

Deleted by 334

AN ORDINANCE DELETING ORDINANCE # 193

WHEREAS: the Town Council of Yacolt, Washington, are in regular session this 12th day of September, 1987; and,

WHEREAS: the Council anticipates an increased demand for decisions and determinations regarding pending and proposed land use request; and,

WHEREAS: the Council is responsible for controlling and guiding land uses in the Town of Yacolt for the benefits of all of its citizens; and,

WHEREAS: the Town of Yacolt has adopted a Comprehensive Land Use Plan or local controls for land use; and the Town recognizes the need for a zoning ordinance for the purposes of providing a vehicle for local review of proposed projects; and,

WHEREAS: all members of the Town Council of Yacolt, Washington, have had reasonable notice of the time, place and purpose of this meeting of said Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Yacolt, Washington, as follows:

SECTION 1. TITLE:

The Ordinance codified herein shall be known as the "Zoning Ordinance of the Town of Yacolt, Washington."

SECTION 2. PURPOSE

The purpose of this title is to promote the orderly development of Yacolt, Washington; to conserve and stabilize the value of property; to integrate urban residential uses and non-residential uses into the future planning of Yacolt by adopting a zoning measure; and otherwise to promote the public health, safety, and general welfare.

SECTION 3. DEFINITIONS

For the purpose of this ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words used in singular number include the plural, and words in the plural number include the singular; the word "person" may be taken for persons, association, firm, co-partnership or corporation; the word "structure" includes building; the word "occupied" includes premises designed or intended to be occupied; the word "used" includes designed or intended to be used; and the word "shall" is always mandatory and not merely directive. Other words and terms shall have the following respective meanings:

(1) Apartment House: An "apartment house is a building or portion thereof used or intended to be used as a home with three or more families or householders living independently of each other.

(2) Accessory Building: An "accessory building" is a building such as a garage, woodshed or utility building, customarily incidental to and located upon the same lot

occupied by the main building.

(3) Building: A "building" means a combination of materials to form a structure that is safe and stable, and adopted to permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattel.

(4) Council: "Council" when used in this ordinance, refers to the Town Council, Town of Yaocolt, Washington.

(5) Dwelling Unit: A "dwelling unit" shall be considered a family combination with housekeeping and cooking facilities for that family.

(6) Family: A "family" means two or more persons customarily living together as a single house-keeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boarding or lodging house.

(7) Height of Building: The "height of a building" is the vertical distance at the center of a building's principal front, measured from the level of the first floor above 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. For buildings set back from the street line, the height may be measured from the average elevation of the finished grade along the front of the building.

(8) Lot: A "lot" is a parcel of land under one ownership used or capable of being used under the regulations of this ordinance, including both the building site and all required yards and other open spaces.

(9) Lot Width: The "lot width" shall mean the distance between side lot lines measured at the front yard building line.

(10) Lot Depth: The "lot depth" shall mean the horizontal distance between the front and rear lot lines.

(11) Mobile Home: A "mobile home" is a vehicle designed, equipped and/or used as a dwelling or for living or sleeping purposes.

(12) Mobile Home Park: A "mobile home park" is any property used for the accommodation of inhabited mobile homes and as otherwise defined pursuant to Clark County Code.

(13) Off-Street Parking Space: An "off-street parking space" is a surfaced area of not less than three hundred (300) square feet, either within a structure or in the open, inclusive of driveway or access drives, for the parking of a motor vehicle.

(14) Principal Uses Permitted Outright: "Principal uses permitted outright" are those uses allowed as a matter of right within certain land-use districts without public hearing, zoning permit, conditional exception, or variance; provided that such use is in accordance with requirements of the particular district and general conditions stated elsewhere in the ordinance.

(15) Projection: A "projection" is a combination of material constructed or added to a building or structure that extends into the yards, but is not part of the bearing members, roof, or enclosure, and not essential to the creation of usable space.

(16) Story: A "story" is that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. First story means any floor not over 4½ feet above the established grade, or if set back, above average ground level at front line of building.

(17) Single Family Dwelling: A "single family dwelling" is a building arranged or designed to be occupied by not more than one family.

