Existing nonconforming signs. Existing nonconforming signs may be maintained if the sign was legally erected and if the sign is in full compliance with all other ordinances of the city.

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Chapter 17.36 Animal Densities

Sections:

- 17.36.010 Animal densities--Livestock and animal restrictions.
- 17.36.020 Animal facility restrictions
- 17.36.030 Animal control

17.36.010 Animal densities--Livestock and animal restrictions. The minimal usable pasture area required for maintaining large animals such as horses, cows or similar-sized animals shall be forty thousand square feet. For each large animal over two animals an additional twenty thousand square feet of usable pasture area is required. The minimal usable pasture area required for maintaining small animals such as sheep, goats, miniature horses or similar-sized animals shall be twenty thousand square feet. For each small animal over two animals, an additional ten thousand square feet of usable pasture is required for each sheep, goat or similar-sized animal. Smaller animals such as chickens, rabbits, cats, dogs or similar-sized animals are restricted through the nuisance ordinance, animal control ordinances and restrictions contained in this title on locations of commercial uses such as kennels and feedlots.

17.36.020 Animal Facility Restrictions.

- A. No feedlots or similar dense animal-raising facility is permitted within Uniontown.
- B. No shelter or corral for animals may be built within twenty-five feet of a property line or within one hundred feet of an existing residential building on adjacent properties.

17.36.030 Animal Control. Refer to Chapter of 6 of the Uniontown Municipal Ordinances for restrictions on specific animals, licensing requirements, and animal nuisances.

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Chapter 17.40 NONCONFORMING USES

Sections:

17.40.010 Continuation of nonconforming buildings, structures or uses--Permitted when.

17.40.010 Continuation of nonconforming buildings, structures or uses--Permitted when. Any use, building, or structure which was legally established prior to the adoption of the ordinance codified in this title which does not conform to the regulations contained herein shall be considered a nonconforming use, building or structure and as such may continue in use under the following conditions:

- A. Any nonconforming use which is discontinued for a period of twelve months or more may not be reestablished as a nonconforming use;
- B. A nonconforming building or structure cannot be expanded in any manner which increases the nonconformity;
- C. A nonconforming use may be replaced by another nonconforming use only upon review and approval by the Planning Commission. An application for approval of a change from one nonconforming use to another nonconforming use shall be completed using the procedures established in 17.44.050.
 - 1. To consider approving a proposed change in nonconforming use, the Planning Commission must hold a public hearing, using the procedures established in section 17.44.060, to provide an opportunity for comment on the impact of the proposed nonconforming use.
 - 2. The Planning Commission may approve a proposed nonconforming use if the Commission finds that the proposed use reduces the impact of the nonconforming use on the surrounding properties and neighborhood. The Planning Commission shall consider the impacts of the proposed use such as traffic, noise, parking and similar characteristics of the proposed use.
 - 3. The Planning Commission may place conditions and limits on the use if needed to eliminate any significant adverse effect on surrounding properties.
- D. A damaged nonconforming building or structure may be repaired provided that the damage repair costs will not exceed seventy-five percent of the County Assessor's pre-damaged assessed value of the damaged building or structure, the repair is undertaken within twelve months from the date the damage occurred, and all repair is completed within twenty-four months of the date when the damage occurred.

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Chapter 17.44 VARIANCES AND CONDITIONAL USES

Sections:

- 17.44.010 Conditional uses--Designated.
- 17.44.020 Conditional uses--Limitations and conditions.
- 17.44.030 Conditional uses--Application--Review and issuance conditions.
- 17.44.040 Variances.
- 17.44.050 Application--Initiation and filing--Fee.
- 17.44.060 Application--Public hearing.
- 17.44.070 Decisions on applications.
- 17.44.080 Appeals.
- 17.44.090 Expiration.

17.44.010 Conditional uses--Designated. Certain uses, because of their unique characteristics, unusual size, infrequent occurrences, special requirements, possible safety hazards or potential detrimental effects on surrounding properties or other similar reasons are designated as conditional uses and cannot be permitted without consideration of the impact of the proposed use on adjacent properties, the neighborhood and the general public.

17.44.020 Conditional uses--Limitations and conditions. A conditional use may be authorized for a limited period of time and with the conditions the commission decides are needed to protect the public interest and implement the intent of this title subject to the following provisions:

- A. The proposed use must be an identified and permitted conditional use in the applicable zone or other uses which the commission finds are similar in aspects such as size, density, effect and impact as a listed use;
- B. The building or part of building containing the proposed use or activity must be in compliance with all other requirements of the applicable zone and the Uniform Building Code and other applicable codes covering the proposed use; and
- C. The proposed use, with the conditions established by the commission, must not have a significant adverse effect on adjacent properties, the neighborhood or the general public.

