Franklin County
Development Regulations

(Zoning)

Ordinance # 7-2005

Franklin County Development Regulations (Zoning)
Ordinance # 7-2005 adopted November 7, 2005
Amended by Ordinance # 8-2006, and Ordinance # 4-2011
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ORDINANCE NUMBER 7-2005

BEFORE THE BOARD OF COMMISSIONERS, FRANKLIN COUNTY, WA
IN THE MATTER OF COUNTY PLANNING

RE: An application to Update the Franklin County Development Regulations—Zoning Ordinance 1-2003. The Zoning Ordinance is being updated to ensure consistency with the recently adopted Franklin County Growth Management Comprehensive Plan.

WHEREAS, there is a need to implement the Franklin County Growth Management Comprehensive Plan (Resolution 2005-215);

WHEREAS, the County Zoning Ordinance is an important and integral part of the County Development Regulations and the implementation of the Comprehensive Plan;

WHEREAS, this Zoning Ordinance has been developed to be consistent with the County Growth Management Comprehensive Plan and the State of Washington’s Growth Management Act (R.C.W. 36.70A);

WHEREAS, the public use and interest will be served by approving the adoption and implementation of the Franklin County Development Regulations—Zoning Ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FRANKLIN COUNTY, STATE OF WASHINGTON, that the above mentioned application for the adoption of the Franklin County Zoning Ordinance be approved in accordance with the provisions of Franklin County, the Growth Management Act, with support and recommendations from the Planning Department Staff and the County Planning Commission.

BE IT FURTHER ORDAINED, THAT THE BOARD OF COUNTY COMMISSIONERS FOR FRANKLIN COUNTY, STATE OF WASHINGTON, do hereby supersede and repeal Franklin County Ordinance Number 1-2003, and all other applicable ordinances that have previously amended the Franklin County Zoning Ordinance.

The Franklin County Zoning Ordinance now reads as follows:

CHAPTER 1
PURPOSE

Sections:

1.1.0 Purpose
1.2.0 Severability
1.3.0 Jurisdiction
This ordinance shall be known as the “Franklin County Development Regulations - Zoning”.

1.1.0 PURPOSE. The purpose of this ordinance is to implement the Comprehensive Plan(s) for the unincorporated portions of Franklin County and the unincorporated lands within designated Urban Growth Areas. This ordinance is to also further the purpose of promoting the health, safety, convenience, comfort, prosperity and general welfare of the present and future inhabitants of the unincorporated portions of Franklin County, and;

(1) To encourage and facilitate the orderly growth and development.
(2) To provide adequate open space for light and air, to prevent overcrowding of the land, and to lessen congestion on the streets.
(3) To secure economy in municipal expenditures, to facilitate adequate provisions for transportation, water, sewer, schools, parks, and other public facilities and services.
(4) To increase the security of home life and preserve and create a more favorable environment for citizens and visitors of Franklin County.
(5) To secure safety from fire, panic and other dangers.
(6) To stabilize and improve property values.
(7) To enhance the economic and cultural well being of the inhabitants.
(8) To promote the development of a more wholesome, serviceable and attractive county resulting from an orderly, planned use of resources.

1.2.0 SEVERABILITY CLAUSE. If any word, clause, sentence, paragraph, or section of this ordinance or its application to any person or circumstance shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the judgment shall not affect, impair or invalidate the remainder of this title or its application to other persons or circumstances, but shall be confined in its operation to the word, clause, sentence, paragraph, persons or circumstances, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

1.3.0 JURISDICTION. This ordinance is enacted and administered by Franklin County for lands and uses within the Urban Growth Areas as well as lands outside of the Urban Growth Areas in the unincorporated portions of Franklin County.
CHAPTER 2
VIOLATION/PENALTIES AND ENFORCEMENT

Sections:
2.1.0 Interpretation
2.2.0 Conflicting Provisions
2.3.0 Intent
2.4.0 Violations
2.5.0 Enforcement and Duty to Enforce
2.6.0 Site Investigation and Right of Entry
2.7.0 Notice of Voluntary Correction
2.8.0 Notice and Order
2.9.0 Stop Work Order and Emergency Order
2.10.0 Hearing Before the Hearing Examiner
2.11.0 Abatement by the County
2.12.0 Alternative Abatement Procedure
2.13.0 Suspension and Revocation of Permits
2.14.0 Storage of Abated Items
2.15.0 Recovery of Civil Penalty and Cost of Abatement

2.1.0 INTERPRETATION.
1. In interpreting and applying the provisions of this Ordinance, the provisions and standards contained shall be deemed to be the minimum standards or requirements with which compliance is essential to the permitted uses, and shall not be construed as limiting the legislative authority of Franklin County to further restrict permissive uses or to withhold or revoke permits for uses where, notwithstanding the existence of the minimum standards set forth in this Ordinance, the promotion or protection of the public health, morals, safety and welfare bears a substantial relation to such withholding, denial or revocation of permits or uses.

2.2.0 CONFLICTING PROVISIONS.
1. Where this Ordinance imposes a greater restriction upon land, buildings, or structures than is imposed or required by other rules, regulations, standards, policies, ordinances, contracts, covenants public or private, deeds, or statutes lawfully adopted by Franklin County, the provisions of this Ordinance shall govern and take precedent. In the case of conflicts between the text, maps and tables of the Ordinance, the text shall govern unless otherwise stated.

2.3.0 INTENT.
1. The primary intent of all enforcement actions described in this Chapter is to educate the public and to encourage the voluntary correction of violations to protect the public health, safety and welfare. If voluntary compliance fails or is inapplicable in a given case civil and criminal penalties will be used when
necessary to ensure compliance with the provisions of this Ordinance. Criminal charges will be brought only when civil remedies have failed to ensure compliance and all lesser enforcement tools have proved futile.

2. Nothing in this section shall be construed to prevent the building official, fire marshal, or local fire chief from following the enforcement process and provisions of the Uniform Building Code, the Uniform Fire Code, or any other standardized code adopted by the county.

2.4.0 VIOLATIONS.
1. It is a violation of this Ordinance for any person to initiate or maintain, or to cause to be initiated or maintained, any use, alteration, construction, location, or demolition of any structure, land, or property within Franklin County without first obtaining permits or authorizations required by this Ordinance.
2. It is a violation of this Ordinance to remove or deface any sign, notice, complaint, or order required by or posted in accordance with this Ordinance.
3. It is a violation of this Ordinance to misrepresent any material fact in any application, plans, or other information submitted to obtain any land use authorization.
4. It is a violation for any person to fail to comply with provisions of this Code, to fail to comply with the terms or conditions of a permit issued pursuant to this Ordinance, or to fail to comply with any or all Notices or Orders issued pursuant to this Chapter.

2.5.0 ENFORCEMENT AND DUTY TO ENFORCE.
1. Provisions of this Ordinance will be enforced for the benefit of the health, safety, and welfare of the general public and the environment and, not for the benefit of any particular person or class of persons.
2. The Planning and Building Director or authorized representative is authorized to use the provisions of this section to remove, prevent and stop violations of this Ordinance. The Planning and Building Director or authorized representative may call upon law enforcement, fire, health, or other appropriate County departments to assist in enforcement.
3. The owner of any real or personal property subject to enforcement action and/or any person responsible for a violation at a particular site or real property shall be individually and jointly liable for failure to comply with this Ordinance or to comply with any and all notices or orders issued pursuant to this Ordinance.
4. No provision or term used in this Chapter is intended to impose any duty upon the County or any of its officers or employees, which would subject them or the County to damages in a civil action.

2.6.0 SITE INVESTIGATION AND RIGHT OF ENTRY.
1. Any person submitting an application for any land use permit or any other land use activities shall also be requested to give written consent to on-site inspection of their property solely for the purpose of assessing compliance with any or all
county development regulations applicable to the land use permit or proposal submitted by that applicant.

2. The Planning and Building Director or authorized representative may, with the written consent of the owner, enter any building, structure, property or portion thereof at reasonable times to inspect the same in order to determine whether the applicant and/or owner are in compliance with any and all development regulations applicable to the land use permit or proposal submitted by that applicant.

3. If written consent of the applicant or owner to enter private property exists and if the Planning and Building Director or authorized representative should find such building, structure, property or portion thereof to be occupied, then the Planning and Building Director or authorized representative shall present identification credentials, state the reasons for the inspection, and request entry.

4. If written consent of the applicant or owner to enter private property exists and if the Planning and Building Director or authorized representative should find such building, structure, property or portion thereof to be unoccupied, then the Planning and Building Director or authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and request entry. If the Planning and Building Director or authorized representative is unable to locate the owner or such other persons, and has reason to believe that conditions therein create an immediate and irreparable land use of safety hazard, the Planning and Building Director or authorized representative may enter to investigate land use violations or safety hazards.

5. Should the Planning and Building Director or authorized representative be denied written consent to access such private property in order to carry out the purpose and provision of this Chapter, then the Planning and Building Director or authorized representative shall, if entry upon private property is deemed necessary, be required to obtain a lawful search warrant executed by a neutral magistrate or judge based upon sufficient sworn proof of probable cause prior to entry upon private property.

6. At such time as the County, through its Planning and Building Director or authorized representative, concludes that the applicant has complied with all development regulations applicable to the applicant’s proposal or application for one or more land use permits the written consent to enter the premises of the applicant for inspection and observation as permitted by this Chapter shall immediately expire.

7. Because there will be circumstances, a complaint or facts where an investigation of real property will be required that does NOT arise from an existing application or request for one or more land use permits, the Planning and Building Director or authorized representative is permitted to take all lawful steps to investigate those circumstances or facts, including, but not limited to, obtaining a lawful search warrant executed by a neutral magistrate or judge based upon sufficient sworn proof of probable cause prior to entry upon private property.
2.7.0 NOTICE OF VOLUNTARY CORRECTION.

1. If after investigation, the Planning and Building Director or authorized representative determines that any provision of this Ordinance has been violated, a notice of voluntary correction letter should be the first attempt at obtaining compliance. If voluntary compliance is not obtained, the Planning and Building Director or authorized representative shall serve a Notice and Order, as set forth in this Chapter, upon the owner and person(s) responsible for the violation. The Notice of Voluntary Correction shall state the following:
   a. the street address, when available, and/or a legal description of real property sufficient to identify where the violation occurred or is located;
   b. description of the activity that is causing a violation;
   c. each provision violated under county regulations;
   d. the corrective action necessary to comply with said provisions;
   e. a reasonable time and date by which the corrective action is to be completed, however, in no event shall the time given for voluntary correction be greater than 60 calendar days, except as provided in this Chapter; and
   f. that continued or subsequent violation may result in civil enforcement actions, as provided in this Chapter, to include monetary civil penalties, and/or abatement proceedings enforceable as a lien against property or as a personal obligation.

2. Following a Notice of Voluntary Correction, the Planning and Building Director or authorized representative and person in violation may meet to develop a compliance plan. The compliance plan shall establish a reasonable and specific time frame for compliance. No further action will be taken if the terms of the compliance plan are met. If no compliance plan is established, a notice and order will proceed.

3. Upon written request received prior to the correction date, the Planning and Building Director or authorized representative may, for good cause shown, grant an extension of the date set for correction for an amount of time as deemed reasonable by the Planning and Building Director or authorized representative. The Planning and Building Director or authorized representative may only consider as good cause (1) substantial completion of necessary correction; (2) unforeseeable circumstances not caused by the person so as to make completion impossible by the date established; or (3) procedural requirements for obtaining a permit to carry out the corrective action.

4. The voluntary correction process is optional as deemed by the Planning and Building Director or authorized representative. If the Planning and Building Director or authorized representative believes that the requirements of this section are not being met, the Planning and Building Director or authorized representative shall, in addition to the Notice and Order, issue applicable Stop Work or Emergency Orders.

2.8.0 NOTICE AND ORDER.

1. Issuance.
a. When the Planning and Building Director or authorized representative determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, the Planning and Building Director or authorized representative may issue a notice and order to the person responsible for the violation.

b. The Planning and Building Director or authorized representative may issue a notice and order without having attempted to secure voluntary correction as provided under the following circumstances:
   i. When an emergency exists; or
   ii. When a repeat violation occurs; or
   iii. When the violation creates a situation or condition which cannot be corrected; or
   iv. When the person knows or reasonably should have known that the action is in violation of a County regulation; or
   v. The person cannot be contacted or refuses to communicate or cooperate with the County in correcting the violation.

2. **Content.** The notice and order shall include the following:
   a. The name and address of the person responsible for that violation; and
   b. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
   c. A description of the violation and a reference to the provision(s) of the County regulation(s) which has been violated; and
   d. The required corrective action and a date and time by which the correction must be completed after which the County may abate the unlawful condition in accordance with the provisions of this Chapter; and
   e. The date, time and location of an appeal hearing before the hearing examiner which will be at least ten (10) days but no more than forty-five (45) days from the date the notice and order is issued; and
   f. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the Planning and Building Director or authorized representative approves the completed, required corrective action at least forty-eight (48) hours prior to the hearing; and
   g. A statement that the costs and expenses of abatement (including hauling and storage costs) incurred by the County and a monetary penalty in an amount per day for each violation as specified in this Chapter may be assessed against the person to whom the notice and order is directed as specified and ordered by the hearing examiner.

3. **Service of notice.** The Planning and Building Director or authorized representative shall serve the notice and order upon the person responsible for the violation, either personally or by mailing a certified copy of the notice and order to such person at their last known address. If the person responsible for the violation cannot be personally served within Franklin County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice and order conspicuously on the affected property or structure. Proof of
service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by certified mail.

4. **Extension.** Extensions of the time specified in the notice and order for correction of the violation may be granted at the discretion of the Planning and Building Director or authorized representative or by order of the hearing examiner.

5. **Monetary penalty.** The monetary penalty for each violation per day or portion thereof shall be three hundred dollars ($300).

6. **Continued duty to correct.** Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice and order was issued of the duty to correct the violation.

7. **Collection of monetary penalty.**
   a. The monetary penalty constitutes a personal obligation of the person to whom the notice and order is directed. Any monetary penalty assessed must be paid to the County within thirty (30) calendar days from the date of mailing of the hearing examiner’s decision or a notice from the County that penalties are due.
   b. The County Prosecuting Attorney or his/her signee is authorized to take appropriate legal action to collect the monetary penalty.

### 2.9.0 STOP WORK ORDER AND EMERGENCY ORDER

1. **Stop Work Order.** Whenever a continuing violation of any regulations within this Ordinance will 1) materially impair the Planning and Building Director or authorized representative's ability to secure compliance with this Ordinance, or 2) threaten the health or safety of the public, or 3) threaten or harms the environment, then the Planning and Building Director or authorized representative may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. The order may be posted on the subject property or may be served on persons engaged in any work in violation of this Ordinance and any other Ordinance of Franklin County. No further work or activity shall proceed, unless and until authorized by the Planning and Building Director or authorized representative in writing. In the event the Planning and Building Director or authorized representative issues a stop work order, the voluntary correction procedures of this Chapter and the notice and order provisions of this Chapter shall not apply. Failure to comply with a stop work order shall constitute a violation of this Ordinance.

2. **Emergency Order.** Whenever any use or activity in violation of this Ordinance threatens the health or safety of occupants of the premises or property, any member of the public or the environment, the Planning and Building Director or authorized representative may issue an Emergency Order directing that the use or activity be discontinued and the condition causing threat to health and safety or threat and harm to the environment be corrected. The Emergency Order shall be served on the person(s) responsible pursuant to this Chapter, which shall specify
the time for compliance, and should be posted in a conspicuous place on the premises, if posting is physically possible. Failure to comply with an Emergency Order shall constitute a violation of this Ordinance. In the event the Planning and Building Director or authorized representative issues a emergency order, the voluntary correction procedures of this Chapter and the notice and order provisions of this Chapter shall not apply. Failure to comply with an emergency order shall constitute a violation of this Ordinance.