(18) Structure: A "structure" is a combination of materials constructed or erected which has permanent location on the ground, or attached to something having permanent location on the ground.

(19) Sign, Advertising: "Sign, advertising" is any structure or portion thereof that is intended for advertising purposes or on which letters, figures, or pictorial matter are, or intended to be, displayed; other than a business sign.

(20) Sign, Business: "Sign, business" is any sign, structure, or device which directs attention to the premises on which located, or the occupancy of the premises, or the goods or services manufactured, produced, or available on the premises.

(21) Use: A "use" is an activity or purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

(22) Utility: A "utility" is a public service or quasi-public service operated to provide the necessary functions for the whole community.

(23) Yards: "Yards" mean that land unoccupied or unobstructed, from the ground upward, except for such encroachments as may be permitted by this ordinance, surrounding a building site.

(24) Yard, Front: A "front yard" is an open space, other than the court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line.

(25) Yard, Rear: A "rear yard" is an open space, on the same line with the building, between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

(26) Side Yard: A "side yard" is an open space on the same lot with the building between the side wall line of the building and the side line of the lot.

plants and other utility substations, subject to approval of location, access, a site plan, and special parking requirements as listed in this title.

SECTION 7. URBAN-RESIDENTIAL--PROHIBITED USES

In an U-R Zone, the following uses are expressly prohibited:

- (1) All manufacturing and commercial uses or service; except by Variance.
- (2) Theaters, automobile or motorcycle race tracks and amusement parks;
- (3) Truck yards, terminals or facilities, and storage areas;
- (4) Private hospitals, sanitariums, or nursing homes;
- (5) Crematoriums and mausoleums;
- (6) Airports;
- (7) Private clubs and lodges.

SECTION 8. URBAN-RESIDENTIAL--PROPERTY DEVELOPMENT STANDARDS

The minimum lot area for development in the U-R Zone shall be based on multiples of one lot area times the number of dwelling units proposed, with the minimum lot area being 7,500 square feet in size, measured from the right-of-way boundary line of any abutting public or private roadway; provided, however, than any lot of record under separate ownership which became nonconforming at the time of adoption of this ordinance may be used or occupied by a single dwelling, provided that all other restrictions are met.

SECTION 9. URBAN-RESIDENTIAL--BUILDING HEIGHT

No building in the U-R Zone district shall exceed two stories or thirty-five (35) feet in height, whichever is less.

SECTION 10. URBAN-RESIDENTIAL--YARD REQUIREMENTS

In an U-R Zone, the following yard requirements shall apply:

- (1) Front Yard: There shall be a front yard having a minimum depth of twenty-five (25) feet extending across the full width of the lot, measured from the road or street right-of-way line.
- (2) Side Yard: There shall be a side yard having a minimum width of five (5) feet, except on corner lots where the side yard abutting the side street shall be fifteen (15) feet in width measured from the street right-of-way line.
- (3) Rear Yard: There shall be a rear yard having a minimum depth of twenty-five (25) feet, ~~except on corner lots where the rear yard may be twenty (20) feet.~~
- (4) Projections or Roof Overhang: No roof overhang or projection may extend into the required yard area more than three (3) feet.

INTERIM ZONING ORDINANCE

SECTION 11. ~~URBAN~~-RESIDENTIAL--
FENCES, WALLS AND HEDGES

In an U-R Zone, the following standards shall apply:

- (1) Fences, hedges and walls may be permitted along all property lines.
- (2) No fence or wall shall be constructed in excess of six (6) feet in height.

SECTION 12. URBAN-RESIDENTIAL--OFF-STREET PARKING

Off-street parking shall be provided for at least two (2) automobiles per dwelling unit, and shall be located on the lot or property which they are intended to serve.

SECTION 13. URBAN-RESIDENTIAL--ACCESS

In an urban-residential zone, the following standards shall apply:

- (1) Vehicular access shall be provided from a dedicated street, or recognized private road to the parking area.
- (2) Said vehicular access shall have a minimum roadbed of ten (10) feet in width if intended to serve a single-family dwelling unit. In the case of multiple-family dwellings, said vehicular access roadbed shall be widened by two (2) feet for each dwelling unit over two; provided, however, the maximum vehicular access roadbed width required shall be twenty-four (24) feet.