17.44.030 Conditional uses--Application--Review and issuance conditions.

- A. In considering an application for a conditional use, the commission shall review and consider issues such as, but not limited to:
 - 1. The most appropriate use of the land;
 - 2. The conservation and stabilization of the value of property;
 - 3. Adequate open space for light and air;
 - 4. Traffic on streets;
 - 5. Other effects of the proposed use on adjacent properties and the neighborhood; and
 - 6. The protection of the public safety, health and general welfare.
- B. The commission, in granting a conditional use, may stipulate requirements which it finds are necessary to carry out the intent of this title. These stipulations may include, but are not limited to, requirements such as:
 - 1. A time limit on the completion of all related improvements;
 - 2. An expiration date for the permitted conditional use;
 - 3. Periodic reviews to insure compliance with all conditions;

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4. An increase in the required lot size, building size restrictions, special building or use setbacks;
5. Limitations on outdoor storage;
6. Screening and landscaping; and
7. Other conditions designed to prevent adverse effects on adjacent properties, the neighborhood or the general public.

17.44.040 Variances.

- A. Where, due to geographic, topographic or other similar conditions, complete compliance with all requirements of this title prevent the use of a property which is generally available to other properties in the same zone, the city council may grant a variance on the requirements of this title relating to the building setback, off-street parking or other similar type of requirements. No variance can be granted which relates to the permitted uses.
- B. A variance in the provisions and requirements of this title may be granted only if the Planning Commission finds that all the following facts and conditions exist:
 1. Because of special circumstances or conditions including geography, topography, or other similar conditions, a strict application of the requirements of this title would deprive the subject property of rights and privileges enjoyed by other properties in the same zone;
 2. The variance will not permit a condition which is materially detrimental to the public welfare, not injurious to other properties and improvements in the vicinity of the subject property;
 3. The variance is not required due to conditions created by the actions of the applicant, property owner or their agents; and
 4. The granting of a variance will not provide a special privilege to the property.
- C. In granting a variance, the Planning Commission may attach special conditions regarding the location, character or other features of the proposed structures or uses as it finds necessary to carry out the intent of this title.

17.44.050 Application--Initiation and filing--Fee.

- A. An application for a conditional use or variance may be initiated by a property owner or his authorized agent. The application must include plans and information in sufficient detail to adequately show the nature and extent of the use of the property in question and the impact of the proposed use or variance on the streets, utilities, surrounding property and neighborhood. The application generally should include a site plan; floor plan; elevations; building, site and neighborhood photographs; and product information or photographs of elements to be installed.
- B. An application for a conditional use or variance shall be filed with the city clerk on forms provided by the city. For other than city or governmental property, the application shall be accompanied by a fee established in the city's permit fee schedule. The application fee is not refundable.

17.44.060 Application--Public hearing. Before a conditional use or variance can be granted or denied, the application shall be considered at a public hearing by the commission or council. The public hearing shall be held within sixty days of the receipt of a complete application with all necessary information. The city clerk shall give notice of the hearing in the following manner:

- A. By publication of a notice in a newspaper of general circulation in the city not less than seven nor more than twenty-one days prior to the date of the hearing;
- B. By sending notices by mail not less than ten days prior to the date of the hearing to the property owners within three hundred feet of the exterior boundaries of the property involved. Failure to send notices to persons specified in the subsection or failure of a person to receive a notice shall not invalidate the proceedings or actions on an application for conditional use or variance.

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- C. Where all property located within three hundred feet of the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that of the same ownership shall be notified in the same manner as provided in subsection B of this section.

17.44.070 Decisions on applications. The commission shall decide on all applications for a variance or conditional use within thirty days of the public hearing.

17.44.080 Appeals. Any Uniontown resident or property owner, or any governmental officer may appeal the decisions of the planning commission to the city council. Any appeal of a decision of the commission must be filed with the city clerk within thirty days of the date of the decision being appealed. The city council shall decide on all appeals within sixty days of the date the appeal is filed. The decision of the city council on a variance or appeal of a conditional use decision shall be final and conclusive unless, within thirty days from the date of such action, the applicant or appellant makes application to the Superior Court.

17.44.090 Expiration. In addition to any time limits established as a condition of a specific conditional use permit or variance, the conditional use permit or variance shall expire:

- A. If no building permit has been obtained within nine months and all applicable construction including special conditions have not been completed within twenty-four months; or
- B. The authorized use is discontinued for a period of twelve months.

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Chapter 17.49 PLANNED DEVELOPMENTS

Sections:

- 17.49.010 Purpose.
- 17.49.020 Overlay zone.
- 17.49.030 Where permitted.
- 17.49.040 Development standards.
- 17.49.050 Applications, review and approval.

