

ZONING ORDINANCE # 334

AN ORDINANCE DELETING ORDINANCE # 292

WHEREAS: the Town Council of Yacolt, Washington, are in regular session this 18 day of February, 1992; 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 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 I. 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; and 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: When used in this ordinance, refers to the Town Council, Town of Yacolt, 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 or in the case of a flat roof, 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 manufactured structure designed for a permanent dwelling to be connected to utilities and to be put on a permanent foundation

(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 the Clark County Code.

(13) Off-Street Parking Spaces: 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 useable 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 4-1/2 feet above the established grade, or if set back, above average ground level at the front line of the 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 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 occupies 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" means 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 of the same lot with the building between the side wall line of the building the side line of the lot.

(27) Zoning: "Zoning" is the regulation of the use of private lands or the manner of construction related thereto in the interest of achieving a comprehensive plan of development. Such regulations shall also govern those public and quasi-public land use and buildings which provide for proprietary type services for the community's benefit as contrasted with governmental activities. Governmental activities are encouraged to cooperate under these regulations to secure harmonious town development.

SECTION 4. BASIC REGULATIONS

(1) A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits.

(2) No lot dimensions, yards, or off-street parking area existing on or after _____, 1991. shall be reduced below the minimum requirements of this title.

SECTION 5. CLASSIFICATION OF ZONES

For the purposes of this title, the following interim zones are established:

<u>ZONE</u>	<u>ABBREVIATED DESIGNATION</u>
Urban Residential	U-R
Non-Residential	N-R
Industrial	U-I

SECTION 6. URBAN-RESIDENTIAL PERMITTED USES

In an U-R Zone, the following uses and their accessory uses are permitted outright:

- (1) Single-family dwellings;
- (2) Two-family dwellings;
- (3) Apartment structures with three or more dwelling units, but not exceeding thirty (30) dwelling units per structure;
- (4) Mobile homes, provided that they are located within an approved mobile home park as defined by Clark County Ordinances and Rules and Regulations thereto; outside of Mobile Home Parks, Mobile Homes will be treated as single-family residences.

(5) Mobile home parks, subject to approval of location and design as defined by Clark County Ordinances and Rules and Regulations thereto; - single family

(6) Accessory building such as garages, carports, studios, pergolas, or other similar structures related to the dwelling in design, whether attached or detached;

(7) Farming, truck gardening, orchards and nurseries, livestock and poultry, provided that no poultry or livestock other than normal household pets shall be housed within one hundred feet of any residence or other structure used for human habitation; provided however that any existing condition non-conforming at time of adoption of this ordinance may be continued until change of use or ownership.

(8) Churches, fire stations, police stations, public schools, and other public uses such as power substations, telephone switching stations, sewer treatment plants and other utility substations, subject to approval of locations, 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 services, 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 right-of-way boundary line of any abutting public or private roadway; provided, however, that 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 have been met. All new sub-divisions must have a minimum lot size of 12,500 square feet.

SECTION 9. URBAN-RESIDENTIAL--BUILDING HEIGHT

No building in the U-R Zone district shall exceed thirty-five (35) feet in height.

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.

(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.

(4) Projection or Roof Overhang: No roof overhand or projection may extend into the required yard area more than three (3) feet.

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}~~OF~~-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 station:

(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 a 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:

(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. PROPERTY DEVELOPMENT STANDARDS

The property development standards hereinabove shall apply to all lands and structures in the Zone.

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

Off-street parking requirements shall be provided 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 four hundred square feet of reading room.

SECTION 19. INDUSTRIAL (TO BE WRITTEN LATER)

SECTION 20. ADMINISTRATIVE PROVISION--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 office 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 21. ADMINISTRATIVE PROVISIONS--BUILDING PERMITS REQUIRED

(1) No building or other structure shall be erected, moved, added to, or structurally altered without a permit 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.