2.10.0 HEARING BEFORE THE HEARING EXAMINER.

1. **Notice.** A person to whom a notice and order is issued will be scheduled to appear before the hearing examiner not less than ten (10) calendar days but no more than forty-five (45) days after the notice and order is issued. Extensions may be granted at the discretion of the Planning and Building Director or authorized representative.

2. **Prior correction of violation.** The hearing will be canceled and no monetary penalty will be assessed if the Planning and Building Director or authorized representative approves the completed required corrective action at least forty-eight (48) hours prior to the scheduled hearing.

3. **Procedure.** The hearing examiner shall conduct a hearing on the civil violation (notice and order) pursuant to the rules of procedure of the hearing examiner. The Planning and Building Director or authorized representative and the person to whom the notice and order was directed may participate as parties in the hearing and each party may call witnesses. The County shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action will correct the violation. The determination of the Planning and Building Director or authorized representative as to the need for the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action.

4. **Decision of the hearing examiner.**
   a. The hearing examiner shall determine whether the County has established by a preponderance of the evidence that a violation has occurred and that the required correction will correct the violation and shall affirm, vacate, or modify the County’s decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.
   b. The hearing examiner shall issue an order to the person responsible for the violation which contains the following information:
      i. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
      ii. The required corrective action;
      iii. The date and time by which the correction must be completed;
      iv. The monetary penalties assessed based on the criteria pursuant to this Chapter;
      v. The date and time after which the County may proceed with abatement of the unlawful condition if the required correction is not completed.
c. Assessment of monetary penalty. Monetary penalties assessed by the hearing examiner shall be in accordance with the monetary penalty in this Chapter.
   i. The hearing examiner shall have the following options in assessing monetary penalties:
      (1) Assess monetary penalties beginning on the date the notice and order was issued and thereafter; or
      (2) Assess monetary penalties beginning on the correction date set by the Planning and Building Director or authorized representative or an alternate correction date set by the hearing examiner and thereafter;
      (3) Assess less than the established monetary penalty as set forth in this Chapter.
      (4) Assess no monetary penalties.
   ii. In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:
      (1) Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;
      (2) Whether the person failed to appear at the hearing;
      (3) Whether the violation was a repeat violation;
      (4) Whether the person showed due diligence and/or substantial progress in correcting the violation;
      (5) Whether a genuine code interpretation issue exists; and
      (6) Any other relevant factors.
   iii. The hearing examiner may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations, the hearing examiner shall consider the factors set forth in this Chapter.

d. Notice of decision. The hearing examiner shall mail a copy of the decision to the person to whom the notice and order was issued and to the Planning and Building Director or authorized representative within ten (10) working days of the hearing.

5. Failure to appear. If the person to whom the notice and order was issued fails to appear at the scheduled hearing, the examiner will enter an order with findings pursuant to this Chapter and assess the appropriate monetary penalty pursuant to this Chapter. The County will enforce the hearing examiner’s order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

6. Appeal to Superior Court. An appeal of the decision of the hearing examiner must be filed with the Superior Court within thirty (30) calendar days of the issuance of the decision.

2.11.0 ABATEMENT BY THE COUNTY.
   1. The County may abate a condition which was caused by or continues to be a violation when:
a. The terms of voluntary correction agreement pursuant to this Chapter have not been met; or
b. A notice and order has been issued pursuant to this Chapter and a hearing has been held pursuant to this Chapter and the required correction has not been completed by the date specified in the hearing examiner’s order; or
c. The condition is subject to summary abatement as provided for in this Chapter.

2. **Summary abatement.** Whenever any violation of a regulation causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the County may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.

3. **Authorized action by the County.** Using any lawful means, the County may enter upon the subject property and may remove or correct the condition which is subject to abatement. The County may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

4. **Recovery of costs and expenses.** The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the County within thirty (30) calendar days. The term “incidental expenses” includes but is not limited to personnel costs, both direct and indirect, including attorney’s fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the County in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing.

5. **Interference.** Any person who knowingly obstructs, impedes, or interferes with the County or its agents, or with the person responsible for the violation in the performance of duties imposed by this chapter, or a decision and order issued by the hearing examiner or an agreement between the County and the person responsible for the violation, is guilty of a misdemeanor.

### 2.12.0 ALTERNATIVE ABATEMENT PROCEDURE.

1. Any property on which violations of this chapter remain uncorrected after issuance of a notice and order may, in addition to the procedures outlined above, be abated in accordance with the following additional procedures:
   a. When requested by the Planning and Building Director or authorized representative and approved by the hearing examiner, the matter of a pending violation may be submitted to the County Commissioners for consideration whenever the violation consists of debris upon property constituting a fire hazard or a menace to public health, safety or welfare. In such instance, the procedures set forth in Section 2.7.0 through 2.11.0 of this Chapter shall be complied with to the extent not in conflict herein except that the decision of the hearing examiner pursuant to this Chapter
shall be in the form of a recommendation to the County Commissioners. This alternate procedure may be requested by the Planning and Building Director or authorized representative at any time prior to the hearing before the hearing examiner. Only if the hearing examiner makes a finding that the violation constitutes a fire hazard or a menace to public health, safety or welfare requiring removal or destruction of the debris constituting the violation shall the examiner make a recommendation to the County Commissioners pursuant to this alternate abatement procedure. After consideration, the County Commissioners may, by resolution, either accept, reject or modify the hearing examiner’s recommendation and require the property owner to abate the violation by removal or destruction, at his or her cost and expense, within a time specified in the resolution.

b. The resolution shall not be passed until the property owner is given at least five (5) days’ notice of the pendency of the proposed resolution. Such notice shall be served by the Planning and Building Director or authorized representative in accordance with the Section 2.8.0 of this Chapter. The notice, either accompanied with or incorporated into the hearing examiner’s recommendation, shall describe the property involved, the nature of the hazardous condition, the corrective action required, and the date of the County Commissioners meeting during which the matter will be considered.

c. If the nuisance is not abated by the property owner within the time fixed in the resolution, the Planning and Building Director or authorized representative may abate the same and mail a bill to the property owner covering the cost to the County of such abatement, including the Planning and Building Director or authorized representative’s expense. If the property owner fails or refuses to pay the bill immediately, the Planning and Building Director or authorized representative shall file a lien there for against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material.

2.13.0 SUSPENSION AND REVOCATION OF PERMITS.

1. Suspension-Cause. The Planning and Building Director or authorized representative may temporarily suspend any permit issued under this Ordinance for:
   a. Failure of the holder to comply with the requirements of any development regulations, or rules promulgated thereunder; or
   b. Failure of the holder to comply with any order issued pursuant to this Chapter; or
   c. Interference with the Planning and Building Director or authorized representative in the performance of his/her duties; or
d. Discovery by the Planning and Building Director or authorized representative that a permit was issued in error or on the basis of incorrect information supplied to the county.

e. Failure to comply with the conditions and/or mitigation measures of any land use permit.

Whenever the Planning and Building Director or authorized representative finds just cause, permit suspension shall be carried out through the notice and order provisions of this Chapter and shall be effective upon service of the notice and order.

2. **Revocation-Cause.** The Planning and Building Director or authorized representative may permanently revoke any permit issued under this Ordinance for just cause under Section 2.12.0 a-e of this Chapter.

2.14.0 STORAGE OF ABATED ITEMS.

1. Items of personal property that are abated in accordance with this Chapter will be stored/handled and disposed of in the following manner:

a. Vehicles, boats, RV’s, campers, mobile homes, trailers and any other items that are listed as personal and not real property according to the Franklin County Treasurer, if found to be in violation of this Ordinance or any other Ordinance of Franklin County will be abated and stored in accordance with the provisions of State approved impound/tow yards.

b. Any item(s) that are in violation and that meet the definition under this ordinance or any other ordinance of Franklin County as a nuisance, or as junk, litter, debris, or garbage will be disposed of immediately in a land fill or any other approved waste handling facility.

2.15.0 RECOVERY OF CIVIL PENALTY AND COST OF ABATEMENT.

1. **Lien – Authorized.** Franklin County shall have an unperfected lien for any civil penalty imposed or for the cost of any abatement work done pursuant to this Chapter, or both, against the real property on which the civil penalty was imposed or any of the abatement work performed.

2. **Personal Obligation – Authorized.** The civil penalty and the cost of abatement are also joint and separate personal obligations of any person or entity in violation. The Prosecuting Attorney and/or Planning and Building Director on behalf of the County may collect the civil penalty and abatement work costs by use of all appropriate legal remedies including the use of collection agencies.

3. **Lien – Foreclosure.** The Planning and Building Director or authorized representative shall cause a claim for lien to be filed for record in the Franklin County Auditor’s Office within 90 days of the date when the lien was perfected. The claim of lien shall contain the following:

a. The authority for imposing a civil penalty or proceeding to abate the violation, or both;

b. Proof, which may come from the document itself, of the legal perfection of the lien;
c. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;

d. A legal description of the property to be charged with the lien;

e. The name of the known or reputed owner, and, if not known, the fact shall be alleged; and

f. The amount, including lawful and reasonable costs for which the lien is claimed.

4. Verification. The Planning and Building Director or authorized representative shall sign and verify the claim by oath to the effect that the Planning and Building Director or authorized representative believes the claim is just.

5. Amendment. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment. Nothing shall prevent the Planning and Building Director or authorized representative from removing or reducing the civil assessment or lien upon satisfactory evidence that the violation of this development code has been abated, resolved, or removed.

6. Foreclosure. The lien provided by this section, once perfected and recorded as a lien against any real property owned in Washington by the debtor, may be foreclosed and enforced by a civil action in a court having jurisdiction. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.
CHAPTER 3
DEFINITIONS

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3.1.0 PURPOSE. This chapter provides definitions for terms and phrases used in this ordinance. Where any of the definitions conflict with the definitions used in other Franklin County Ordinances, the definitions in this chapter shall prevail for the purpose of this ordinance.

3.2.0 INTERPRETATION AND CONSTRUCTION. For the purpose of this ordinance, certain terms or words herein shall be interpreted or defined as follows: Except where specifically defined in this chapter all words in this ordinance shall carry the customary meanings.

(a) Words used in the present tense shall include the future;
(b) Words in the singular number include the plural number, and words in the plural number include the singular, unless the context clearly indicates otherwise;
(c) “Person” includes a corporation, a member or members of a partnership or other business organization, a committee, association, board, trustee, receiver, agent, or other representative and all other legal entities;
(d) “Shall” is mandatory and not directory;
(e) “May” is permissive;
(f) “Use”, “used”, or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged”, or “designed” to be used or occupied;
(g) “City” means any city in Franklin County;
(h) “County” means Franklin County;
(i) Unless otherwise specified, all distances shall be measured horizontally;
(j) Words not defined herein, but defined within the Uniform Building Code shall have the same meaning as defined within the Uniform Building Code;
(k) Chapter and section headings contained in this ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of this ordinance.

For the purposes of this ordinance, certain terms or words shall be interpreted and defined as in the following sections of this chapter.

**3.3.0 ACCESSORY DWELLING.** “Accessory dwelling” means a second and subordinate dwelling unit added to or created within a single family dwelling that provides basic requirements for living, sleeping, cooking and sanitation (See Chapter 33, Section 33.4.0, Accessory dwellings).

**3.4.0 ACCESSORY USE.** “Accessory use” means a use subordinate to the principal and/or permitted use and located on the same lot with such principal use.

**3.5.0 ADULT ENTERTAINMENT.** “Adult entertainment” means:

(a) Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or

(b) Any exhibition, performance, or dance intended to sexually stimulate any patron and any conduct in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

(c) Any exhibition, performance, display, dance, presentation, or dance of any type conducted in an adult entertainment facility and involving a person who is unclothed or in such attire, costume, or clothing as to expose to view any specified anatomical area, or who touches, caresses or fondles any specified anatomical area of themselves or another person, or permits touching, caressing or fondling of any of their own specified anatomical areas.

**3.6.0 ADULT ENTERTAINMENT FACILITY** “Adult entertainment facility” means any of the following:

(a) Adult retail establishments are commercial establishments such as a bookstore, video store, or novelty shop in which any one or more of the following constitute more than 20 percent of the establishment’s stock-in-trade for sale, rent, or any other form of consideration:

   (i) Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides or other visual or sensory representations that are distinguished or characterized by a predominant
emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or

(ii) Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

(b) Adult Arcade means a commercial establishment which contains individual viewing areas or booths, where for any form of consideration, including but not limited to, membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, computer images or pictures, video cassettes, slides, or other visual or sensory representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

(c) Adult cabaret means a nightclub, bar, restaurant, tavern, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

(d) Other Adult Entertainment Facility means any commercial establishment not defined elsewhere in Franklin County Ordinances where adult entertainment or sexually oriented materials are regularly conducted, displayed, or available in any form, for any type of consideration and which represents more than 20 percent of the businesses’ stock-in-trade; provided, however, that a public library, school, university, or similar accredited educational or scientific facility shall not be considered an adult entertainment facility. In addition a commercial establishment which offers access to telecommunication networks as a principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

(e) Adult motel means a motel, hotel or similar commercial establishment which:

(i) Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other visual or sensory representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from the public right-of-way that advertises the availability of such sexually-oriented materials; or

(ii) Offers a sleeping room for rent on a rental fee period of time that is less than ten (10) hours; or

(iii) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(f) Adult mini motion picture theater means a commercial establishment with a capacity for less than fifty persons, where for any form of consideration motion pictures, films, video cassettes, slides or similar visual or sensory representations are shown
that are distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

(g) Adult motion picture theater means a commercial establishment where for any form of consideration motion pictures, films, video cassettes, slides, or other similar visual or sensory representations are shown that are distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.

(h) Adult nude photography shop means commercial establishment used for the business of allowing customers to photograph any “specified anatomical areas” of a person or persons, or for the customer to be so photographed with or without other persons.

(i) Body paint shop. Means a commercial establishment used for the business of allowing customers to paint the body of a person or persons, or to allow the customer’s body to be painted.

3.7.0 AGRICULTURAL USES (COMMERCIAL). “Agricultural uses (commercial)” means agricultural activities carried on as a commercial enterprise with the object of gain, benefit, or advantage, directly or indirectly.

3.8.0 AGRICULTURAL USE (LIMITED). “Agricultural use (limited)” means an agricultural operation including the construction of farm buildings and the keeping of farm animals upon the premises.

3.9.0 ALLEY. “Alley” means a dedicated narrow service way, not more than twenty feet wide, providing a secondary means of public access to abutting properties.

3.10.0 ALTERATIONS. “Alterations” means as applied to a building or structure:

(a) A change or rearrangement of the structural or non-structural parts in the existing facilities; or

(b) An enlargement or addition on a building or structure; or

(c) Moving a building or structure from one location or position to another; or

(d) A change of use.

3.11.0 AMUSEMENT GAME DEVICE. “Amusement game device” means a machine or other device, whether mechanical, electrical, or electronic, to be operated by the public for the purpose of entertainment, amusement or as a game, the object of which is to score high or low by comparison to the score of other players, playing concurrently or not, or to demonstrate skill or competence against an opponent, whether the opponent is the device or another person. It shall include such devices as pool tables, billiard tables, pinball machines, and devices which use a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

This definition shall not apply to vending machines for products unrelated to gaming, a device which does not require active participation by the player in the game, coin-operated machines which only provide music, or gambling devices regulated by state law.
3.12.0 AMUSEMENT GAME CENTER. “Amusement game center” means any building or portion thereof which contains more than two amusement game devices

3.13.0 ANIMAL UNIT. “Animal unit” includes but is not limited to any one of the following:
   a. One bovine animal (characteristics associated with cows or oxen).
   b. One horse.
   c. One mule/donkey.
   d. One llama.
   e. One alpaca.
   f. One camel.
   g. Two emu/ostrich.
   h. Three goats.
   i. Three sheep.
   j. Twenty chickens.
   k. Twenty fowl.
   l. Twenty rabbits or similar animals.
   m. Swine/Pig standards are described in Chapter 33 Use Regulations.