17.49.010 Purpose. The purpose of this chapter is to provide an alternative form for the layout and design of new developments. The flexibility in layout is provided to permit:

- A. The preservation of natural amenities (trees, streams, steep slopes, wet lands, etc.);
- B. The conservation of open space by clustering structures; and
- C. The provision of an efficient street and utility systems by clustering structures.

17.49.020 Overlay zone. A final development plan approved through the use of the procedures and standards in this chapter superimposes the final development plan as an overlay zone on the underlying use zone.

17.49.030 Where permitted. Planned developments standards and procedures can be used for the development of vacant parcels of five acres or more.

17.49.040 Development standards.

A. The planned development must meet the following standards:

1. Through the creation of open space, conservation of natural amenities, development of public facilities, or other benefits provided to the public, the proposed development must provide a public benefit as a result of any deviation from underlying zoning regulations.
2. The planned development must be in compliance with the comprehensive plan and the uses in the development shall be limited to those uses permitted as principal, accessory or conditional uses in the underlying zone.
3. The requirements in the zoning ordinance that apply to individual lots (setbacks, lot coverage, lot size, etc.) apply to the overall planned development but not to each individual lot.
4. Building setbacks on the edge of the planned development must meet or exceed the setbacks required on adjacent property. In addition, the developer shall provide a fifty-foot wide perimeter landscaped buffer area with no structures other than fences between the planned development and any adjacent agricultural zoned areas.
5. Within and through the planned development, a pedestrian pathway system with safe pedestrian routes to areas such as schools, public open spaces, parks, community centers and shopping areas must be installed by the developer at his expense.
6. Ten percent of the total land area in the planned development shall be set aside as permanent usable open space (pedestrian pathways, parks, school sites, conservation areas, or other similar space open to the public). This usable open space shall not include street rights-of-way. Maintenance of the open space shall be the responsibility of the property owner unless ownership at the open space is accepted by an appropriate public body.
7. All lots in the planned development shall meet the standards that apply in major subdivisions (refer to Sections 17.50.050 and 17.50.060) including providing a buildable site with access to a public street and utilities; installing paved streets, sidewalks, pedestrian walkways, street lights, public sanitary sewer main, water main and fire hydrants, and stormwater shall be contained within the planned development.

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8. If the land within a proposed planned development will be divided and owned by more than one person, firm or corporation, then the proposed planned development shall be subject to the provisions and procedures in the subdivision ordinance.
- B. **Additional Requirements.** The town may approve additional requirements for a planned development that the town finds are needed to carry out the intent of the comprehensive plan, promote appropriate use of the land, provide adequate open space, provide adequate vehicle and pedestrian circulation, protect the public welfare, and buffer adjacent properties from the effects of the proposed planned development. These additional project-specific requirements may include but are not limited to restrictions on the density of the overall development, screening and landscaping, development setbacks from adjacent property, access routes and other conditions designed to prevent adverse effects on adjacent properties, the neighborhood or the general public.

17.49.050 Applications, review and approval.

- A. Application fees for review and approval of proposed planned developments are established in the town's permit fee schedule. All processing costs such as environmental analysis, engineering reviews, legal notices, and other required processing costs will be charged to the owner at the actual cost for the processing that is incurred by the town.
- B. **Simultaneous Processing.** The processing for related annexation, comprehensive plan changes, zoning changes, subdivision, variances or other similar land use decisions will be completed simultaneously with the review and approval of the proposed planned development.
- C. **Application and Review Process.** The review and approval of a proposed planned development is completed in a two-step process: review and decisions on a preliminary proposal; and review and approval of a final plan. The planned development approval is a contract between the town and the applicant/owner and is not transferable.
- D. A preliminary proposal for a planned development shall include:
 1. A preliminary site plan for the planned development. The site plan shall clearly provide the following information:
 - a. The boundaries of the proposed development,
 - b. All existing and proposed structures and uses,
 - c. Special geographic or environmental conditions (steep slope, wetlands, floodplain, etc.),
 - d. Existing and proposed utilities, public rights-of-way, roadways, improvements and pedestrian pathways,
 - e. All proposed common areas and public open spaces;
 2. A vicinity map that shows the location of the proposed planned development and proposed public infrastructure. The vicinity map shall also show the existing adjacent public streets, water mains, sewer mains, buildings and uses within six hundred feet of the proposed development;
 3. Information needed to describe the land, the proposed planned development and the development time schedule;
 4. The names and addresses of landowners within three hundred feet of the boundaries of the development;
 5. A completed environmental checklist;
 6. Other information required under state law or town ordinance.
- E. **Review and Approval of the Preliminary Proposal.** Within thirty days after all required information has been submitted, the planning commission shall hold a public hearing to obtain comments on the proposed planned development. The public hearing notice shall be provided as required by state law and as specified in the zoning ordinance for hearings on zoning revisions, variances and conditional use permits. The notice includes publication of legal notices, sending

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notices by mail to the property owners within three hundred feet of the proposed planned development, and posting of notices on the proposed development site.