SECTION 22. 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) Minor construction and alteration activities, as determined by the administrative official; which the total valuation as determined in Section 304 (b) of the Clark County Building Code or as documented by the applicant, does not exceed fifteen hundred dollars in any twelve month period; provided that the construction and/or alteration activity does not affect any structural components, or reduce existing egress, light, air, and ventilation conditions. This exemption does not include electrical, plumbin, or mechanical activities. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031 as amended and maintained by the State Building Code Council under RCW 19.27.070.

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.

SECTION ²³25. APPEAL--SCOPE OF AUTHORITY

(1) In exercising the powers granted herein, the Town Council may, in conformity with this title, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned, and in making its determination the town Council may hear any pertinent facts bearing on the case.

SECTION ²⁴26. APPEAL--ACTION FINAL

(1) The action by the Town Council on an appeal from decision of an administrative official shall be final and conclusive unless within ten days from the date of the action the original applicant or an adverse party makes application to a court of competent jurisdiction at which time the party shall have twenty days to make application for a writ of certiorari, a writ of prohibition or a writ of mandamus.

SECTION ²⁵27. INCLUSION OF FINDINGS OF FACT

(1) The Town Council shall, in making an order, requirement, decision or determination, include, in a written record of the case, the findings of fact upon which the action is based.

SECTION ²⁶28. SEVERABILITY

(1) If any provision of this interim zoning ordinance, or the application of the provision to any person or circumstance is held invalid, then the remainder of the ordinance, or the application of the provisions to other persons or circumstances is not affected thereby.

SECTION ²⁷29. GENERAL PENALTY

(1) Whenever the performance of any act is either prohibited or made unlawful by this ordinance, and no penalty for the violation of this ordinance is imposed, the committing of such acts shall be a misdemeanor punishable by a fine of not more than Two Hundred Fifty Dollars (\$250), and/or by imprisonment in the county jail not to exceed ninety (90) days.

SECTION ²⁸~~27~~. APPEAL--SCOPE OF AUTHORITY

(1) In exercising the powers granted herein, the Town Council may, in conformity with this title, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on that particular issue is concerned and in making its determination the Town Council may hear any pertinent facts bearing on the case.

SECTION ²⁹~~28~~. APPEAL--FINAL ACTION *See Sec. 24*

~~(1) The action by the Town Council on an appeal from decision of an administrative official shall be final and conclusive unless within ten days from the date of the action the original applicant or an adverse party makes application to a court of competent jurisdiction at which time the party shall have twenty days to make application for a writ of certiorari, a writ of prohibition or a writ of mandamus.~~

SECTION ³⁰~~29~~. INCLUSION OF FINDINGS OF FACT

(1) The Town Council shall, in making an order, requirement, decision or determination, include in a written record of the case, the finding of fact upon which the action is based.

SECTION ³¹~~30~~. SEVERABILITY

(1) If any provision of this interim zoning ordinance, or the application of the provision to any person or circumstance is held invalid, then the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected hereby.

SECTION ³²~~31~~. GENERAL PENALTY

(1) Whenever the performance of any act is either prohibited or made unlawful by this ordinance, and no penalty for the violation of this ordinance is imposed, the committing of such acts shall be a misdemeanor punishable by a fine of not more than Two Hundred Fifty Dollars (\$250), and/or by imprisonment in the County jail not to exceed ninety (90) days.

Ord. 334

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 18 day of February, 1992.

AYES Councilmembers Mason, Kaski, Messer, Smith

NAYES None

ABSENT Councilman Robertson

MAYOR Paul Groves 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

18.409.080 Mobile home park signs.

Mobile home park signs shall be permitted as follows:

A. Identification signs advertising mobile home parks, provided that such signs shall have a maximum area of thirty two (32) square feet and no more than one (1) sign is allowed per street frontage.

B. Only non-illuminated and indirectly illuminated signs shall be permitted only in multi-family A1, A2, AR, FR, RF, RE, RR, and RS zones. No flashing or intermittent illumination shall be permitted.