For the purpose of this definition, any newborn animal listed above shall be excluded until such time as it is weaned. Animals listed above includes any hybrid, cross breed or mixed breed of such animal to any degree that the type or breed can be identified by either the animal’s appearance, behavior or pedigree. All animal units shall be in compliance with all applicable Federal and/or State of Washington requirements.

3.13.5 ANIMAL UNIT – EXOTIC OR WILD. “Animal Unit – Exotic or Wild” includes but is not limited to any one of the following: Lions, tigers, wild cats, wolves, bears, apes, monkeys, raccoons, dangerous reptiles such as alligators, poisonous reptiles, or similar wild and exotic animals. All animal units, including Deleterious Exotic Wildlife, shall be in compliance with all applicable Federal and/or State of Washington requirements. Federal and/or State of Washington approval shall be obtained prior to submitting a Conditional Use (Special Permit) application to Franklin County.

3.14.0 ANTIQUE. “Antique” means a piece of furniture, glassware, silverware, art work or other items that are at least sixty years old and are distinguished from general secondhand personal property, and collectibles by educational value, historic value, artistic value, ornamental character or intrinsic aesthetic merits.

3.15.0 ANTIQUE DEALER. “Antique Dealer” means an establishment having as its primary stock-in-trade “antiques” as that term is defined in this chapter.

3.16.0 APARTMENT HOUSE. “Apartment house” means a building arranged, intended, or designed to be occupied by three or more families living independently of each other.
3.17.0 AUTO BODY SHOP. “Auto body shop” means a building or portion of a building wherein there is engaged the business of improvement and restoration of automobiles and other motor vehicles by sanding, priming, painting, straightening and other like repair and restoration.

3.18.0 AUTO DETAIL SHOP. “Auto detail shop” means a building or portion of a building wherein there is engaged the business of improvement of the appearance of automobiles or other vehicles by washing, waxing, polishing or other like means not within the definition of an “Auto body shop”

3.19.0 BILLIARD AND POOL HALLS. “Billiard or pool halls” means an establishment wherein the principal use or activity is billiards, pool, or snooker, regardless of the number of billiard, pool or snooker tables.

3.20.0 BOAT. “Boat” shall mean any type of water craft, whether registered or unregistered, licensed or unlicensed. The term boat shall include any wheeled trailer or other device on which such boat is or may be kept, stored, or transported, whether registered or unregistered, licensed or unlicensed.

3.21.0 BOARDINGHOUSE. “Boardinghouse” means any dwelling with less than twenty sleeping rooms in which persons whether individually or as families are housed or lodged and are provided meals at the dwelling. A rooming house or furnished rooming house is a boardinghouse.

3.22.0 BUILDING. “Building” is any structure used or intended for supporting or sheltering any use or occupancy.

3.23.0 BUILDING, ACCESSORY. “Accessory building” means a supplementary building, the use of which is incidental to that of the main or principal building and which is located on the same lot therewith.

3.24.0 BUILDING AREA. “Building area” means the three-dimensional space within which a building is permitted to be built on a lot and which is defined by height regulations, yard setbacks, and building coverage.

3.25.0 BUILDING, DETACHED. “Detached building” means a building surrounded by open space as required herein.

3.26.0 BUILDING HEIGHT. “Building height” means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(a) The elevation of the highest adjoining sidewalk or finished ground surface within a five-foot horizontal distance of the exterior wall of the building when such
sidewalk or finished ground surface is not more than ten feet above lowest finished grade.

(b) An elevation ten feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in Item 1 above is more than ten feet above lowest finished grade.

3.27.0 CAMP TRAILER/TRAVEL TRAILER/FIFTH WHEEL. “Camp Trailer/Travel Trailer/Fifth Wheel” shall mean a structure designed to provide temporary living quarters for recreational camping or travel use, constructed with integral wheels to make it mobile and/or towable by motor vehicle.

3.28.0 CAMPER (Pickup). “Camper (Pickup)” shall mean a structure designed to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for recreational use, camping or vacation use.

3.28.5 CLOSED RECORD APPEAL. “Closed Record Appeal” means an appeal proceeding held before the Board of County Commissioners that is open to the public following an open record hearing on a project permit application when the review is limited to only the record and oral argument based on the record, and specifically excluding any new evidence.

3.29.0 CLUB, MEMBERSHIP. “Club membership” means an organization catering exclusively to members and their guests in premises and buildings for recreation and athletic purposes.

3.30.0 COMMUNICATION TOWER. “Communication Tower” shall mean a free-standing or building mounted structure, including appurtenances and antenna intended for airway communication purposes, such as a television antenna or HAM radio tower. This definition does not include Wireless Communications Towers.

3.31.0 COMMUNITY SERVICE FACILITIES. “Community service facilities” includes, but is not limited to, daycare centers, nursery schools, hospitals, sanitariums, churches, drug abuse and alcoholic treatment centers, halfway houses, charitable organizations, nonprofit service groups, juvenile care and treatment centers, governmental and quasi-governmental activities, and other similar uses which provide social, health, and welfare services for citizens; except any such use which limits the activity solely to organizational or administrative office functions, whereby the actual community service is provided elsewhere, shall be excluded from this definition.

3.32.0 DAY CARE CENTER, NURSERY SCHOOL, PRESCHOOL. “Day-care center, nursery school, preschool” means any type of group day-care programs, for children or adults, including nursery schools for children under the minimum age for education in public schools, parent cooperative nursery schools, playgroups for preschool children, covering after school care for school children, and programs which provide organized
learning and education experiences, provided such establishments are licensed by the state and conducted in accordance with state requirements. For the purpose of this ordinance, the following shall also apply to day-care center, nursery schools or preschools:

(a) Babysitting care: Means a dwelling which provides occasional custodial care to children, for periods of less than twenty-four hours, who do not reside within the residence of the person providing the care. Babysitting care is not necessarily provided in exchange for compensation.

(b) Home based day-care: Means a home receiving pre-approval from the Benton-Franklin District Health Department as to adequate sanitary facilities, and means a home licensed by the Department of Social and Health Services and in which day care is regularly provided for not more than twelve (12) children or adults or for periods of less than 24 hours. Home based day care is allowed in any home regardless of its zoning classification.

(c) Mini day-care center: Means a place, other than the home of the provider, which provides regular custodial care for one to twelve children or adults for periods of less than 24 hours.

(d) Day-care center: Means a place which provides regular custodial care for twelve or more children or adults, for periods of less than twenty-four hours.

(e) Preschool/nursery schools: Means a place that provides regular custodial care and/or organized learning and educational experiences for children.

3.33.0 DWELLING. “Dwelling” means a building designed exclusively for residential purposes, including one-family, two-family dwelling, or multiple family dwellings, but not including hotels or motel units.

3.34.0 DWELLING, MULTIPLE. “Multiple dwelling” means a building used or designed as a residence for three or more families living independently of each other doing their own cooking therein. This includes apartment houses and, flats.

3.35.0 DWELLING, ONE-FAMILY. “One-family dwelling” means a detached dwelling designed for or occupied exclusively by one family.

3.36.0 DWELLING, TWO-FAMILY. “Two-family dwelling” means a building designed for or occupied exclusively by two families living independently of each other, except that common laundry facilities are allowed.

3.37.0 DWELLING UNIT. “Dwelling unit” means a building or portion thereof providing complete housekeeping facilities for one family.

3.38.0 FACTORY ASSEMBLED HOME. “Factory Assembled Home” is defined as either:

(a) A factory built structure that was constructed in accordance with the U.S. Department of Housing and Urban Development requirements and bearing an
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appropriate Department of Labor and Industries insignia indicating such compliance, or

(b) A factory built structure designed for human occupancy, which is entirely or substantially prefabricated or assembled at a place other than a building site and is transported to a building site on streets or highways and there affixed to a permanent foundation. A factory assembled home must be constructed to Uniform Building Code standards as adopted by Franklin County for on-site construction, the Washington State Energy Code and all other uniform codes adopted by Franklin County governing the construction of residential structures.

3.39.0 FAMILY. “Family” means one or more persons related by blood, marriage, or adoption, or five or less unrelated persons over the age of sixteen years occupying a dwelling and living together as a single housekeeping unit as distinguished from a group home, group care facility, lodging house, boarding home or fraternity.

3.40.0 FARM. A viable farm would constitute a lot, tract, or parcel of land that is in compliance with the minimum lot size within the Agricultural Production Zoning Districts (excluding the Special Provision and Exceptions).

3.41.0 GARAGE, RESIDENTIAL. “Residential garage” means a structure on the same lot with and accessory to a principally permitted use, used for storage only.

3.42.0 GARAGE, PUBLIC. “Public garage” means any garage other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

3.43.0 GROUP CARE FACILITY. “Group care facility” means any number of unrelated persons living together as a single housekeeping unit sponsored by a public or private service entity whether supervision of the residents is provided on a full or part-time basis.

3.44.0 GROUP HOME. “Group home” means more than six unrelated persons over the age of sixteen years living together as a single housekeeping unit.

3.45.0 HOME OCCUPATION. “Home occupation” means a profession, trade, skill or service possessed and utilized, in whole or in part, by a family member(s) for monetary gain within or upon the premises of a permanent dwelling units in a residential district. A home occupation shall not involve wholesale or retail sales of any general or specific line of merchandise, products, goods or wares upon said premises, unless such articles are produced thereon in the conduct of the profession, trade, skill or service.

3.46.0 JUNK YARD. “Junk yard” means the use of any lot, portion of a lot or tract of land for the abandonment, collecting, storage and/or dismantling, demolition, or salvaging of automobiles, other vehicles, machinery or parts thereof. Also, the collecting, storage
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and/or abandonment of junk, including but not limited to scrap metals, waste paper, rags, appliances, old furniture and other discarded materials. This definition applies to both commercial and non-commercial operations.

3.47.0 KENNEL. “Kennel” means a place where four or more dogs and/or four or more cats over the age of six months are kept, whether by owners or the dogs or cats or by persons providing facilities and care, whether or not for compensation. This definition shall include boarding kennels, but not pet shops, animal hospitals, or veterinarian clinics.

3.48.0 LOT. “Lot” means a designated parcel, tract or area of land established by final plat, short plat, binding site plan, or as otherwise permitted by law.

3.49.0 LOT AREA. “Lot area” means the total horizontal area within the boundary lines of a lot exclusive of street, road, canal, and alley rights-of-way regardless of whether such right-of-way is improved (i.e. net acreage).

3.50.0 LOT, CORNER. “Corner lot” means a lot at the junction of and abutting two or more intersecting street rights-of-way.

3.51.0 LOT, CORNER, DEPTH OF. “Depth of corner lot” means a mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

3.52.0 LOT, COVERAGE. “Lot coverage” means that percentage of the lot area covered by all buildings, including accessory buildings and patio covers or sun screens.

3.53.0 LOT DEPTH. “Lot depth” means the horizontal distance between the front and rear property in the mean direction of the side lot lines.

3.54.0 LOT, FLAG. “Flag lot” means a large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

3.55.0 LOT, INTERIOR. “Interior lot” means a lot other than a corner lot.

3.56.0 LOT, KEY. “Key lot” means a lot in which the front half of the side lot line forms the rear lot line of an adjoining lot.

3.57.0 LOT LINE. “Lot line” means any line dividing a lot from a public street or alley right-of-way or dividing one lot from another.

3.58.0 LOT, THROUGH. “Through lot” means an interior lot having frontage on two parallel or approximately parallel streets.

3.59.0 LOT, WIDTH OF. “Width of lot” means the average width measured at right angles to the depth.
3.60.0 MASSAGE PARLOR. “Massage parlor” means a business principally used for the purpose of providing massage in an enclosed building.

3.61.0 MICRO-BREWERY. “Micro-Brewery” means a business engaged in the production of beer and licensed by the Washington State Liquor Board as a B1 Domestic Brewery, producing less than 60,000 barrels annually.

3.62.0 MICRO-WINERY. “Micro-Winery” means a business licensed by the Washington State Liquor Board as a W1 Winery, producing less than 99,999 liters annually.

3.63.0 MINI-STOREAGE FACILITY. “Mini-Storage Facility” means a building or group of buildings consisting a small, self contained units for the storage of household or business goods, provided no hazardous substances or conditions are maintained within the facility.

3.64.0 MOBILE HOME. “Mobile home” means a single-family dwelling, thirty-two body feet or more in length and eight body feet or more in width, designed for transportation, after fabrication, on streets and highways on its own wheels, and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and having an insignia issued by the Department of Labor and Industries and constructed before June 15, 1976.

3.65.0 MOTOR HOME. “Motor home” means a vehicular type of unit or device, whether licensed or unlicensed, primarily designed as a temporary living quarters for recreation, camping, or travel use, which contains its own motive power.

3.66.0 MOTOR VEHICLE REPAIR SHOP. “Motor vehicle repair shop” means a building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

3.67.0 NON-CONFORMING USE. “Non-conforming use” means a use of land existing at the time of the enactment of this title and which does not conform to the regulations of the district or zone in which it is situated.

3.68.0 NURSERY SCHOOL. See definition Day Care.

3.69.0 NURSERY OR CONVALESCENT HOME. “Nursing or convalescent home” means any building where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the State of Washington.

3.69.5 OPEN RECORD HEARING. “Open Record Hearing” means a public hearing in which testimony, evidence, and other information may be presented to the Planning Commission whereupon the record for the project permit application is developed.
3.70.0 OPEN SPACES. “Open spaces” means an unoccupied space open to the sky on the same lot with a building.

3.71.0 OUTDOOR STORAGE. “Outdoor storage” means any materials, equipment, merchandise, objects, artifacts or other substance kept or placed on the lot, but not within an enclosed structure, for preservation or later use or disposal.

3.72.0 PARCEL. See definition for lot.

3.73.0 PAWN SHOP. “Pawn shop” means an establishment wherein a person, firm or corporation is engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property.

3.74.0 QUARRY, SAND PIT, GRAVEL PIT, OR TOPSOIL STRIPPING. “Quarry, sand pit, gravel pit, or topsoil stripping” means a lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a building permit has been made.

3.75.0 RECREATIONAL VEHICLE. See definition under “Recreational Vehicle Parks.”

3.76.0 RIDING ACADEMY. “Riding academy” means any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

3.77.0 SANITARIUM OR SANITORIUM. “Sanitarium” or “sanatorium” means a private hospital whether or not such facilities are operated for a profit.

3.78.0 SECONDHAND DEALER. “Secondhand dealer” means an establishment having any portion of its stock-in-trade “secondhand personal property” as that term is defined in this chapter.

3.79.0 SECONDHAND PERSONAL PROPERTY. “Secondhand personal property” means any item (or part thereof) of secondhand personal property, regardless of condition, age or value; including scrap and melted metals. EXCEPTING the following: stamps, coins, books, reconditioned appliances, empty food containers, compact discs, computer software, goods used in trade-ins on the purchase of other merchandise of the same or greater value, used automobiles, unclaimed goods sold to collect mechanics liens and antiques.

3.80.0 SEXUALLY-ORIENTED MATERIALS. “Sexually-Oriented Materials” mean any books magazines, periodicals, or other printed materials, or any photographs, films, motion pictures, video cassettes, slides or other visual or sensory representations that are distinguished or characterized by a predominant emphasis on matters depicting,
describing, or simulating any specified sexual activities or any specified anatomical areas.

3.81.0 SNOWMOBILE. “Snowmobile” means a vehicle with a continuous tread and runner type steering device used primarily for over-snow travel.