Within thirty days of the public hearing, at a public meeting of the commission, the commission shall adopt recommendations on the proposal for acceptance, rejection or approval with revisions or conditions and forward their recommendations to the town council. The commission shall base its recommendations on:

1. The standards listed in Section 17.49.040;
2. The conformance of the planned development with the comprehensive plan;
3. The public interest being served by the proposed development;
4. The compatibility with existing land uses in the vicinity of the proposed development;
5. The adequacy of the provisions for public health, safety and welfare in the proposed development; and
6. The ability of the town to provide the services (water, sewer, police, fire, etc.) needed by the proposed uses in the planned development.

At the next regular public meeting of the town council after the planning commission adopts recommendations on the preliminary plan, the council shall set a date, within thirty days, for review of the recommendations of the commission. The town council may approve the planning commission's recommendations, revise the conditions for approval of the preliminary plan or reject the preliminary plan.

No planned development shall be approved that will require more water or sanitary sewer treatment than is available through the town's systems.

- F. A final development plan for a planned development shall be submitted to the town within twelve months after the date of the approval of the preliminary plan by the town council. The final plan shall include:
1. The information required for the preliminary plan;
 2. A final site and landscaping plan at a scale of one inch equals one hundred feet with elevation contours at five-foot intervals;
 3. If a complete environmental review is required under state law or town ordinance, a preliminary draft Environmental Impact Statement shall be prepared by the developer and submitted to the town;
 4. A proposed schedule for completing required public improvements;
 5. Other information needed to describe the land, the proposed development and compliance with conditions contained in the approval of the preliminary plan.
- G. Review and Approval of the Final Plan. At a public meeting of the planning commission, within thirty days after all required information has been submitted and the environmental analysis and review (if required) has been completed, the planning commission shall review the final proposed plan for conformance with the approved preliminary plan. The commission shall accept, reject or approve with revisions or conditions of the proposed final development plan.
- H. Expiration of Final Plan Approval. The approval of the planned development shall expire if substantial construction of the infrastructure in the planned development has not been completed within twenty-four months of the approval of the final plan. The planning commission may approve an extension of up to twelve months for completion of substantial construction.
- I. Appeals. Decisions of the planning commission may be appealed to the town council. An appeal must be filed with the town clerk within thirty days of the issuing of the decision or recommendation.

The decisions of the town council may be appealed to the Superior Court of Whitman County. Any appeal shall be filed within thirty days of the town council's action.

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Chapter 17.50 SUBDIVISIONS

Sections:

- 17.50.010 Purpose.
- 17.50.020 Conformance with state law.
- 17.50.030 Applicability.
- 17.50.040 Minor (short) subdivision standards.
- 17.50.050 Major subdivision standards.
- 17.50.060 Street, sidewalk and street lighting standards.
- 17.50.070 Applications, review and approval.

17.50.010 Purpose. The purpose of these requirements is to promote the health, safety and general welfare of the public, to require property to be developed in conformance with the comprehensive plan, to facilitate adequate provision of public infrastructure, and to insure that reasonable access is provided to all property.

17.50.020 Conformance with state law. All proposed subdivisions shall be reviewed, approved, executed and recorded in conformance with the applicable state law.

17.50.030 Applicability. The requirements in this chapter apply to all subdivisions except the following divisions of land:

- A. Cemeteries and burial plots;
- B. Subdivisions by testamentary provisions of laws of descent;
- C. A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any parcel which contains insufficient area to meet the minimum requirements for a building site under town ordinances or create a parcel that does not have adequate access to a public street;
- D. Subdivisions due to condemnation by government agencies;
- E. Assessors plats made in accordance with state law; and
- F. Divisions of land into lots or tracts in conformance with the requirements of state law under RCW 58.17.040(7) and where the town has approved a binding site plan.

17.50.040 Minor (short) subdivision standards. The division of land into eight or fewer lots or parcels must meet the following minimum standards:

- A. The proposed development and use shall be in conformance with the comprehensive plan and any applicable land use ordinances or regulations.
- B. Each resulting lot or parcel shall meet the minimum size requirements for a developable lot contained in the land use ordinance (Title 17) and shall provide a buildable site appropriate for the intended use when all physical characteristics (steep slopes, flood plains, wetlands, etc.) are considered.
- C. Each parcel or lot in the subdivision must have access to a public street. The access to the street must be sufficient to provide a reasonable means of ingress and egress for the intended users and for emergency vehicles.
- D. Each parcel or lot in the subdivision must be provided with access to the town's public sanitary sewer main and water main.
- E. The subdivider shall install at his own expense, to town standards, streets, curbs, sidewalks and street lighting as required in Section 17.50.060 and all public utilities (sewer mains and water

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mains) that are needed within the minor subdivision. The street and utility system must be coordinated with existing and proposed surrounding streets and utilities.