SECTION 14. ~~NON~~-RESIDENTIAL--USES PERMITTED

In a N-R Zone, the following uses and their accessory uses are permitted outright:

- (1) Commercial uses normally required to serve residential needs, such as food stores, clothing stores, drug stores, shoe stores, meat markets, bakery shops, hardware stores, banks, gas stations;
- (2) Personal services, such as doctor and dentist offices, beauty parlors, barber shops, and professional offices.
- (3) Tourist accommodations such as motels, hotels, restaurants, taverns and bars, gift shops, antique shops, art galleries, and self-service laundries.
- (4) Other commercial uses determined to be similar to the above uses may be permitted, subject to approval by the Town Council.

(5) Signs shall be subject to compliance with Chapter 18.409 of the Clark County Zoning Code.

(6) ~~Non-residential living quarters which are part of structure must be separated from the business area.~~

SECTION 15. ~~NON~~-RESIDENTIAL--USES EXPRESSLY PROHIBITED

In an N-R Zone the following uses shall be expressly prohibited; ~~except by variance~~ *except by variance*

- (1) Open storage areas;
- (2) Truck terminals or yards;

- (3) Wrecking yards, automobile or truck;
- (4) Junk or salvage yards;
- (5) Slaughterhouses;
- (6) Any and all uses that produce noxious odor, smoke or gases, or excessive dust, noise, glare, heat, vibration, wastes or other conditions which would adversely affect neighboring and surrounding property.

SECTION 16. NON-RESIDENTIAL--PROPERTY DEVELOPMENT STANDARDS

The property development standards hereinabove shall apply to all land and structures in the N-R Zone.

SECTION 17. NON-RESIDENTIAL--OFF-STREET PARKING REQUIREMENTS

Off-street parking requirements shall be provided as follows in the N-R Zone:

- (1) Retail Stores: One space for each seven hundred (700) square feet of floor area plus one space for each two employees.
- (2) Bank or Office Buildings Including Medical and Dental: One space for each four hundred (400) square feet of floor area plus one space for each two employees.
- (3) Hotel or Motel: One space for each guest room plus one space for each two employees.

SECTION 18. NON-RESIDENTIAL--SPECIAL PARKING REQUIREMENTS

Off-street parking spaces for churches, schools and other places of public assembly shall be as follows in the N-R Zone:

- (1) Church: One space for each eight seats or sixteen feet of bench length in the auditorium.
- (2) School: One space for each twelve seats or twenty-four feet of bench length in the auditorium or assembly room plus one space for each employee.
- (3) Library: One space for each ²⁰⁰~~four~~ hundred square feet of reading room.

SECTION 19. ADMINISTRATIVE PROVISIONS--ENFORCEMENT

- (1) The Town Council shall appoint an administrative official who shall have the authority and duty to enforce this title. The Town Council may appoint such assistants as may be necessary to assist the administrative official.
- (2) If the administrative official shall find that any of the provisions of this ordinance are being violated, he or she shall notify in writing the person responsible for such violation and order the action necessary to correct such violation. Said administrative official shall be authorized to order discontinuance of illegal use of land, buildings and/or structures; or shall take any action authorized by this ordinance or the laws of the State of Washington to insure compliance with, or to prevent violation thereof, of its provisions.

SECTION 20. ADMINISTRATIVE PROVISIONS--BUILDING PERMITS REQUIRED

(1) No building or other structure shall be erected, moved added to, or structurally altered without a ~~permit~~ ^{approval.} issued by the administrative official upon a written order from the Town Council. No building permits shall be issued for any structure or building which fails to conform to the provisions of this title.

1500.00
Except if
by contract

SECTION 21. ADMINISTRATIVE PROVISIONS--
APPLICATION FOR BUILDING PERMITS--CONTENTS

(1) Application for a building permit shall be made to the administrative official on a form supplied for that purpose. The application shall contain the following information;

- (a) The permittee's name and address;
- (b) A legal description of the property on which the building or structure is located or will be located;
- (c) A general description of the nature of the proposed work;
- (d) The estimated value of the materials to be used in the proposed work;
- (e) A plot plan of the property on which the proposed structure or alteration as proposed shall be submitted at the time of application. The plot plan shall be submitted in ~~triplicate~~ on eight and one-half by eleven inch (8 1/2 x 11) paper and shall accurately show the dimensions of the structure and its relation to the existing property lines. The plot plan shall further show the proposed means of access to a public way.