3.82.0 SPECIFIED ANATOMICAL AREAS. “Specified anatomical areas” means:
   (a) Less than completely and opaquely covered.
      (i) Human genitals, pubic region.
      (ii) Anus, buttock, and
      (iii) Female breast below a point immediately above the top of the areola, and
   (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3.83.0 SPECIFIED SEXUAL ACTIVITIES. “Specified sexual activities” means:
   (a) Human genitals in a state of sexual stimulation or arousal.
   (b) Act of human masturbation, actual or simulated.
   (c) Sex acts, normal or perverted, actual or simulated, including sexual intercourse, oral copulation or sodomy.
   (d) Fondling or other erotic touching of human genitals, pubic region, anus, buttocks or female breast.
   (e) Excretory function as part of, or in connection with, any sexual activities specified in this definition.

3.84.0 STABLE, PRIVATE. “Private stable” means an accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

3.85.0 STABLE, PUBLIC. “Public Stable” means a building in which horses are kept for remuneration, hire, or sale.

3.86.0 STOCK-IN-TRADE. “Stock-in-trade” means all books, magazines, posters, pictures, periodicals, other printed material, items, products, equipment, pre-recorded video tapes, discs or other similar materials readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

3.87.0 STORAGE, CONTAINER. “Container storage” means a unit originally or specifically used or designed to store goods or merchandise during shipping or hauling by a vehicle, including but not limited to rail cars of any kind, truck trailers or multi-modal shipping containers.

3.88.0 STREET. “Street” means a public or private way that affords a principal means of access to abutting properties.
3.89.0 STRUCTURE. “Structure” is that which is built or constructed, and edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

3.90.0 TATTOO PARLOR. “Tattoo parlor” means an enclosed building used for the business of tattooing a customer’s body.

3.91.0 TAVERN. “Tavern” means an establishment licensed by Washington State to dispense beer, wine or other alcoholic beverage for consumption on the premises, the provision of which is not in any way dependent upon food sales to retain said license. Such places may also provide packaged alcoholic products for off-site consumption.

3.92.0 THEATER, MOTION PICTURE. “Motion picture theater” means a building or part of a building devoted to the showing of moving pictures on a paid admission basis. This does not include adult entertainment facilities.

3.93.0 URBAN AREA. “Urban area” means the area within a City limits and the unincorporated portion of Franklin County within the Urban Growth Boundary established and adopted in the Comprehensive Plan.

3.94.0 UTILITY TRAILER. “Utility trailer” shall mean a vehicular structure or device with or without its own mode of power, licensed or unlicensed, designed and/or used for the transportation of goods, equipment, other vehicles or devices, and materials.

3.95.0 VEHICLES. “Vehicles” means motorized mechanical devices designed for movement by means of wheels, skids or runners of any kind, and specifically including all such automobiles, buses, trucks, cars, vans, and motor homes even though they may be at any time immobilized in any way for any period of time for whatever duration; and also including boats and such recreational vehicles as defined herein.

3.96.0 VEHICLE, INOPERABLE. “Inoperable vehicle” means any vehicle which is apparently inoperable, unlicensed (not currently licensed by the State), abandoned, wrecked, disassembled, or is extensively damaged. Further evidence of inoperability includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a non-functioning motor or transmission, missing bumpers, missing license plates, or a vehicle or part thereof which may be placed upon jacks, blocks, or other support.

3.97.0 WINERY (COMMERCIAL). “Commercial winery” is a facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes. A commercial winery produces less than 50,000 cases of wine a year.
3.98.0 WIRELESS COMMUNICATION FACILITY. “Wireless Communication Facility” (WCF) is any un-staffed facility for the transmission and/or reception of wireless communication services, including support structures, transmission cables, equipment facilities, and antenna arrays. A “wireless communication service” means any personal wireless service as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television and similar services that currently exist or that may in the future be developed.

3.99.0 YARD, FRONT. “Front yard” means an open and unoccupied space, extending the full width of the lot between the front lot line and the structure.

3.100.0 YARD, REAR. “Rear yard” means an open and unoccupied space, extending the full width of the lot between the rear lot line and the structure.

3.101.0 YARD, SIDE. “Side yard” means an open and unoccupied space, between the side wall line of the structure and the side line of the lot.
CHAPTER 4
ZONES ESTABLISHED- ZONING MAP

Sections:
4.1.0 Establishment of Zoning Districts
4.2.0 Zoning Map
4.3.0 Rules for interpretation of district boundaries
4.4.0 Application of district regulations

4.1.0 ESTABLISHMENT OF ZONING DISTRICTS.

AP-20 Agricultural Production 20
AP-40 Agricultural Production 40
RR-1 Rural Residential 1
RR-5 Rural Residential 5
RC-1 Rural Community 1
RC-5 Rural Community 5
RS-2 Rural Settlement Area Medium Density
RS-40 Residential suburban district zone
RS-20 Residential suburban district zone
RS-12 Residential suburban district zone
RT Residential Transition
RS-1 Residential Suburban district zone
R-1 Low Density Residential District Zone
R-2 Medium-density residential district zone
R-3 Medium-density residential district zone
RMHP Mobile home park district zone
O Office district zone
C-1       Retail Business district zone
C-2       Rural service district zone
C-3       General Business district zone
C-R       Regional Commercial district zone
B-P       Business Park district zone
I-2       General Industrial District
I-3       Heavy Industrial District Zone

4.2.0 ZONING MAP. The districts are bounded as shown on a map entitled, “Official Zoning Map,” which together with all explanatory material thereon, is hereby adopted by reference and declared to be a part of this title.

The official zoning map for the unincorporated portion of the Urban Area shall be maintained in the Franklin County Planning Department. The official zoning map for that portion of the Urban Area within the city limits shall be maintained in the City Planning Office.

Each official zoning map shall be identified by the signatures of the legislative body having jurisdiction and the date adopted. The official zoning map maintained by the County shall be the final authority as to the current zoning status of land in the County.

In accordance with the provisions of this chapter, if changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the Board of Commissioners. The amending ordinance shall provide that they have been duly entered upon the official zoning map.

In the event that the official zoning map becomes damaged, destroyed, or lost, or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may by resolution, adopt a new official zoning map which shall supersede the prior official zoning map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedure set forth in this chapter. Any unauthorized change of whatever kind, by any person or persons shall be considered a violation of this chapter.

4.3.0 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
(1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lots shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries as indicated following shorelines shall be construed to follow the ordinary high-water line of such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

(6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) above shall be also construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections (1) through (6) above, the Board of Commissioners shall interpret the district boundaries.

(8) Upon vacation of public right-of-way zoning shall extend to the center-line of said vacated right-of-way.

4.4.0 APPLICATION OF DISTRICT REGULATIONS. Except in accordance with the provisions of this chapter, the regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, including the following:

(1) No building or other structure shall hereafter be erected or altered:
   (a) To exceed the height.
   (b) To accommodate or house a greater number of families.
   (c) To occupy a greater percentage of lot area.
   (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required; or in any other manner contrary to the provisions of this chapter.

(2) No yard or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this title shall meet at least the minimum requirements established by this chapter.

(3) Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion provided the lot has frontage on a street in the less restricted district.
CHAPTER 5
AP-20 AGRICULTURAL PRODUCTION ZONE

Sections:

5.1.0 Purpose
5.2.0 Permitted uses
5.3.0 Permitted accessory uses
5.4.0 Conditional uses
5.5.0 Development standards

5.1.0 PURPOSE. The Agricultural Production 20 Zone is designed to maintain the agricultural economy of the County by reserving the farmlands that are used for farming and that are suited to such use. The County Comprehensive Plan designates the County’s Agricultural Lands. A majority of land in this Zoning District has access to irrigation water or is surrounded by lands with access to irrigation water.

Residential Subdivisions are not compatible with the intent of the Agricultural Production 20 Zone. Short Plats may be permitted for farm labor housing or where the landowner wishes to sell the farm (* see definition of farm) and keep the house or in cases where deemed appropriate by the Board of County Commissioners.

5.2.0 PERMITTED USES. In the Agricultural Production 20 Zone, the following uses are permitted on each lot:

1. One single-family dwelling.
2. Agriculture, floriculture, horticulture, general farming, dairies, poultry and/or egg production, livestock farming including hog or swine raising, subject to the following head count numbers and requirements (see “farm” definition):
   a. Dairies (milking cows): 500
   i. Dairy separation standard: No more than two (2) operations that are greater in size than 1300 (milking cow head count) shall be located within an operations two (2) mile buffer. The buffer area shall be a two (2) mile radius from each operation’s center of primary animal confinement as defined by the Franklin Conservation District.
   b. Feedlots: 1000
   c. Poultry and/or egg production: 10,000
   d. Hog or swine raising (sows): 100
   e. All of the above mentioned head count numbers may be exceeded upon the approval of a conditional and/or special use permit with the exception of the Dairy separation standard listed above in 5.2.0(2)(a)(i).
3. Agricultural produce stands for products grown on the premises when located not less than twenty (20) feet from any public street or highway.
4. Commercial and private stables, riding academies, including farrier and training, and including caretakers’ quarters. This provision shall provide for all animals listed in the permitted animal unit definition.
5. Veterinary clinic.
7. Rural retail businesses associated with agricultural products grown or produced on-site (subject to the criteria listed in the Use Regulations Chapter).

5.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory in the AP-20 Zone:

1. Accessory uses, buildings, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use.
2. One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000 square feet); provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership. This requirement only applies to parcels that are less than twenty (net) acres in size, and may be waived upon the approval of a conditional/special use permit.
3. Home Occupations.
4. Accessory dwellings.

5.4.0 CONDITIONAL USES. The following additional uses may be permitted subject to securing a Conditional Use Permit/ Special Use Permit:

1. Stone quarries, sand and gravel pits.
2. Commercial feed mills and canneries.
3. Permanent airstrips used by agricultural aerial applicators (crop dusting) - including helicopters. Also including private airstrips.
4. Schools and churches (including elementary, junior high, high schools, kindergarten, day care centers and mini-day care programs).
5. Power plants, pumping plants, substations and transmission lines.
6. Cemeteries, crematoriums or mausoleums.
8. Dog kennels.
9. Amusement parks or similar uses providing there is a minimum of twenty (20) acres.
10. Non-motorized recreational trails and similar facilities.
11. Gun, rifle, and archery clubs/ranges.
12. Group homes or therapeutic centers.
13. Processing (industrial or manufacturing plants) of agricultural products that are not produced or grown on-site.
14. Contractors (parking and storage of equipment/materials that does not meet the intent of the Home Occupation Chapter).
15. All Farm Family or Farm Labor Housing for Permanent Hired Help consisting of five (5) or more dwelling units (* see definition of farm).
   a. On-site farm labor housing and housing for permanent hired help – means housing (conventional – site built or FAH) located:
      i. Upon the same lot or parcel or farm unit as the residence of the employer(s), or upon land adjoining the lot or parcel or farm unit upon which the residence of the employer is located, provided it does not exceed one (1) mile in distance from the residence of the employer(s); and/or
      ii. All farm labor housing for migrant laborers shall be located on-site as referenced above.
   b. Permanent hired help – means salaried employees who are hired by the farmer and are employed for a minimum of nine (9) months of the year.

16. Wineries.
17. Landscape gardening and storage area for equipment and materials.
18. Off-site agricultural services (i.e. spraying, trucking, farriering of goods and commodities).
20. Commercial livestock sales yard(s).
21. Temporary asphalt batch plants.
22. Rural retail businesses associated with agricultural products grown or produced off-site (subject to the criteria listed in the Use Regulations Chapter).
23. Commercial rodeo arenas.
24. The land application of sewage sludge and septage for beneficial use.
25. The land application of Class B bio-solids for beneficial use. Application of Class A exceptional quality bio-solids does not require a Conditional/Special Use Permit.

5.5.0 DEVELOPMENT STANDARDS. The following dimensional standards shall apply.
1. Minimum Lot Area: 20 acres (see # 6 for special provisions/exceptions).
2. Density: One dwelling unit per lot/parcel (see # 6 special provision/exceptions).
3. Minimum Yard Setbacks (Primary):
   a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
   b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building, PROVIDING that the side yard on a corner lot shall not be less than twenty-five (25) feet wide, or fifty-five (55) feet wide from the centerline of an existing/future road, access easement, or whichever is greater.
   c. Rear: There shall be a rear yard having a minimum depth of twenty-five (25) feet.
4. Minimum Yard Setbacks (Accessory):
a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.

b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building. (See Site Design Standards Chapter for Corner Lot setback requirements).

c. Rear: There shall be a rear yard having a minimum depth of ten (10) feet.

5. Height: Thirty-five (35) feet (primary and accessory).

Height limitations shall not apply to barns, silos, water towers or other farm buildings and structures. Projections such as chimneys, domes, spires, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are likewise not subject to height limitations of this ordinance.

6. Special provisions/exceptions:

a. Innovative Agricultural Short Plats shall:
   i. Comply with the Purpose of the Agricultural Production 20 Zoning District.
   ii. Comply with a minimum lot size of 1 acre;
   iii. Consist of no more than 4 lots. This includes no more than 3 lots/parcels that are less than 20 acres in size. The remaining farm lot/parcel shall comply with the required Density Standard;
   iv. Comply with a Density Standard of 1:20. For each lot/parcel that is less than 20 acres in size in a short plat application there shall be a minimum of 20 acres set aside in the main farm lot/parcel.

b. Housing for Family Members and Permanent Hired Help.
   i. In the Agricultural Production 20 Zone, four (4) dwelling units may be placed on the property of the landowner without a public hearing for family members or permanent hired help where said housing relates to the farming operation of the landowner. This provision shall not be interpreted as farm labor housing/camps. The owner of the property is to submit a site plan for review and approval.
   ii. Any selling or transferring of the property and houses at a later date where the legal description has been modified from the original parcel would require that the property be legally subdivided in accordance with the applicable subdivision ordinance and that appropriate lot sizes and yard requirements be met.
CHAPTER 6
AP-40 AGRICULTURAL PRODUCTION ZONE

Sections:
6.1.0 Purpose
6.2.0 Permitted uses
6.3.0 Permitted accessory uses
6.4.0 Conditional uses
6.5.0 Development standards

6.1.0 PURPOSE. The Agricultural Production 40 Zone is designed to maintain the agricultural economy of the county by reserving the farmlands that are used for farming and that are suited to such use. The County Comprehensive Plan designates the County’s Agricultural Lands. A majority of land in this Zoning District lacks access to irrigation water and emphasizes the County’s Rangeland and/or Dry Land farming practices.

Residential Subdivisions are not compatible with the intent of the Agricultural Production 40 Zone. Short Plats may be permitted for farm labor housing or where the landowner wishes to sell the farm (* see definition of farm) and keep the house or in cases where deemed appropriate by the Board of County Commissioners.

6.2.0 PERMITTED USES. The following uses are permitted in the AP-40 Zone:
1. One single-family dwelling.
2. Agriculture, floriculture, horticulture, general farming, dairies, poultry and/or egg production, livestock farming including hog or swine raising, subject to the following head count numbers and requirements (see “farm” definition):
   a. Dairies (milking cows): 500
      i. **Dairy separation standard**: No more than two (2) operations that are greater in size than 1300 (milking cow head count) shall be located within an operations two (2) mile buffer. The buffer area shall be a two (2) mile radius from each operation’s center of primary animal confinement as defined by the Franklin Conservation District.
   b. Feedlots: 1000
   c. Poultry and/or egg production: 10,000
   d. Hog or swine raising (sows): 100
   e. All of the above mentioned head count numbers may be exceeded upon the approval of a conditional and/or special use permit with the exception of the Dairy separation standard listed above in 6.2.0(2)(a)(i).
3. Agricultural produce stands for products grown on the premises when located not less than twenty (20) feet from any public street or highway.
4. Commercial and private stables, riding academies, including farrier and training, and including caretakers’ quarters. This provision shall provide for all animals listed in the permitted animal unit definition.
5. Veterinary clinic.
7. Rural retail businesses associated with agricultural products grown or produced on-site (subject to the criteria listed in the Use Regulations Chapter).