- F. Rights-of-way for streets and alleys abutting and within the subdivision shall be dedicated as a public way and conveyed to the town.

17.50.050 Major subdivision standards. The subdivision of land into more than eight lots or parcels must meet the standards for minor subdivisions plus the following standards:

- A. At the subdivider's expense, the subdivider shall install streets, curbs, sidewalks and street lighting within the subdivision and as needed outside of the subdivision, to provide access to the subdivision. These improvements shall be installed as required in Section 17.50.060. Street intersections shall be as nearly at right angles as is practicable and a thirty-foot clear sight triangle shall be provided at each corner. The subdivider shall also install street signs at each intersection. The street system shall be coordinated with existing and proposed surrounding streets.
- B. The subdivider shall install at his expense all public utilities within the subdivision and as needed to provide public utility service to the subdivision. The public utilities shall include a sanitary sewer collection system and a potable water distribution system that meets town standards. The utility systems shall be coordinated with existing and proposed surrounding public utilities. The water system shall provide fire hydrants with water flows that are adequate to meet minimum state standards for fire protection for the proposed use within the subdivision.

No subdivision shall be approved that will require more water or sanitary sewer treatment than is available through the town's systems.

- C. Rights-of-way for streets, pedestrian walkways and alleys abutting and within the subdivision shall be dedicated as a public way and conveyed to the town. The required widths of street rights-of-way are listed in Section 17.50.060.
- D. Stormwater shall be controlled and contained within the subdivision.
- E. In subdivisions larger than five acres, five percent of the total land area in the subdivision shall be set aside as permanent usable open space (pedestrian pathways, parks, school sites, conservation areas, or other similar space open to the public). This useable open space shall not include the street rights-of-way required in subsection C of this section.

Maintenance of the open space shall be the responsibility of the property owner unless ownership of the open space is accepted by an appropriate public body.

17.50.060 Street, sidewalk and street lighting standards. Street, sidewalk and street lighting standards are as follows:

Street type:	Minimum right-of-way width:	Minimum pavement width:	Curbs required	Sidewalks required: *	Street lighting required:
Minor	50 feet	24 feet	no	one side	At intersections
Local	60	32	no	one side	same
Collector	70	36	yes	both sides	plus every 450'
Arterial	80	48	yes	both sides	same

- * An equivalent pedestrian pathway system can be accepted by the town as a substitute for the required sidewalks in street rights-of-way.

17.50.070 Applications, review and approval.

- A. Application fees for review and approval of subdivisions are established in the town's permit fee schedule. All subdivision review and approval processing costs such as environmental analysis,

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engineering reviews, legal notices, and other required processing costs will be charged to the subdivider at the actual cost for the processing that is incurred by the town.

- B. **Simultaneous Processing.** The processing for related annexation, zoning changes, planned development site plan approval, variances or other similar land use decisions will be completed simultaneously with the subdivision review and approval process.
- C. **Findings of Fact, Recommendations and Decisions.** All decisions or recommendations by town staff, the planning commission and the town council on minor and major subdivisions shall be in writing and shall include findings of fact and conclusions to support the decisions or recommendations. The recommendations and decisions shall be based on:
 - 1. Whether the proposed subdivision provides for the public health, safety and welfare by providing appropriate open spaces, drainage, streets, potable water, sanitary sewers, parks, schools and other relevant features to town standards;
 - 2. Whether the public use and interest will be served by the proposed subdivision;
 - 3. Whether the proposed subdivision is in conformance with the town's comprehensive plan and adopted policies; and
 - 4. Whether the proposed subdivision is in conformance with the town's zoning ordinance and other land use control ordinances.
- D. **Minor Subdivisions (Short Plats).** The review and approval process for minor subdivisions, or alteration of an existing minor subdivision, is a single-step process.

The minor subdivision proposal shall include:

- 1. A plat map of the parcel to be subdivided at a scale of one inch equals fifty feet or less. The map shall include the following information:
 - a. The boundaries of each proposed lot, public rights-of-way, and easements,
 - b. Special geographic or environmental conditions (steep slope, wetlands, floodplain, etc.),
 - c. Existing utilities, roadways, improvements and uses,
 - d. The proposed type of development, use and estimated development time schedule,
 - e. Distances to the nearest established street lines or official monuments that can establish an accurate location for the plat; and
- 2. A vicinity map at a scale of one inch equals two hundred feet that shows the location of the proposed minor subdivision, adjacent public streets, water mains and sewer mains;
- 3. The legal description of the property being subdivided and the legal description of all lots, easements and public rights-of-way;
- 4. The name of the owner(s) of the property to be subdivided;
- 5. The names and addresses of adjacent landowners;
- 6. Other information required under state law (RCW 58.17), town ordinance or information needed to describe the land and the proposed subdivision.