C. No sign or sign structure shall exceed fifteen (15) feet in height.

D. Signs over five (5) feet in height shall conform to the minimum setback designated for structures in that zone.

E. Incidental signs for the information and convenience of tenants and the public relative to parking, traffic movement, office, restrooms, etc., are allowed, providing such signs do not exceed four (4) square feet in area, and providing name plates do not exceed eight (8) x twelve (12) inches in area.

F. One (1) sign advertising the sale of each mobile home located on a mobile home lot. (Sec. 18.409.080, Ord. 1980-06-80; Part 7, Ord. 1991-12-109)

18.409.090 Signs facing residential districts.

No sign advertising a business which is not conducted on the premises or a commodity or service which is not the primary product of sales or services on the premises, shall face or be oriented toward any adjoining or abutting residential district within two hundred (200) feet of the premises of which the sign is to be placed.

(Sec. 18.409.090, Ord. 1980-06-80)

18.409.095 Sign placement/solar access.

The applicant shall certify that placement of the proposed sign will not impact the availability of direct sunlight to an existing solar energy system which, by the determination of the Planning Director, contributes substantially to the space and/or water-heating requirements of a building.

(Sec. 14, Ord. 1983-05-59)

18.409.100 On-site interference.

(Clark County 1-94)

The location and structural design of free-standing signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas, including aisleways and access driveways. (Sec. 18.409.100, Ord. 1980-06-80)

18.409.110 Lighted signs as nuisance.

Illuminated signs shall be placed so as not to be a nuisance to any residents or future residents of adjacent residentially zoned property within two hundred (200) feet of the sign. A nuisance shall be defined as flashing lights or lights of such intensity which may interfere with the residents' peaceful occupancy of their home. As part of a sign permit or site plan review process, the Planning Manager may require signs to be screened, shielded, relocated or the lighting adjusted, or other measures to mitigate a potential interference with adjoining residentially zoned property.

(Sec. 18.409.110, Ord. 1980-06-80; Part 7, Ord. 1991-12-107)

18.409.120 Enforcement.

Upon presentation of proper credentials, the Planning Manager or his duly authorized representative, may enter at reasonable times any building or structure, or upon any premises in Clark County, to perform any duty imposed upon him by this chapter. He may inspect or reinspect all signs at his discretion. (Sec. 18.409.210, Ord. 1980-06-80; Part 7, Ord. 1991-12-109)

18.409.130 Removal of signs in violation of this chapter.

If the Planning Manager or his duly authorized representative finds that any advertising sign is erected or maintained in violation of the prior sign regulations, or is erected or maintained in violation of the provisions of this chapter, he shall send a Notice and Order, pursuant to Title 32, to the owner of the advertising sign and/or the owner of the building or premises to bring it into compliance or to remove it within 10 working days, provided that signs which are deemed to be a health or safety hazard shall be required to be removed immediately. Unless the Notice and Order is appealed, at the expiration of the required notice period, the Planning Manager or his duly authorized representative may institute any

18.409

appropriate action of proceedings to prevent, restrain, correct, or abate the violation, including fines and enforcement pursuant to Title 32 of this Code.

(Sec. 18.409.130, Ord. 1980-06-80; Part 7, Ord. 1991-12-109)

18.409.140 Maintenance and appearance of signs.

All advertising signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and maintained in a safe condition. All advertising signs and the sites upon which they are located shall be maintained in a neat, clear, and attractive condition, and advertising signs shall be kept free from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surface of all outdoor advertising structures shall be kept neatly painted or posted.

(Sec. 18.409.140, Ord. 1980-06-80)

18.409.150 Abandoned signs.

Except as provided in this chapter, any person who owns or leases a sign shall remove such sign when either the function has discontinued or business it advertises has discontinued on the premises on which the sign is located ; or when the sign is no longer properly repaired or maintained, as required by this chapter.

(Sec. 18.409.150, Ord. 1980-06-80; Part 7, Ord. 1991-12-109)

(Clark County 1-94)