6.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory in the AP-40 Zone:
1. Accessory uses, buildings, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use.
2. One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000 square feet); provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership. This requirement only applies to parcels that are less than twenty (net) acres in size, and may be waived upon the approval of a conditional/special use permit.
3. Home Occupations.
4. Accessory dwellings.

6.4.0 CONDITIONAL USES. The following additional uses may be permitted subject to securing a Conditional Use Permit/Special Use Permit:
1. Stone quarries, sand and gravel pits.
2. Commercial feed mills and canneries.
3. Permanent airstrips used by agricultural aerial applicators (crop dusting) - including helicopters. Also including private airstrips.
4. Schools and churches (including elementary, junior high, high schools, kindergarten, day care centers and mini-day care programs).
5. Power plants, pumping plants, substations and transmission lines.
6. Cemeteries, crematoriums or mausoleums.
8. Dog kennels.
9. Amusement parks or similar uses providing there is a minimum of twenty (20) acres.
10. Non-motorized recreational trails and similar facilities.
11. Gun, rifle, and archery clubs/ranges.
12. Group homes or therapeutic centers.
13. Processing (industrial or manufacturing plants) of agricultural products that are not produced or grown on-site.
14. Contractors (parking and storage of equipment/materials that does not meet the intent of the Home Occupation Chapter).
15. All Farm Family or Farm Labor Housing for Permanent Hired Help consisting of five (5) or more dwelling units (* see definition of farm).
   a. On-site farm labor housing and housing for permanent hired help – means housing (conventional – site built or FAH) located:
      i. Upon the same lot or parcel or farm unit as the residence of the employer(s), or upon land adjoining the lot or parcel or farm unit upon which the residence of the employer is located, provided it does not exceed one (1) mile in distance from the residence of the employer(s); and/or
      iii. All farm labor housing for migrant laborers shall be located on-site as referenced above.
   b. Permanent hired help – means salaried employees who are hired by the farmer and are employed for a minimum of nine (9) months of the year.

16. Wineries.
17. Landscape gardening and storage area for equipment and materials.
18. Off-site agricultural services (i.e. spraying, trucking, farriering of goods and commodities).
20. Commercial livestock sales yard(s).
21. Temporary asphalt batch plants.
22. Rural retail businesses associated with agricultural products grown or produced off-site (subject to the criteria listed in the Use Regulations Chapter).
23. Commercial rodeo arenas.
24. The land application of sewage sludge and septage for beneficial use.
25. The land application of Class B bio-solids for beneficial use. Application of Class A exceptional quality bio-solids does not require a Conditional/Special Use Permit.

6.5.0 DEVELOPMENT STANDARDS. The following dimensional standards shall apply.
1. Minimum Lot Area: 40 acres (see # 6 for special provisions/exceptions).
2. Density: One dwelling unit per lot/parcel (see # 6 special provision/exceptions).
3. Minimum Yard Setbacks (Primary):
   a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
   b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building, PROVIDING that the side yard on a corner lot shall not be less than twenty-five (25) feet wide, or fifty-five (55) feet wide from the centerline of an existing/future road, access easement, or whichever is greater.
   c. Rear: There shall be a rear yard having a minimum depth of twenty-five (25) feet.
4. Minimum Yard Setbacks (Accessory):
a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.

b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building. (See Site Design Standards Chapter for Corner Lot setback requirements).

c. Rear: There shall be a rear yard having a minimum depth of ten (10) feet.

5. Height: Thirty-five (35) feet (primary and accessory).

a. Height limitations shall not apply to barns, silos, water towers or other farm buildings and structures. Projections such as chimneys, domes, spires, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are likewise not subject to height limitations of this ordinance.

6. Special provisions/exceptions:

a. Innovative Agricultural Short Plats shall:
   i. Comply with the Purpose of the Agricultural Production 40 Zoning District.
   ii. Comply with a minimum lot size of 1 acre.
   iii. Consist of no more than 4 lots. This includes no more than 3 lots/parcels that are less than 40 acres in size. The remaining farm lot/parcel shall comply with the required Density Standard.
   iv. Comply with a Density Standard of 1:40. For each lot/parcel that is less than 40 acres in size in a short plat application there shall be a minimum of 40 acres set aside in the main farm lot/parcel.

b. Housing for Family Members and Permanent Hired Help.
   i. In the Agricultural Production 40 Zone, four (4) dwelling units may be placed on the property of the landowner without a public hearing for family members or permanent hired help where said housing relates to the farming operation of the landowner. This provision shall not be interpreted as farm labor housing/camps. The owner of the property is to submit a site plan for review and approval.
   ii. Any selling or transferring of the property and houses at a later date where the legal description has been modified from the original parcel would require that the property be legally subdivided in accordance with the applicable subdivision ordinance and that appropriate lot sizes and yard requirements be met.
CHAPTER 7
RR-1 RURAL RESIDENTIAL ZONE

Sections:
7.1.0 Purpose
7.2.0 Permitted uses
7.3.0 Permitted accessory uses
7.4.0 Conditional uses
7.5.0 Development standards

7.1.0 PURPOSE. The Rural Residential 1 Zone serves as a residential transitional area between the suburban areas surrounding cities and towns and the agricultural districts. Specifically, the Rural Residential 1 applies to the Clark Addition and Kau Trail Areas and is intended to:

1. Provide an opportunity for rural residential living in areas close enough to cities and towns to permit commuting to work and in a manner that will not conflict with active agricultural production.
2. Provide a buffer area between urban and suburban areas and those areas reserved for continued agricultural production, to lessen potential conflicts between development and agriculture.
3. Provide a transitional area into which future suburban development can expand as and/or if needed.
4. Provide areas for a continued mixture of low-density residential development and hobby farming activities.
5. Provide a mechanism to in-fill existing development patterns in the Clark Addition and Kau Trail Transitional Areas.
6. Contain low-density development within those outlying areas already substantially committed to this use.

The Rural Residential 1 Zone is characterized by a mixture of land uses encompassing small-scale commercial agriculture, part-time hobby farms, and scattered low-density commuter-residential development. Development in this zone should be primarily self-supporting and of a low density so as to not cause pollution problems which would force extensions of public water and sewer facilities.

7.2.0 PERMITTED USES. The following uses shall be permitted in the Rural Residential 1 Zone:

1. One single-family dwelling.
2. Agriculture, floriculture, horticulture, general farming.
3. Agricultural produce stands for products grown on the premises when located not less than twenty (20) feet from any public street or highway.
4. Rural retail businesses associated with agricultural products grown or produced on-site (subject to the criteria listed in the Use Regulations Chapter).
5. Nothing contained in this section shall be deemed to prohibit the use of property for gardening or fruit raising.

7.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory in the Rural Residential 1 Zone:

1. Accessory uses, buildings, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use. These are permitted in the side and rear yards only.

2. One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000 square feet); provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership.

3. Home Occupations.

4. Family day-care home.

5. Accessory dwellings.

7.4.0 CONDITIONAL USES. The following additional uses may be permitted subject to securing a Conditional Use Permit/Special Use Permit:

1. Schools and churches (including elementary, junior high, high schools, kindergarten, day care centers and mini-day care programs).

2. Power plants, pumping plants, substations and transmission lines.

3. Cemeteries, crematoriums or mausoleums.


5. Dog kennels.

6. Non-motorized recreational trails and similar facilities.

7. Group homes or therapeutic centers.

8. Contractors (parking and storage of equipment/materials that does not meet the intent of the Home Occupation Chapter).


10. Off-site agricultural services (i.e. spraying, trucking, farriering of goods or commodities).

11. Mini-storage facilities/RV and boat storage facilities with direct frontage along a major arterial County road, within one (1) mile of a designated Urban Growth Area Boundary, and with a minimum site area of four (4) acres.

12. The operation and maintenance of retail establishments for the sale of feed, seed, irrigation, garden fertilizers, and farm supplies. These shall have direct frontage along a major arterial County road, be within one mile of a designated Urban Growth Area Boundary, and have a minimum site area of two (2) acres.

13. Accessory Building (located in front yard area).

14. Commercial stables, riding academies, including farrier and training, and including caretakers’ quarters. This provision shall provide for all animals listed in the permitted animal unit definition.
15. Veterinary clinic.
17. Rural retail businesses associated with agricultural products grown or produced off-site (subject to the criteria listed in the Use Regulations Chapter).

7.5.0 DEVELOPMENT STANDARDS. In the Rural Residential 1 Zone, the following dimensional standards shall apply.

1. Minimum Lot Area: 1.0 acres.
2. Density: One dwelling unit per lot/parcel.
3. Maximum Lot Coverage: Forty (40) percent
4. Minimum Yard Setbacks (Primary):
   a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
   b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building, PROVIDING that the side yard on a corner lot shall not be less than twenty-five (25) feet wide, or fifty-five (55) feet wide from the centerline of an existing/future road, access easement, or whichever is greater.
   c. Rear: There shall be a rear yard having a minimum depth of twenty-five (25) feet.
5. Minimum Yard Setbacks (Accessory):
   a. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building. (See Site Design Standards Chapter for Corner Lot setback requirements).
   b. Rear: There shall be a rear yard having a minimum depth of ten (10) feet.
6. Height: Thirty-five (35) feet (primary and accessory).
CHAPTER 8
RR-5 RURAL RESIDENTIAL ZONE

Sections:
8.1.0 Purpose
8.2.0 Permitted uses
8.3.0 Permitted accessory uses
8.4.0 Conditional uses
8.5.0 Development standards

8.1.0 PURPOSE. The Rural Residential 5 Zone is applicable in those outlying rural areas where considerable commitment to rural residential development has been established through previous subdivision and/or segregation’s and development patterns which have caused the area to be irrevocably lost to large-scale commercial farming. In these areas the Rural Residential 5 Zone is intended to:

1. Contain low-density development within those outlying areas already substantially committed to this use.
2. Provide areas for a continued mixture of low-density residential development and hobby farming activities.

The Rural Residential 5 Zone is characterized by a mixture of land uses encompassing small-scale commercial agriculture, part-time hobby farms, and scattered low-density commuter-residential development. Development in this zone should be primarily self-supporting and of a low density so as to not cause pollution problems which would force extensions of public water and sewer facilities.

8.2.0 PERMITTED USES. The following uses shall be permitted in the Rural Residential 5 Zone:

1. One single-family dwelling.
2. Agriculture, floriculture, horticulture, general farming.
3. Agricultural produce stands for products grown on the premises when located not less than twenty (20) feet from any public street or highway.
4. Veterinary clinic.
5. Nurseries and greenhouses.
6. Rural retail businesses associated with agricultural products grown or produced on-site (subject to the criteria listed in the Use Regulations Chapter).

8.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory in the Rural Residential 5 Zone:

1. Accessory uses, buildings, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use.
2. One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000 square feet); provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership. This requirement only applies to parcels that are less than twenty (net) acres in size, and may be waived upon the approval of a conditional/special use permit.

3. Family day-care home.


5. Accessory dwellings.

8.4.0 CONDITIONAL USES. In the Rural Residential 5 Zone, the following additional uses may be permitted subject to securing a Conditional Use Permit/Special Use Permit:

1. Stone quarries, sand and gravel pits.
2. Permanent and private airstrips, including those used by agricultural aerial applicators (crop dusting) - including helicopters.
3. Schools and churches (including elementary, junior high, high schools, kindergarten, day care centers and mini-day care programs).
4. Power plants, pumping plants, substations and transmission lines.
5. Cemeteries, crematoriums or mausoleums.
7. Dog kennels.
8. Amusement parks or similar uses providing there is a minimum of twenty (20) acres.
9. Non-motorized recreational trails and similar facilities.
10. Group homes or therapeutic centers.
11. Processing (industrial or manufacturing plants) of agricultural products that are not produced or grown on-site.
12. Contractors (parking and storage of equipment/materials that does not meet the intent of Home Occupation Chapter).
13. Wineries.
14. Off-site agricultural services (i.e. spraying, trucking, farrier ing of goods or commodities).
15. Commercial and private stables, riding academies, including farrier and training, and including caretakers’ quarters. This provision shall provide for all animals listed in the permitted animal unit definition.
16. Rural retail businesses associated with agricultural products grown or produced off-site (subject to the criteria listed in the Use Regulations Chapter).

8.5.0 PROPERTY DEVELOPMENT STANDARDS. In the Rural Residential 5 Zone, the following dimensional standards shall apply.

1. Minimum Lot Area: 5.0 acres.
2. Density: One dwelling unit per lot/parcel.
4. Minimum Yard Setbacks (Primary):
   a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
   b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building, PROVIDING that the side yard on a corner lot shall not be less than twenty-five (25) feet wide, or fifty-five (55) feet wide from the centerline of an existing/future road, access easement, or whichever is greater.
   c. Rear: There shall be a rear yard having a minimum depth of twenty-five (25) feet.

5. Minimum Yard Setbacks (Accessory):
   a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
   b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building. (See Site Design Standards Chapter for Corner Lot setback requirements).
   c. Rear: There shall be a rear yard having a minimum depth of ten (10) feet.

6. Height: Thirty-five (35) feet (primary and accessory).
CHAPTER 9
RC-1 RURAL COMMUNITY ZONE

Sections:

9.1.0 Purpose.
9.2.0 Permitted uses.
9.3.0 Permitted accessory uses.
9.4.0 Conditional Uses.
9.5.0 Development Standards.

9.1.0 PURPOSE. The RC-1 District is established to provide a rural residential environment permitting one dwelling unit per acre. Lands within this District are normally located in rural areas that are outside designated Urban Growth Area Boundaries and contain residential development with large lots and expansive yards. Structures in this District are limited to single-family dwellings and customary accessory structures. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended rural residential environment.

9.2.0 PERMITTED USES. The following uses shall be permitted in the RC-1 Zone:

(1) One single-family dwelling.
(2) Nothing contained in this section shall be deemed to prohibit the use of property for gardening or fruit raising.
(3) Agricultural produce stands for products grown on the premises when located not less than twenty (20) feet from any public street or highway.

9.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the RC-1 Zone:

(1) One detached residential garage, provided it does not exceed 1,200 square feet in area. Can exceed 1,200 square feet in area upon approval of a conditional/special use permit or meeting the requirements of 9.3.0(3). This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(2) One storage building not exceeding 480 square feet, provided no storage containers shall be permitted. This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(3) The square footage requirements for the accessory buildings specifically stated in 9.3.0(1) and (2) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size, provided:
   (a) If this combination requirement is utilized, only one (1) detached residential garage or one (1) storage building is allowed per parcel.
   (b) The total combined accessory building square footage does not exceed the square footage of the footprint for the primary residence. This may be exceeded upon the approval of a conditional/special use permit.
(4) Agricultural uses (limited). Agricultural uses (limited) may be considered a permitted use (Section 9.2.0) upon site inspection and verification by the Planning Director for parcels of land greater than 2.5 acres in size.

(5) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000) square feet; provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership.

(6) Family day-care home.

(7) Home Occupations.

(8) Accessory dwellings.

9.4.0 CONDITIONAL USES. In addition to the unclassified uses, the following uses may be permitted by special permit:

(1) Churches and similar places of worship.
(2) Public libraries, and municipal office buildings.
(3) Public and private schools, public parks and playgrounds.
(4) Fire department station houses.
(5) Private nursery school, preschool, child mini day care, and child day care center.
(6) Agricultural use (commercial).
(7) Non-motorized recreational trails and similar facilities.
(8) Accessory Buildings (located in the front yard area).
(9) Contractors (parking and storage of equipment/materials that does not meet the intent of the Home Occupation Chapter).
(10) Commercial and private stables, riding academies, including farrier and training, and including caretakers’ quarters. This provision shall provide for all animals listed in the permitted animal unit definition.