All proposed dedications of public rights-of-way must be reviewed and accepted by the town council.

- E. Within thirty days of the receipt of all documents required for a minor subdivision and payment of the processing fee, the planning commission shall review and approve, approve with conditions or revisions, or reject the final plat. The planning commission shall base their decisions on the standards listed in Section 17.50.040, the public interest being served by the proposed subdivision and the adequacy of the provisions for public health, safety and welfare in the proposed subdivision.

As a condition of approval of the final plat, the required public improvements must be first installed by the subdivider; or the subdivider must provide a bond, a lien on the property being subdivided, covenant or security acceptable to the town that binds the subdivider to install, at

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subdivider's expense and within a schedule acceptable to the town, the required public improvements. No lots can be sold or building permits issued until the final plat has been approved and recorded in the office of the Whitman County auditor in accordance with RCW 58.17.170.

- F. **Restriction on Additional Subdivision.** Land included in a minor subdivision cannot be subdivided again for a period of five years after the final plat is recorded except that a minor subdivision that divides land into fewer than four lots can be altered to create a total of four lots within the original minor subdivision boundaries.
- G. **Major Subdivisions.** The review and approval of a proposed major subdivision or the alteration of a major subdivision is completed in a two-step process: review and decisions on a preliminary proposal with a preliminary plat and a final plat.
 - A preliminary proposal for a major subdivision shall include:
 - 1. A plat map, at a scale of one inch equals one hundred feet or less, of the parcel to be subdivided that shows the following information:
 - a. The boundaries of the subdivision and each proposed lot,
 - b. Geographic or environmental conditions (steep slope, wetlands, floodplain, etc.) with elevation contours at five-foot intervals,
 - c. The location, widths and names of existing and proposed public rights-of-way, easements, streets, pedestrian paths, parks, water and sewer lines and other public spaces and public improvements and public facilities,
 - d. Distances to the nearest established street lines or official monuments that can establish an accurate location for the plat,
 - e. The proposed type of development, use and estimated development time schedule;
 - 2. A vicinity map at a scale of one inch equals two hundred feet or less that shows the location of the proposed subdivision and proposed public infrastructure; and the existing adjacent public streets, water mains, sewer mains, buildings and uses within six hundred feet of the proposed subdivision;
 - 3. The names and address(es) of owner(s) of the property to be subdivided;
 - 4. The names and addresses of landowners within three hundred feet of the boundaries of the proposed subdivision;
 - 5. A completed environmental checklist. If a complete environmental review is required under state law or town ordinance, a preliminary draft Environmental Impact Statement;
 - 6. The name and address of the registered land surveyor who prepared the survey and shall locate property line markers;
 - 7. The legal description of the property being subdivided, existing lots, proposed lots, easements and public rights-of-way;
 - 8. A proposed schedule for completing any required public improvements;
 - 9. Other information required under state law (ROW 58.17), town ordinance or information needed to describe the land and the proposed subdivision.
 - H. Within thirty days of receipt of all of the required documents for a preliminary plat for a proposed major subdivision, payment of the processing fee and after the Environmental Impact Statement (if required) has been prepared and circulated as required under state law and town ordinances, the planning commission shall hold a public hearing to obtain comments on the proposed subdivision. The public hearing notice shall be provided as required by state law (ROW 58.17.090) and as specified in the land use ordinance for hearings on zoning revisions, variances and conditional use permits. The required notice to the public includes publication of legal notices, sending notices by mail to the property owners within three hundred feet of the proposed subdivision, and posting of notices on the proposed subdivision site.

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Prior to the public hearing, the town shall circulate the preliminary plat for major subdivisions for review and comment to the following organizations:

1. The school district;
 2. The county health department;
 3. If the proposed subdivision is adjacent to land that is not in the town, the county board of commissioners; and
 4. The Washington State Department of Transportation for any proposed subdivisions of land adjacent to a state highway.
- I. At a regular public meeting of the planning commission and within thirty days after the public hearing, the planning commission shall decide on their recommendations to the town council. The recommendation may be: for approval, approval with conditions, or rejection of the proposed preliminary plat. The commission shall base its recommendations on:
1. The standards listed in Section 17.50.050;
 2. The public interest being served by the proposed subdivision;
 3. The adequacy of the provisions for public health, safety and welfare in the proposed subdivision; and
 4. The ability of the town to provide the services (water, sewer, police, fire, etc.) needed by the proposed uses to be accommodated in the proposed subdivision.