(Copy)

Address must
be assigned

SECTION 22. ADMINISTRATIVE PROVISIONS--
CERTIFICATION OF ZONING COMPLIANCE

(1) The administrative official shall certify that the proposed use is in compliance with the zoning requirements of this title. Such certification shall be shown on the face of all copies of plot plans.

SECTION 23. APPEAL FROM RULINGS
OR DECISIONS OF THE ADMINISTRATIVE OFFICIAL

(1) An action and/or ruling and/or decision of the administrative official pursuant to this title may be appealed to the Town Council upon filing a Notice of Appeal specifying the grounds therefor.

SECTION 24. APPEAL--TIME LIMIT

(1) Appeals may be taken to the Town Council by any person aggrieved, or by any officer, department, board or bureau of the Town affected by any decision of any administrative official. Such appeals shall be filed in writing in duplicate with the Clerk of the Town council within twenty days of the date of the action being appealed. A Notice of Appeal shall be filed specifying the grounds and the relief sought by the appellant.

SECTION 25. APPEALS--NOTICE

(1) Upon the filing of a Notice of Appeal from an administrative determination, the Town Council shall set the time and place at which the matter will be considered. At least ten days' notice of such time and place together with one copy of the written appeal, shall be given to the official whose decision is being appealed.

INTERIM ZONING ORDINANCE

- (b) The permittee's name and address
- (c) A legal description of the property on which the building or structure is located or will be located;
- (d) A general description of the nature of the proposed work;
- (e) The estimated value of the materials to be used in the proposed work
- (f) A plot plan of the property on which the proposed structure or alteration as proposed shall be submitted at the time of application. The plot plan shall be submitted in triplicate on eight and one-half by eleven inch (8-1/2 x 11) paper and shall accurately show the dimensions of the structure and its relation to the existing property lines. The plot plan shall further show the proposed means of access to a public way.

*Address must be assigned

SECTION 23. ADMINISTRATIVE PROVISIONS--CERTIFICATION OF ZONING COMPLIANCE

(1) The administrative official shall certify that the proposed use is in compliance with the zoning requirements of this title. Such certification shall be shown on the fact of all copies of plot plans.

SECTION 24. APPEAL FROM RULINGS
OR DECISIONS OF THE ADMINISTRATIVE OFFICIAL

(1) An action and/or ruling and/or decision of the administrative official pursuant to this title may be appealed to the Town Council upon filing a Notice of Appeal specifying the grounds therefor.

SECTION 25.. APPEAL--TIME LIMIT

(1) Appeals may be taken to the Town Council by any person aggrieved or by any officer, department, board of bureau of the Town affected by any decision of any administrative official. Such appeals shall be filed in writing in duplicate with the Clerk of the Town Council with twenty days of the date of the action being appealed. A Notice of Appeal shall be filed specifying the grounds and the relief sought by the appellant.

SECTION 26. APPEALS--NOTICE

(1) Upon the filing of a Notice of Appeal from an administrative determination, the Town Council shall set the time and place at which the matter will be considered. At least ten days' notice of such time and place together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least ten days' notice of the time and place shall also be given to the adverse parties of record in the case. The Officer from whom the appeal is being taken shall forthwith transmit to the Town Council all of the records pertaining to the decision being appealed together with such additional reports as he or she may deem pertinent.

EFFECTIVE DATE: The Ordinance shall take effect immediately upon adoption and Publication according to Law.

Passed by the Town Council of the Town of Yacolt, Washington, this 2 day of September, 1987

AYES Councilmembers Jolma, Norton, Grooms, Alexander

NAYES None

ABSENT Councilman Madison

MAYOR Jim Worthington ATTEST Irene Christiansen

I hereby certify that this is a true and correct copy of Ordinance #292, as read before the Council and passed on the date herein mentioned and passed according to Law.

ATTEST: *Irene Christiansen*
Irene Christiansen, Clerk/Treasurer