9.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: 1 acre
(2) Density: One dwelling unit per lot.
(3) Maximum Lot Coverage: Forty (40) percent
(4) Minimum Yard Setbacks (Primary):
   (a) Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way/access easement, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
   (b) Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building, PROVIDING that the side yard on a corner lot shall not be less than twenty-five (25) feet wide, or fifty-five (55) feet wide from the centerline of an existing/future road, access easement, or whichever is greater.
   (c) Rear: There shall be a rear yard having a minimum depth of twenty-five (25) feet.
(5) Minimum Yard Setbacks (Accessory):
(a) Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building. (See the Site Design Standards Chapter for Corner Lot setback requirements).

(b) Rear: There shall be a rear yard having a minimum depth of ten (10) feet.

(6) Maximum building height:

(a) Principal building. Thirty-five (35) feet.

(b) Accessory buildings: Eighteen (18) feet – average roof height. Heights can exceed the maximum allowed height upon approval of a Conditional/Special Use Permit.
CHAPTER 10
RC-5 RURAL COMMUNITY ZONE

Sections:
10.1.0 Purpose
10.2.0 Permitted uses
10.3.0 Permitted accessory uses
10.4.0 Conditional uses
10.5.0 Development Standards

10.1.0 PURPOSE. The RC-5 District is established to provide a rural residential environment permitting one dwelling unit per five (5) acres. Lands within this District are normally located in rural areas that are outside designated Urban Growth Area Boundaries and contain residential development with large lots and expansive yards. Structures in this District are limited to single-family dwellings and customary accessory structures. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended rural residential environment.

10.2.0 PERMITTED USES. The following uses shall be permitted in the RC-5 Zone:
   (1) One single-family dwelling.
   (2) Agriculture, floriculture, horticulture, general farming.
   (3) Rural retail businesses associated with agricultural products grown or produced on-site (subject to the criteria listed in the Use Regulations Chapter).
   (4) Veterinary clinics.
   (5) Nurseries and greenhouses.

10.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory:
   (1) One detached residential garage, provided it does not exceed 1,200 square feet in area. Can exceed 1,200 square feet in area upon approval of a conditional/special use permit or meeting the requirements of 10.3.0 (3). This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
   (2) One storage building not exceeding 480 square feet; provided no storage containers shall be permitted. This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
   (3) The square footage requirements for the accessory buildings specifically stated in 10.3.0(1) and (2) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size, provided:
      (a) If this combination requirement is utilized, only one (1) detached residential garage or one (1) storage building is allowed per parcel.
      (b) The total combined accessory building square footage does not exceed the square footage of the footprint for the primary residence. This may be exceeded upon the approval of a conditional/special use permit.
(4) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000 square feet); provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership. This requirement only applies to parcels that are less than twenty (net) acres in size, and may be waived upon the approval of a conditional/special use permit.

(5) Family day-care home.

(6) Home Occupations.

(7) Accessory dwellings.

10.4.0 CONDITIONAL USES. The following uses are permitted upon issuance of special permit:

(1) Schools and churches (including elementary, junior high, high schools, kindergarten, day care centers and mini-day care programs).

(2) Power plants, pumping plants, substations and transmission lines.

(3) Cemeteries, crematoriums or mausoleums.

(4) Public and quasi-public buildings.

(5) Dog kennels.

(6) Non-motorized recreational trails and similar facilities.

(7) Group homes or therapeutic centers.

(8) Contractors (parking and storage of equipment/materials that does not meet the intent of the Home Occupation Chapter).

(9) Wineries.

(10) Off-site agricultural services (i.e. spraying, trucking, farriering of goods or commodities).

(11) Commercial and private stables, riding academies, including farrier and training, and including caretakers’ quarters. This provision shall provide for all animals listed in the permitted animal unit definition.

(12) Rural retail businesses associated with agricultural products grown or produced on-site (subject to the criteria listed in the Use Regulations Chapter).

10.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Five (5) acres.

(2) Density: One dwelling unit per lot.

(3) Maximum lot coverage: Forty (40) percent.

(4) Minimum Yard Setbacks (Primary):

(a) Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way/access easement, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.

(b) Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building, PROVIDING that the side yard on a corner lot shall not be less than twenty-five (25) feet wide, or fifty-five (55) feet
wide from the centerline of an existing/future road, access easement, or whichever is greater.

(c) Rear: There shall be a rear yard having a minimum depth of twenty-five (25) feet.

(5) Minimum Yard Setbacks (Accessory):
(a) Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
(b) Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building. (See Site Design Standards Chapter for Corner Lot setback requirements).
(c) Rear: Rear Yards: There shall be a rear yard having a minimum depth of ten (10) feet.

(6) Maximum building height:
(a) Principal building. Thirty-five (35) feet.
(b) Accessory buildings: Eighteen (18) feet – average roof height. Heights can exceed the maximum allowed height upon approval of a special/conditional use permit.
CHAPTER 11
RS-2 RURAL SETTLEMENT MEDIUM DENSITY ZONE

Sections:
11.1.0 Purpose
11.2.0 Permitted uses
11.3.0 Permitted accessory uses
11.4.0 Conditional Uses
11.5.0 Development Standards

11.1.0 PURPOSE. The RS-2 district is established to provide Rural Settlement Areas a medium density rural residential environment. Lands within this District generally should contain multiple unit residential structures of a scale compatible with structures in lower density districts with useful yard spaces. The RS-2 District is intended to allow for a gradual increase in density from low-density residential districts and, where compatible, can provide a transition between different use areas.

11.2.0 PERMITTED USES. The following uses shall be permitted in the RS-2 Zone:
(1) One single-family dwelling.
(2) One two-family dwelling.
(3) Multiple dwellings.
(4) Nothing contained in this section shall be deemed to prohibit the uses of vacant property for gardening or fruit raising.
(5) Agricultural produce stands for products grown on the premises when located not less than twenty (20) feet from any public street or highway.

11.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the RS-2 Zone:
(1) One detached residential garage, provided it does not exceed 1,200 square feet in area. Can exceed 1,200 square feet in area upon approval of a conditional/special use permit or meeting the requirements of 11.3.0(3). This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(2) One storage building not exceeding 480 square feet, provided no storage containers shall be permitted. This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(3) The square footage requirements for the accessory buildings specifically stated in 11.3.0(1) and (2) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size, provided:
   (a) If this combination requirement is utilized, only one (1) detached residential garage or one (1) storage building is allowed per parcel.
   (b) The total combined accessory building square footage does not exceed the square footage of the footprint for the primary residence. This may be exceeded upon the approval of a conditional/special use permit.
(4) Agricultural uses (limited). Agricultural uses (limited) may be considered a permitted use (Section 11.2.0) upon site inspection and verification by the Planning Director for parcels of land greater than 2.5 acres in size.

(5) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000) square feet; provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership.

(6) Family day-care home.

(7) Home Occupations.

11.4.0 CONDITIONAL USES. In addition to the unclassified uses, the following uses may be permitted by special permit:

(1) Churches and similar places of worship.
(2) Public libraries, and municipal office buildings.
(3) Public and private schools, public parks and playgrounds.
(4) Fire department station houses.
(5) Private nursery school, preschool, child mini day care and day care center.
(6) Non-motorized recreational trails and similar facilities.
(7) Accessory Buildings (located in the front yard area).

11.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Five thousand (5,000) square feet.
(2) Density: One dwelling per 5,000 square feet of lot area.
(3) Maximum Lot Coverage: Forty (40) percent.
(4) Minimum Yard Setbacks (Primary):
   (a) Front: Twenty (20) feet.
   (b) Side: Ten (10) feet.
   (c) Rear: Principal Building: Equal to the height of the dwelling.
(5) Minimum Yard Setbacks (Accessory):
   (a) Side: Ten (10) feet (See Site Design Standards Chapter for Corner Lot setback requirements).
   (b) Rear: Ten (10) feet.
(6) Maximum building height:
   (a) Principal building: Thirty-five (35) feet.
   (b) Accessory buildings: Eighteen feet (18) feet – average roof height. Heights can exceed the maximum allowed height upon approval of a Conditional/Special Use Permit.
CHAPTER 12
R-T RESIDENTIAL TRANSITION ZONE

Sections:
12.1.0 Purpose
12.2.0 Permitted uses
12.3.0 Permitted accessory uses
12.4.0 Conditional uses
12.5.0 Development Standards

12.1.0 PURPOSE. The R-T zone is intended to be applied or assigned to lands within Urban Growth Area Boundaries that are essentially undeveloped, however, ultimately intended for suburban or urban residential use. Classifications would be inappropriate or premature to initially apply for a variety of reasons including promotion of un-orderly growth or creation of public health and safety problems resultant from the unavailability of urban services.

12.2.0 PERMITTED USES. The following uses shall be permitted in the R-T zone:

(1) One single-family dwelling.
(2) Commercial and private stables, riding academies, including farrier and training.
(3) Veterinary clinics.
(4) Nurseries and greenhouses.
(5) Nothing contained in this section shall be deemed to prohibit the use of property for gardening or fruit raising.

12.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory in the R-T zone:

(1) Uses incidental and customary to a permitted use.
(2) Agricultural uses (limited). Agricultural uses (limited) may be considered a permitted use (Section 12.2.0) upon site inspection and verification by the Planning Director for parcels of land greater than 2.5 acres in size.
(3) One detached residential garage, provided it does not exceed 1,200 square feet in area. Can exceed 1,200 square feet in area upon approval of a conditional/special use permit or meeting the requirements of 12.3.0 (5). This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(4) One storage building not exceeding 480 square feet; provided no storage containers shall be permitted. This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(5) The square footage requirements for the accessory buildings specifically stated in 12.3.0(3) and (4) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size, provided:
   (a) If this combination requirement is utilized, only one (1) detached residential garage or one (1) storage building is allowed per parcel.
(b) The total combined accessory building square footage does not exceed the square footage of the footprint for the primary residence. This may be exceeded upon the approval of a conditional/special use permit.

(6) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000 square feet); provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership. This requirement only applies to parcels that are less than twenty (net) acres in size, and may be waived upon the approval of a conditional/special use permit.

(7) Family day-care.

(8) Home Occupations.

(9) Accessory dwellings.

12.4.0 PERMITTED CONDITIONAL USES. The following uses are permitted upon issuance of special permit:

(1) Outdoor recreational activities.

(2) Agricultural uses (commercial).

(3) Accessory Buildings (located in the front yard area).

12.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Five (5) acres.

(2) Density: One dwelling unit per five (5) acres.

(3) Maximum lot coverage: Twenty (20) percent.

(4) Minimum Yard Setbacks (Primary):
   (a) Front: Twenty-five (25) feet.
   (b) Side: Ten (10) feet.
   (c) Rear: Twenty-five (25) feet.

(5) Minimum Yard Setbacks (Accessory):
   (a) Side: Ten (10) feet (See Site Design Standards Chapter for Corner Lot setback requirements).
   (b) Rear: Ten (10) feet.

(6) Maximum building height:
   (a) Principal building: Thirty-five (35) feet.
   (b) Accessory buildings: Eighteen (18) feet – average roof height. Heights can exceed the maximum allowed height upon approval of a special/conditional use permit.
CHAPTER 13
RS-40 SUBURBAN ZONE

Sections:
13.1.0 Purpose.
13.2.0 Permitted uses.
13.3.0 Permitted accessory uses.
13.4.0 Conditional Uses.
13.5.0 Development Standards.

13.1.0 PURPOSE. The RS-40 Suburban District is established to provide Urban Growth Area Boundaries a low-density residential environment permitting one dwelling unit per acre. Lands within this District shall, unless specifically allowed herein, contain suburban residential development with large lots and expansive yards. Structures in this District are limited to single-family dwellings and customary accessory structures. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended suburban residential environment.

13.2.0 PERMITTED USES. The following uses shall be permitted in the RS-40 suburban zone:
(1) One single-family dwelling.
(2) Nothing contained in this section shall be deemed to prohibit the use of property for gardening or fruit raising.

13.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the RS-40 suburban district:
(1) One detached residential garage, provided it does not exceed 1,200 square feet in area. Can exceed 1,200 square feet in area upon approval of a conditional/special use permit or meeting the requirements of 13.3.0(3). This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(2) One storage building not exceeding 480 square feet, provided no storage containers shall be permitted. This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(3) The square footage requirements for the accessory buildings specifically stated in 13.3.0(1) and (2) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size, provided:
   (a) If this combination requirement is utilized, only one (1) detached residential garage or one (1) storage building is allowed per parcel.
   (b) The total combined accessory building square footage does not exceed the square footage of the footprint for the primary residence. This may be exceeded upon the approval of a conditional/special use permit.
(4) Agricultural uses (limited). Agricultural uses (limited) may be considered a permitted use (Section 13.2.0) upon site inspection and verification by the Planning Director for parcels of land greater than 2.5 acres in size.

(5) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000) square feet; provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership.

(6) Family day-care home.

(7) Home Occupations.

(8) Accessory dwellings.

13.4.0 CONDITIONAL USES. In addition to the unclassified uses, the following uses may be permitted by special permit:

1. Churches and similar places of worship.
3. Public and private schools, public parks and playgrounds.
4. Fire department station houses.
5. Private nursery school, preschool, child mini day care, and child day care center;
6. Agricultural use (commercial).
7. Non-motorized recreational trails and similar facilities.
8. Commercial and private stables, riding academies, including farrier and training, and including caretakers’ quarters.

13.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Forty thousand (40,000) square feet.
(2) Density: One dwelling unit per lot.
(3) Maximum Lot Coverage: Forty (40) percent.
(4) Minimum Yard Setbacks (Primary):
   (a) Front: Twenty-five (25) feet.
   (b) Side: Ten (10) feet.
   (c) Rear: Principal Building: Twenty-five (25) feet.
(5) Minimum Yard Setbacks (Accessory):
   (a) Side: Ten (10) feet. (See Site Design Standards Chapter for Corner Lot setback requirements).
   (b) Rear: Ten (10) feet.
(6) Maximum building height:
   (a) Principal building: Thirty-five (35) feet.
   (b) Accessory buildings: Eighteen (18) feet – average roof height.
   Heights can exceed the maximum allowed height upon approval of a Conditional/Special Use Permit.
CHAPTER 14
RS-20 SUBURBAN ZONE

Sections:
14.1.0 Purpose
14.2.0 Permitted uses
14.3.0 Permitted accessory uses
14.4.0 Conditional Uses
14.5.0 Development Standards

14.1.0 PURPOSE. The RS-20 suburban district is established to provide Urban Growth Area Boundaries a low density residential environment permitting two dwelling units per acre. Lands within this district shall, unless specifically allowed herein contain suburban residential development with large lots and expansive yards. Structures in this district are limited to single-family dwellings and customary accessory structures. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended suburban residential environment.

14.2.0 PERMITTED USES. The following uses shall be permitted in the RS-20 suburban zone:
(1) One single-family dwelling.
(2) Nothing contained in this section shall be deemed to prohibit the use of property for gardening or fruit raising.

14.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the RS-20 suburban district:
(1) One detached residential garage, provided it does not exceed 1,200 square feet in area. Can exceed 1,200 square feet in area upon approval of a conditional/special use permit or meeting the requirements of 14.3.0(3). This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(2) One storage building not exceeding 480 square feet, provided no storage containers shall be permitted. This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(3) The square footage requirements for the accessory buildings specifically stated in 14.3.0(1) and (2) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size, provided:
   (a) If this combination requirement is utilized, only one (1) detached residential garage or one (1) storage building is allowed per parcel.
   (b) The total combined accessory building square footage does not exceed the square footage of the footprint for the primary residence. This may be exceeded upon the approval of a conditional/special use permit.
(4) Agricultural uses (limited). Agricultural uses (limited) may be considered a permitted use (Section 14.2.0) upon site inspection and verification by the Planning Director for parcels of land greater than 2.5 acres in size.
(5) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000) square feet; provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership.

(6) Family day-care home.

(7) Home Occupations.

(8) Accessory dwellings.

14.4.0 CONDITIONAL USES. In addition to the unclassified uses, the following uses may be permitted by special permit:

(1) Churches and similar places of worship.