At the next regular public meeting of the town council after receipt of the planning commission's recommendations, the council shall set the date of the public meeting where the council will review recommendations from the planning commission on the preliminary plat. The preliminary plat shall be approved, disapproved or returned to the applicant for revisions within sixty days after receipt of the recommendations from the planning commission. The town council shall by resolution approve, approve with conditions or reject the preliminary plat. The decisions of the town council shall be based on written findings of fact. If the recommendations of the planning commission are adopted, the town council may also adopt the findings of fact as approved by the planning commission.

The approval of the preliminary plat does not provide approval of construction standards for the public improvements. All plans and specifications for construction of improvements shall be completed through the town's standard plan review and construction permit process.

- J. A final plat for a major subdivision shall be submitted to the town within twenty-four months after the date of the town council's approval of the preliminary plat. At the request of the applicant, the town council can approve up to a twenty-four month extension of time for filing the final plat. If the final plat is not submitted within the designated period or any extension, the application for the proposed major subdivision shall lapse and become null and void.

The final plat application shall include:

1. The information required for the preliminary plat;
2. As-built drawings of all public improvements;
3. A final plat map prepared under the supervision of a registered land surveyor with a certification that the plat map is true and correct and that permanent control monuments have been correctly installed at each corner of the boundaries of the parcel of land being subdivided;
4. Other information required under state law (ROW 58.17), town ordinance or information needed to describe the land and the subdivision.

Prior to approval of the final plat, all public improvements shall be installed or the subdivider shall provide a performance bond, a lien on the property being subdivided, or alternative security acceptable to the town to insure that all improvements will be installed within a schedule

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acceptable to the town. The final plat must be approved by the town prior to the sale of any lots or the construction of any buildings.

At a regular public meeting of the town council and within thirty days of receipt of all of the documents required for review and approval of the final plat, the council shall review and approve, reject or return the final plat to the subdivider for revisions. The council reviews the final plat for compliance with the requirements of state law, town ordinances and conditions adopted by the town council in the approval of the preliminary plat.

The subdivider shall complete the certification and recording within sixty days after the final approval of the final plat for a major or minor subdivision. The plat to be filed for record shall conform to the requirements in state law (ROW 58.17). The subdivision is not effective until the subdivider records the final approved plat with the county auditor. A copy of the recorded plat shall be filed with the town.

- K. Appeals. The decisions of the town council may be appealed to the Superior Court of Whitman County. Any appeal shall be filed within thirty days of the town council's action.

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Chapter 17.52 PUBLIC RIGHT-OF-WAY USE

Sections:

- 17.52.010 Permit required for certain uses.
- 17.52.020 Permit--Application review and conditions--Appeals.
- 17.52.030 Permit--Fee--Period of validity--Liability limitations.

17.52.010 Permit required for certain uses. A public right-of-way use permit is required for any use which restricts access of or use of a public right-of-way by the public. The uses which require a public right-of-way use permit include, but are not limited to, extension of a structure or sign over or onto a public right-of-way, fencing of a right-of-way or landscaping a right-of-way in a manner which restricts the access of the public or other similar public right-of-way uses.

17.52.020 Permit--Application review and conditions--Appeals. Applications for public right-of-way use permits shall be reviewed by the planning commission. If the proposed use will continue for thirty or more days, a public hearing as described in 17.44.060 must be held by the commission for review of the proposed use. The commission may approve, reject or approve the application with revisions or conditions. The commission's decision may be appealed to the city council if the appeal is filed with the council within thirty days of the commission's decision.

17.52.030 Permit--Fee--Period of validity--Liability limitations. The right-of-way use permit application fee shall be established in the city's permit fee schedule with two or more fee levels based on the proposed length of time for the proposed use. A use permit cannot be valid for a period in excess of five years. The permit shall require the user to hold the city harmless from any potential liability arising from the use or actions of the permit holder.

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Chapter 17.56 AMENDMENTS

Sections:

- 17.56.010 Initiation of amendments--Filing--Fee.
- 17.56.020 Conformance with comprehensive plan--Hearing required when.
- 17.56.030 Review and approval process.

17.56.010 Initiation of amendments--Filing--Fee.

- A. An amendment to the text of this title or to the zoning map which alters district boundaries may be initiated by the city council, planning commission or by application of a property owner or his authorized agent.
- B. An application by a property owner or his authorized agent for an amendment to this title shall be filed with the city clerk on forms provided by the city. The application shall be accompanied by fee required in the city's fee schedule.