(2) Public libraries, and municipal office buildings.

(3) Public and private schools, public parks and playgrounds.

(4) Fire department station houses.

(5) Private nursery school, preschool, child mini day care, and child day care center.

(6) Agricultural use (commercial).

(7) Non-motorized recreational trails and similar facilities.

(8) Accessory Buildings (located in the front yard area).

14.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Twenty thousand (20,000) square feet.

(2) Density: One dwelling unit per lot.

(3) Maximum Lot Coverage: Forty (40) percent.

(4) Minimum Yard Setbacks (Primary):

(a) Front: Twenty-five (25) feet.

(b) Side: Ten (10) feet.

(c) Rear: Principal Building: Twenty-five (25) feet.

(5) Minimum Yard Setbacks (Accessory):

(a) Side: Ten (10) feet (See Site Design Standards Chapter for Corner Lot setback requirements).

(b) Rear: Ten (10) feet.

(6) Maximum building height:

(a) Principal building: Thirty-five (35) feet.

(b) Accessory buildings: Eighteen feet (18) feet – average roof height. Heights can exceed the maximum allowed height upon approval of a Conditional/Special Use Permit.
CHAPTER 15
RS-12 SUBURBAN ZONE

Sections:
15.1.0 Purpose
15.2.0 Permitted uses
15.3.0 Permitted accessory uses
15.4.0 Conditional Uses
15.5.0 Development Standards

15.1.0 PURPOSE. The RS-12 suburban district is established to provide Urban Growth Area Boundaries a low density residential environment permitting three dwelling units per acre. Lands within this district shall, unless specifically allowed herein contain suburban residential development with large lots and expansive yards. Structures in this district are limited to single-family dwellings and customary accessory structures. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended suburban residential environment.

15.2.0 PERMITTED USES. The following uses shall be permitted in the RS-12 suburban zone:

(1) One single-family dwelling.
(2) Nothing contained in this section shall be deemed to prohibit the use of vacant property for gardening or fruit raising.

15.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the RS-12 suburban district:

(1) One detached residential garage provided it does not exceed fifteen feet in height and 1,200 square feet in area.
(2) One storage building not exceeding 260 square feet of gross floor area and fifteen feet in height; provided no storage containers shall be permitted. For each additional 12,000 square feet of lot area the gross floor area of storage sheds can be increased by 260 square feet.
(3) The square footage requirements for the accessory buildings specifically stated in 15.3.0(1) and (2) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size. If this combination requirement is utilized, only one detached garage or one storage building is allowed per parcel.
(4) Home occupations.
(5) Agricultural uses (limited). Agricultural uses (limited) may be considered a permitted use (Section 15.2.0) upon site inspection and verification by the Planning Director for parcels of land greater than 2.5 acres in size.
(6) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000) square feet; provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-
five feet from a public roadway and not less than ten feet from any adjoining or
abutting property held under separate ownership; and provided said number of
chickens, fowl or rabbits does not exceed 2 animal units.

(7) The keeping of dogs and cats, provided such number of animals does not exceed
three dogs and three cats.

(8) Family day care home.

(9) Accessory dwellings.

15.4.0 CONDITIONAL USES. In addition to the unclassified uses, the following uses may be
permitted by special permit:

(1) Churches and similar places of worship.

(2) Public libraries, and municipal office buildings.

(3) Public and private schools, public parks and playgrounds.

(4) Fire department station houses.

(5) Private nursery school, preschool, child mini day care, and child day care center.

(6) Agricultural use (commercial).

(7) Non-motorized recreational trails and similar facilities.

(8) Accessory Building (located in front yard).

15.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Twelve thousand (12,000) square feet.

(2) Density: One dwelling unit per lot, (see permitted accessory uses).

(3) Maximum Lot Coverage: Forty (40) percent.

(4) Minimum Yard Setbacks (Primary):
   (a) Front: Twenty-five (25) feet.
   (b) Side: Ten (10) feet.
   (c) Rear: Principal Building: Twenty-five (25) feet.

(5) Minimum Yard Setbacks (Accessory): Accessory structures adjacent an alley may
be placed on the alley line provided there are no openings in the wall parallel to
the alley. Garages with vehicle doors parallel to an alley shall be setback from the
alley twenty (20) feet. Where there is no alley, the set back shall be five (5) feet.

(6) Maximum building height:
   (a) Principal building. Thirty-five (35) feet.
   (b) Accessory buildings: Fifteen (15) feet.
CHAPTER 16
R-1 LOW DENSITY RESIDENTIAL DISTRICT

Sections:
16.1.0 Purpose
16.2.0 Permitted uses
16.3.0 Permitted accessory uses
16.4.0 Conditional Uses
16.5.0 Development Standards

16.1.0 PURPOSE. The R-1 low density residential district is established to provide Urban Growth Area Boundaries a low density residential environment. Lands within this district generally should contain single-family conventional dwellings with smaller lots and useful yard spaces. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended low density residential environment.

16.2.0 PERMITTED USES. The following uses shall be permitted in the R-1 district:
(1) One single-family dwelling.
(2) Nothing contained in this section shall be deemed to prohibit the use of vacant property for gardening or fruit raising.

16.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the R-1 low-density residential district:
(1) One detached residential garage, provided it does not exceed fifteen feet in height and 1,000 square feet in area.
(2) Home occupations.
(3) One storage building not exceeding two hundred square feet of gross floor area and fifteen feet in height; provided no container storage shall be permitted.
(4) The renting of rooms for lodging purposes only; provided, however, such accommodations shall not exceed two persons in a single-family dwelling. One off-street parking space, per roomer, must be provided in addition to the requirement set forth under Off-street Parking.
(5) The keeping of dogs and cats, provided such number of animals does not exceed three dogs and three cats.
(6) Family day care homes as now existing and as amended and Home Occupations.
(7) Accessory Dwellings.

16.4.0 CONDITIONAL USES. In addition to the unclassified uses, the following uses may be permitted by special permit:
(1) Churches and similar places of worship.
(2) Public libraries, and municipal office buildings.
(3) Public and private schools, public parks and playgrounds.
(4) Fire department station houses.
(5) Private nursery school, preschool, child mini day care and day care center.
(6) Non-motorized recreational trails and similar facilities.

16.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Seven thousand two hundred (7,200) square feet.
(2) Density: One dwelling unit per lot, except as provide in Accessory Dwellings.
(3) Maximum Lot Coverage: Forty (40) percent.
(4) Minimum Yard Setbacks:
   (a) Front: Twenty (20) feet.
   (b) Side: Five (5) feet.
   (c) Rear: Principal Building: Equal to the height of the dwelling
            Accessory structures. Accessory structures adjacent an alley may be placed on
            the alley line provided there are no openings in the wall parallel to the alley.
            Garages with vehicle doors parallel to an alley shall be setback from the alley
            twenty (20) feet. Where there is no alley, the set back shall be five (5) feet.
(5) Maximum building height:
   (a) Principal building. Twenty-five (25) feet, except a greater height may be
       approved by special permit.
   (b) Accessory buildings: Fifteen (15) feet.
CHAPTER 17
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:
17.1.0 Purpose
17.2.0 Permitted uses
17.3.0 Permitted accessory uses
17.4.0 Conditional uses
17.5.0 Development Standards

17.1.0 PURPOSE. The R-2 district is established to provide Urban Growth Area Boundaries a medium density residential environment. Lands within this district generally should contain multiple unit residential structures of a scale compatible with structures in lower density districts with useful yard spaces. The R-2 district is intended to allow for a gradual increase in density from low-density residential districts and, where compatible, can provide a transition between different use areas.

17.2.0 PERMITTED USES. The following uses shall be permitted in the R-2 district:
(1) One single-family dwelling.
(2) One two-family dwelling.
(3) Multiple dwellings.
(4) Nothing contained in this section shall be deemed to prohibit the uses of vacant property for gardening or fruit raising.

17.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the R-2 district:
(1) One detached single family residential garage, provided it does not exceed 1,200 square feet in area. Can exceed 1,200 square feet in area upon approval of a conditional use permit or meeting the requirements 17.3.0(3). This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(2) One storage building not exceeding 480 square feet, provided no storage containers shall be permitted. This portion does not apply to parcels, tracts, or lots in excess of 2.5 acres.
(3) The square foot requirements for the accessory buildings specifically stated in 17.3.0 (1) and (2) may be combined on parcels, tracts, or lots which are less than 2.5 acres in size, provided:
   (a) If this combination requirement is utilized, only one (1) detached residential garage or one (1) storage building is allowed per parcel.
   (b) The total combined accessory building square footage does not exceed the square footage of the footprint of the primary residence. This may be exceeded upon the approval of a conditional/special use permit.
(4) Home occupations.
(5) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel not including any area set aside for the minimum effective lot size for the dwelling on the lot (12,000) square feet; provided that all animal structures and corrals, utilized for animals listed in Chapter 3, Section 3.13.0, shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership.

(6) The keeping of dogs and cats provided such number of animals does not exceed three dogs and three cats.

(7) Family day care homes as now existing and as amended and Home Occupations.

(8) The renting of rooms for lodging purposes only; provided, however, such accommodations shall not exceed two persons in a single family dwelling. One off-street parking space per roomer must be provided in addition to the requirement set forth under Off-Street Parking (See Off-Street Parking Chapter).

(9) Accessory dwellings.

17.4.0 CONDITIONAL USES. In addition to the unclassified uses listed in Special Permits, the following uses may be permitted by special permit:

(1) Churches and similar places of worship.

(2) Public libraries, and municipal office buildings.

(3) Public and private schools, public parks and playgrounds.

(4) Fire department station houses.

(5) Private nursery school, preschool, child mini day care and day care center.

(6) Non-motorized recreational trails and similar facilities.

(7) Accessory Buildings (located in the front yard area).

17.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Five thousand (5,000) square feet.

(2) Density: One dwelling per 5,000 square feet of lot area.

(3) Maximum Lot Coverage: Forty (40) percent.

(4) Minimum Yard Setbacks (Primary):

(a) Front: Twenty (20) feet.

(b) Side: Ten (10) feet.

(c) Rear: Principal Building: Equal to the height of the dwelling

(5) Minimum Yard Setbacks (Accessory):

(a) Side: Ten (10) feet (See Site Design Standards Chapter for Corner Lot setback requirements).

(b) Rear: Ten (10) feet.

(6) Maximum building height:

(a) Principal building: Thirty-five (35) feet.

(b) Accessory buildings: Eighteen feet (18) feet – average roof height. Heights can exceed the maximum allowed height upon approval of a Conditional/Special Use Permit.
CHAPTER 18
R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:
18.1.0 Purpose
18.2.0 Permitted uses
18.3.0 Permitted accessory uses
18.4.0 Conditional uses
18.5.0 Development Standards

18.1.0 PURPOSE. The R-3 district is established to provide Urban Growth Area Boundaries a medium density residential environment. Lands within this district generally contain multiple-unit residential structures of a scale compatible with the structures in low-density districts and with useful yard spaces. The R-3 district is intended to allow for a gradual increase in density from lower density residential districts and, where compatible, can provide a transition between different use areas.

18.2.0 PERMITTED USES. The following uses shall be permitted in the R-3 district:
(1) One single-family dwelling.
(2) One two-family dwelling.
(3) Multiple dwellings.
(4) Nothing contained in this section shall be deemed to prohibit the uses of vacant property for gardening or fruit raising.

18.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the R-3 district:
(1) One detached single-family residential garage, provided it does not exceed fifteen feet in height and 1,000 square feet in area.
(2) One storage building not exceeding two hundred square feet of gross floor area and fifteen feet in height; provided no container storage shall be permitted.
(3) Home occupations.
(4) The keeping of dogs and cats, provided such number of animals does not exceed three dogs and three cats.
(5) Family day care homes as now existing and as amended and Home Occupations.
(6) The renting of rooms for lodging purposes only, provided such accommodations shall not exceed two persons in a single-family dwelling. One off-street parking space per roomer must be provided in addition to the requirement set forth under Off-Street Parking.
(7) Accessory dwellings.

18.4.0 CONDITIONAL USES. In addition to the unclassified uses listed in Special Permits, the following uses may be permitted by special permit:
(1) Churches and similar places of worship.
(2) Public libraries, and municipal office buildings.
(3) Public and private schools, public parks and playgrounds.
(4) Fire department station houses.
(5) Private nursery school, preschool, child mini day care and child day care-center.
(6) Non-Motorized recreational trails and similar facilities.

18.5.0 DEVELOPMENT STANDARDS
(1) Minimum lot area: Five thousand (5,000) square feet.
(2) Density: One dwelling unit per 5,000 square feet of lot area for single family dwellings and 3,000 square feet of lot area for multiple family dwellings.
(3) Maximum Lot Coverage: Sixty (60) percent.
(4) Minimum Yard Setbacks:
   (a) Front: Twenty (20) feet.
   (b) Side: Five (5) feet.
   (c) Rear: Principal Building: Equal to the height of the dwelling. Accessory structures. Accessory structures adjacent an alley may be placed on the alley line provided there are no openings in the wall parallel to the alley. Garages with vehicle doors parallel to an alley shall be setback from the alley twenty (20) feet. Where there is no alley, the setback shall be five (5) feet.
(5) Maximum building height:
   (a) Principal building: Thirty-five (35) feet, except a greater height may be approved by special permit.
   (b) Accessory buildings: Fifteen (15) feet.
CHAPTER 19
RS-1 RESIDENTIAL SUBURBAN ZONE

Sections:
19.1.0 Purpose
19.2.0 Permitted uses
19.3.0 Permitted accessory uses
19.4.0 Conditional Uses
19.5.0 Development Standards

19.1.0 PURPOSE. The RS-1 Residential Suburban district is established to provide Urban Growth Area Boundaries a low density residential environment permitting four dwelling units per acre. Lands within this district should contain suburban residential development with large lots and expansive yards. Certain public facilities and institutions may also be permitted, provided their nature and location are not detrimental to the intended suburban residential environment.

19.2.0 PERMITTED USES. The following uses shall be permitted in the RS-1 suburban zone:
   (1) One single-family dwelling.
   (2) Nothing contained in this section shall be deemed to prohibit the use of vacant property for gardening or fruit raising.

19.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory to a permitted use in the RS-1 suburban district:
   (1) One detached residential garage, provided it does not exceed fifteen feet in height and 1,000 square feet in area.
   (2) Home occupations.
   (3) One storage building not exceeding 200 square feet of gross floor area and fifteen feet in height; provided no storage containers shall be permitted.
   (4) Agricultural uses (limited). Agricultural uses (limited) may be considered a permitted use (Section 19.2.0) upon site inspection and verification by the Planning Director for parcels of land greater than 2.5 acres in size.
   (5) One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000) square feet; provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership; and provided said number of chickens, fowl or rabbits does not exceed 2 animal units.
   (6) The keeping of dogs and cats, provided such number of animals does not exceed three dogs and three cats.
   (7) Family day care home as now existing and as amended and Home Occupations.
   (8) Accessory dwellings.
19.4.0 CONDITIONAL USES. In addition to the unclassified uses, the following uses may be permitted by special permit:

1. Churches and similar places of worship.
3. Public and private schools, public parks and playgrounds.
4. Fire department station houses.
5. Private nursery school, preschool, child mini day care, and child day care center.
6. Agricultural use (commercial).
7. Non-motorized recreational trails and similar facilities.