17.56.020 Conformance with comprehensive plan--Hearing required when.

- A. Upon receipt of an application or motion for amendment, the planning commission shall review the proposed amendment for conformance with the comprehensive plan. If the proposed amendment appears to be in conformance with the comprehensive plan, a public hearing will be scheduled. If the proposed amendment does not appear to be in conformance with the comprehensive plan, the planning commission must review the proposed change and determine whether there has been a change in conditions or there is new information which justifies consideration of changing the comprehensive plan. No amendment to the zoning code or zoning map may be considered unless the planning commission finds that the proposed amendment appears to be in conformance with the comprehensive plan.
- B. Within sixty days after filing of an application by a property owner or after motion of the city council, the planning commission shall hold a public hearing or determine that the proposed amendment is not in conformance with the comprehensive plan.

17.56.030 Review and approval process.

A. Public Hearing.

- 1. Before an amendment in the comprehensive plan, the text of this title or the zoning map can be approved or rejected, the planning commission shall hold a public hearing.
- 2. Notice of the time and place for a public hearing shall be given by the city clerk/treasurer in the following manner:
 - a. By publication of a notice in a newspaper of general circulation in the city not less than seven days nor more than twenty-one days prior to the date of the hearing;
 - b. By mailing notices not less than ten days prior to the date of the hearing to the property owners within three hundred feet of the exterior boundaries of the property involved; provided, however, this mailed notice is not required in any of the following instances:
 - i. When the amendment relates only to a change in the text of this ordinance, does not change permitted uses on a property, and does not involve rezoning property and/or changes to the zoning map and comprehensive plan of the city; or
 - ii. When the amendment would affect the city generally rather than only a specific parcel or a few parcels of property; or

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- iii. When the amendment relates to action taken by the planning commission and/or the city council to review and/or modify all zoning and/or all zoning classifications throughout the city.
- B. Recommendation of the Planning Commission. Within ninety days of receipt of the application or motion for amendment, the planning commission must forward its findings and recommendation to the city council.
- C. Action of City Council.
 - 1. The city council shall receive from the planning commission the application, report and its recommendations and shall hear other information relating to the proposed amendment.
 - 2. After receipt of the report from the planning commission, or if a recommendation and report is not received within the time period required, the city council may adopt, modify or reject the proposed amendment.
 - 3. Action by the council shall be final and conclusive unless, within sixty days from the date of the action, the applicant or a party adversely affected makes proper application to the appropriate court.

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Chapter 17.60

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.60.010 Development permit application--Requirements.
- 17.60.020 Building and development permits--Limitations--Requirements.
- 17.60.030 Certificate of occupancy required.
- 17.60.040 Interpretation.
- 17.60.050 Appeals of administrative decisions or requests for interpretations.
- 17.60.060 Enforcement authority.
- 17.60.070 Violation--Penalty.

17.60.010 Development permit application--Requirements. The application shall include a development plan drawn at a scale of one inch equals forty feet or other city approved scale showing all proposed parcel property lines; street and alley rights-of-way; planned street, alley and sidewalk improvements; existing topography; and the existing and planned utility distribution system. A completed environmental checklist and application fee are also required.

17.60.020 Building and development permits--Limitations--Requirements. No building or development permit shall be issued for construction, alteration, or relocation of any building, structure or part of a building or structure or development of a short plat, subdivision, planned development, mobilehome park or other site development unless the development, building, structure and use conforms in all respects with the provisions of this title. All applications for permits shall be accompanied by all information which is needed to compare the conformance of the proposed development with the provisions of this title. The information required will generally include a site plan, floor plans and elevations drawn to scale and showing the actual dimensions of the building or development site, the size of existing and proposed buildings, the existing and proposed use, location of existing and proposed buildings, and parking areas. A full development plan which shows all development information such as lot lines, infrastructure, utilities, site access and land contours is also required for all proposed mobilehome parks, short plats, subdivisions and planned developments.

17.60.030 Certificate of occupancy required. A certificate of occupancy issued by the city is required before new or relocated buildings or structures may be occupied or used.

17.60.040 Interpretation. When the provisions of this title are not in conformance with requirements of other city ordinances, state or federal laws or regulations, the most restrictive provisions of the applicable laws shall be applied.

17.60.050 Appeals of administrative decisions or requests for interpretations. Appeals of administrative decisions which relate to this Title 17 or comprehensive plan and requests for interpretations of this title or comprehensive plan shall be heard and decided by the planning commission. The planning commission has the authority to reverse or affirm or modify an administrative order, requirement, decision, or determination to the extent that the administrative action is based on and is enforcing the provisions of this title.

17.60.060 Enforcement authority. The mayor shall have the power and duty to enforce the provisions of this title.

17.60.070 Violation--Penalty. Violation of zoning regulations is a civil infraction with a fine in an amount not to exceed five hundred dollars for each violation; each day shall be a separate violation, plus any costs assessed by the court.

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