19.5.0 DEVELOPMENT STANDARDS

1. Minimum lot area: Ten thousand (10,000) square feet.
2. Density: One dwelling unit per lot.
4. Minimum Yard Setbacks:
   (a) Front: Twenty (20) feet.
   (b) Side: Ten (10) feet.
   (c) Rear: Principal Building: Equal to the height of the dwelling
           Accessory structures. Accessory structures adjacent an alley may be placed on
           the alley line provided there are no openings in the wall parallel to the alley.
           Garages with vehicle doors parallel to an alley shall be setback from the alley
           twenty (20) feet. Where there is no alley, the set back shall be five (5) feet.
5. Maximum building height:
   (a) Principal building. Twenty-five (25) feet, except a greater height may be approved by special permit.
   (b) Accessory buildings: Fifteen (15) feet.
CHAPTER 20
RMHP MOBILE HOME PARK ZONE

Sections:
20.1.0 Purpose
20.2.0 Permitted uses
20.3.0 Permitted accessory uses
20.4.0 Conditional uses
20.5.0 Development Standards
20.6.0 Minimum requirements

20.1.0 PURPOSE. The RMHP mobile home district is established to provide for medium density residential areas, which would be compatible for the development of mobile home parks, and to prohibit the development of incompatible uses that are detrimental to the residential character. It is also to provide protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district.

20.2.0 PERMITTED USES. The following uses shall be permitted in the RMHP mobile home park district:
(1) Mobile home parks which are licensed for the placement of individual residential mobile homes within the approved park boundaries and subject to the standards as set forth in this chapter.
(2) Community recreation facilities, clubhouse, park office, laundry, storage and similar uses appurtenant to the mobile home park residents only.

20.3.0 PERMITTED ACCESSORY USES. The following uses shall be permitted as accessory in the RMHP mobile home park district:
(1) Accessory uses and structures incidental to the convenience needs within the park and related to any permitted use; provided no container storage, shall be permitted.
(2) All accessory buildings shall be constructed in conformance with the building code and placed upon the individual site in accordance with the required dimensional regulations of this zone.
(3) Family day care homes as now existing and as amended.
(4) The keeping of dogs and cats, provided such number of animals does not exceed three dogs and three cats.

20.4.0 CONDITIONAL USES. The following uses are permitted subject to approval of a special permit:
(1) Home occupations.
(2) Public and quasi-public uses related to the district.
(3) Private nursery school, preschool, child mini-day care and child day care-center.
(4) Non-motorized recreational trails and similar facilities.

20.5.0 DEVELOPMENT STANDARDS

(1) Minimum lot area: Five thousand (5,000) square feet per unit.
(2) Minimum park size: Five acres.
(3) Lot Coverage: Fifty (50) percent.
(4) Minimum Yard Setbacks:
   (a) No individual mobile home site shall be closer than twenty (20) feet to any park boundary or street right-of-way nor closer than ten (10) feet to an interior private street except that the setback dimension may be reduced by half if a solid fence or wall is provided at the park boundary or street right-of-way.
   (b) There shall be a minimum side-to-side dimension of twenty feet between mobile homes and a minimum end-to-end dimension of ten feet between mobile homes.
   (c) Accessory structures. There shall not be less than ten feet between any mobile home and any detached carport.
(5) Maximum building height:
   (a) Principal building. Twenty-five (25) feet, except a greater height may be approved by special permit.
   (b) Accessory buildings: Fifteen (15) feet.
(6) Fences and hedges: (See Landscaping and Screening Chapter).
(7) Parking: (See Off-Street Parking Chapter).
(8) Landscaping: (See Landscaping and Screening Chapter).

20.6.0 MINIMUM REQUIREMENTS

(1) No recreational vehicle sites for occupancy purposes shall be permitted within any mobile home park. A suitable area shall be provided and fenced for the storage only of recreational vehicles, boat trailers or other similar recreational devices.
(2) Development and other minimum requirements for mobile home parks are provided in Ordinance 21-81, as amended.
CHAPTER 21
"O" OFFICE ZONE

Sections:
21.1.0 Purpose
21.2.0 Permitted uses
21.3.0 Permitted accessory uses
21.4.0 Conditional uses
21.5.0 Development standards

21.1.0 PURPOSE. The purpose of the Office Zone District is to provide areas of adequate size and appropriate locational characteristics for the development and operation of professional and administrative offices and certain complementary uses. It is further intended that this Urban Growth Area Boundary district serve as a buffer or transition between residential districts and commercial districts.

21.2.0 PERMITTED USES. The following uses shall be permitted in the Office District:
(1) Administrative and professional offices, such as lawyers, engineers, real estate, accountants, insurance offices.
(2) Medical and dental offices.
(3) Museums and art galleries.
(4) Governmental office, excluding police and fire stations.
(5) Funeral homes.

21.3.0 PERMITTED ACCESSORY USES. Incidental sales and services, such as food service, pharmacies and retail sales to serve occupants and patrons of an established principal use, provided the accessory use is conducted within the principal building.

21.4.0 CONDITIONAL USES. The following uses are permitted subject to the approval of special permit:
(1) Police and fire stations.
(2) Churches and similar places of worship.
(3) Private nursery school, preschool, child mini-day care and child day care center.
(4) Dwelling units, provided the units are within the principal building, are all above the ground floor of said building, and the ground floor of said building is designed or intended to be used for a principally permitted use.
(5) Container Storage.
(6) Non-motorized recreational trails and similar facilities.

21.5.0 DEVELOPMENT STANDARDS.
(1) Minimum Lot Area: Not required, except for nonconforming residential uses which must retain a minimum of five thousand square (5,000) feet for single family and three thousand (3,000) square feet for each additional unit.
(2) Lot Coverage: Dictated by parking requirements, setbacks and landscaping.
(3) Minimum Yard Setbacks:
   (a) Front: Fifteen (15) feet, except where adjoining a residential district in which case Site Design Standards shall prevail.
   (b) Side: Five (5) feet except where adjoining a residential district in which case Site Design Standards shall prevail.
   (c) Rear: None required, except where adjoining a residential district in which case Site Design Standards shall prevail.

(4) Maximum Building Height:
   (a) Thirty-five (35) feet, except a greater height may be approved by special permit.

(5) Fences and Hedges: (See Landscaping and Screening Chapter).

(6) Parking: (See Off-Street Parking Chapter).

(7) Landscaping: (See Landscaping and Screening Chapter).
CHAPTER 22
C-1 RETAIL BUSINESS ZONE

Sections:
22.1.0 Purpose
22.2.0 Permitted uses
22.3.0 Permitted accessory uses
22.4.0 Conditional uses
22.5.0 Development Standards

22.1.0 PURPOSE. The C-1 Retail Business Zone is established for Urban Growth Area Boundaries to provide for the location of commercial activities outside the central business district that meet the retail shopping and service needs of the community.

22.2.0 PERMITTED USES. The following uses shall be permitted in the C-1 zone:
(1) Stores and shops for the conduct of retail business.
(2) Banks.
(3) Restaurants.
(4) Dancing schools.
(5) Shops for repair and similar services such as:
   (a) Bakeries, retail for distribution from the premises.
   (b) Barbershops and beauty shops.
   (c) Catering establishments.
   (d) Garage and filing stations, provided:
      (i) No repair work is performed out-of-doors.
      (ii) Pumps, lubrication or other devices are located at least fifteen feet from any street property line.
      (iii) All automobile parts and dismantled automobiles are stored within the building, except outdoor display racks.
   (e) Laundromats and dry-cleaning establishments employing not more than five persons.
   (f) Locksmith shops.
   (g) Offices.
   (h) Membership clubs.
   (i) Photo shops.
   (j) Shoe repair shops.
(6) Hotels and motels.
(7) Printing shops.
(8) Upholstery shops.
(9) Sign shops, commercial (no outdoor storage of materials).
(10) Veterinarian clinics for household pets (no boarding or outdoor treatment facilities).
(11) Auto Detail Shops.
(12) Theaters.

22.3.0 PERMITTED ACCESSORY USES. Accessory uses and accessory buildings are permitted in the C-1 zone. For further reference see definitions.
22.4.0 PERMITTED CONDITIONAL USES. The following uses are permitted subject to the approval of a special permit:

1. Dwelling units, provided the units are conventional/site built, within the principal building, are all above the ground floor of said building, and the ground floor of said building is designed or intended to be used for a use permitted. However, a building originally constructed on-site for residential purposes may be utilized as a dwelling unit without a special permit provided:
   (a) The structure does not have to be reconstructed, altered or converted from an office/commercial use such that the cost of the alteration exceeds 25% of the assessed value of the structure at the time of the alteration.

2. Retail automobile sales, including rental or lease, provided property is:
   (a) Adjacent the intersection of two arterial streets, or
   (b) Adjacent a single arterial street; provided it is not adjacent to or across a public street right-of-way from a residential district, and would not be located closer than 300 feet to any existing car lot.

3. Parking lots.


5. Mini-storage facilities.

6. Wineries.

7. Non-motorized recreational trails and similar facilities.

8. RV and/or Boat Storage Facility.

9. Child day care/Mini day care center.

22.5.0 DEVELOPMENT STANDARDS

1. Minimum lot area: Not required, except for non conforming residential uses which must retain a minimum of five thousand square (5,000) feet for single family and three thousand (3,000) square feet for each additional unit.

2. Lot Coverage: Dictated by parking requirements, setbacks and landscaping.

3. Minimum Yard Setbacks:
   (a) See Site Design Standards Chapter for appropriate yard requirements.

4. Maximum building height:
   (a) Thirty-five (35) feet, except a greater height may be approved by special permit.

5. Fences and Hedges: (See Landscaping and Screening Chapter).

6. Parking: (See Off-Street Parking Chapter).

7. Landscaping: (See Landscaping and Screening Chapter).
CHAPTER 23
C-2 RURAL SERVICE COMMERCIAL ZONE

Sections:
23.1.0 Purpose
23.2.0 Permitted uses
23.3.0 Permitted accessory uses
23.4.0 Conditional uses
23.5.0 Development standards

23.1.0 PURPOSE: The Rural Service Commercial Zone, C-2, provides for the location of small retail and retail-wholesale businesses and commercial services in rural areas for the convenience of county residents. The uses are intended to fit into farm and rural patterns of development without creating land use or traffic conflicts. This zoning classification is limited to those areas designated in the Comprehensive Plan as Rural Activity Center, Rural Settlement, or Agricultural Service Center.

23.2.0 PERMITTED USES: In the Rural Service Commercial Zone, C-2, the following uses are permitted:
(1) Establishments for the sale of farm machinery and necessary parts and repairs, other than automobiles.
(2) Establishments for the sales and services of irrigation supplies and repairs.
(3) The operation and maintenance of retail establishments for the sale of feed, seed and commercial fertilizers for farm uses.
(4) Garden shop or nursery.
(5) Grocery store, fruit store, vegetable markets or bakery.
(6) Bank.
(7) Business or professional office.
(8) Buildings and uses of a public works, public services, or a utility nature, but not including equipment storage or repair yards, warehouses, or related activities.
(9) Automobile sales or service of automobiles; including the repairing, painting or upholstering of motor vehicles if there is no outside storage.
(10) Car wash.
(11) Veterinary Clinic/Animal Hospital.

23.3.0 PERMITTED ACCESSORY USES. Accessory uses and accessory buildings. See definitions for further reference.

23.4.0 PERMITTED CONDITIONAL USES.
(1) Mobile Home Parks.
(2) Multiple Family dwellings.
(3) Mobile home used as an office or caretakers quarters.
(4) Non-motorized recreational trails and similar facilities.
(5) Mini-storage facilities.
(6) Landscape gardening and storage area for equipment and materials.
(7) The repairing, painting, or upholstering of motor vehicles if there is outside storage.
(8) RV and/or boat storage facility.
(9) Child day care/Mini day care center.

23.5.0 DEVELOPMENT STANDARDS.

(1) Minimum lot area: Not required.
(2) Lot Coverage: Dictated by parking requirements, setbacks and landscaping.
(3) Minimum Yard Setbacks:
   (a) See Site Design Standards Chapter for appropriate yard requirements.
(4) Maximum building height:
   (a) Fifty (50) feet, except a greater height may be approved by special permit.
(5) Fences and Hedges: (See Landscaping and Screening Chapter).
(6) Parking: (See Off-Street Parking Chapter).
(7) Landscaping: (See Landscaping and Screening Chapter).
CHAPTER 24
C-3 GENERAL BUSINESS ZONE

Sections:
24.1.0 Purpose
24.2.0 Permitted uses
24.3.0 Permitted accessory uses
24.4.0 Conditional uses
24.5.0 Development standards

24.1.0 PURPOSE. The C-3 General Business zone is established to provide sites for more diversified business types, including non-retail commercial and business uses which are primarily related to automotive rather than pedestrian traffic. This district is typically mapped along or adjacent to major traffic arterials.

24.2.0 PERMITTED USES. The following uses shall be permitted in the C-3 zone:
(1) All uses permitted in the C-1 business district.
(2) Service stations.
(3) Laundry.
(4) Express office.
(5) Wholesale business.
(6) Heavy machinery sales and service.
(7) Warehouse.
(8) Landscape gardening and storage area for equipment and materials.
(9) Automobile sales and service.
(10) Mobile home and trailer sales and service.
(11) Lumber sales business.
(12) Veterinarian clinics for household pets (including indoor boarding facilities).

24.3.0 PERMITTED ACCESSORY USES. Accessory buildings and accessory uses. See definitions for further reference.

24.4.0 PERMITTED CONDITIONAL USES. The following uses may be permitted in the C-3 zone upon approval of a special permit:
(1) Veterinarian clinics for livestock, including outdoor treatment facilities, provided all boarding or overnight holding of animals occurs indoors.
(2) Auto body shops.
(3) Parking lots.
(4) Non-motorized recreational trails and similar facilities.

24.5.0 DEVELOPMENT STANDARDS
(1) Minimum lot area: Not required except for non conforming residential uses which must retain a minimum of five thousand (5,000) square feet for single family and three thousand (3,000) square feet for each additional unit.
(2) Lot Coverage: Dictated by parking requirements, setbacks and landscaping.
(3) Minimum Yard Setbacks:
   (a) See Site Design Standards Chapter for appropriate yard requirements.
(4) Maximum building height:
   (a) Forty-five (45) feet, except a greater height may be approved by special permit.

(5) Fences and Hedges: (See Landscaping and Screening Chapter).

(6) Parking: (See Off-Street Parking Chapter).

(7) Landscaping: (See Landscaping and Screening Chapter).
CHAPTER 25
C-R REGIONAL COMMERCIAL ZONE

Sections:
25.1.0 Purpose
25.2.0 Permitted uses
25.3.0 Permitted accessory uses
25.4.0 Permitted conditional uses
25.5.0 Development standards

25.1.0 PURPOSE. The C-R Regional Commercial District is established to provide a district in which the primary land use is for commercial and service uses to serve the needs of people living in the entire region and to serve as a place of employment in a regional setting. This district is intended to be located near major highway interchanges.

25.2.0 PERMITTED USES. The following uses shall be permitted in the C-R zone:

(1) All uses in the C-1 district.
(2) Auto sales and service.
(3) RV sales and service.
(4) Amusement, game and recreation center.
(5) Golf driving range.
(6) Theaters.

25.3.0 PERMITTED ACCESSORY USES. Accessory buildings and accessory uses. For further reference see definitions.

25.4.0 PERMITTED CONDITIONAL USES.

(1) Caretakers residence.
(2) Retail automobile sales, including rental or lease, provided property is:
   (a) Adjacent the intersection of two arterial streets, or
   (b) Adjacent a single arterial street; provided it is not adjacent to or across a public street right-of-way from a residential district, and would not be located closer than 300 feet to any existing car lot.
(3) Parking lots.
(4) Container Storage.
(5) Mini-storage facilities.
(6) Wineries.
(7) Non-motorized recreational trails and similar facilities.

25.5.0 DEVELOPMENT STANDARDS.

(1) Minimum lot area: 1 acre.
(2) Lot Coverage: Dictated by parking requirements, setbacks and landscaping.
(3) Minimum Yard Setbacks:
   (a) See Site Design Standards Chapter for appropriate yard requirements.
(4) Maximum building height:
   (a) Forty-five (45) feet except a greater height may be approved by special permit.
(5) Fences and Hedges: (See Landscaping and Screening Chapter).
(6) Parking: (See Off-Street Parking Chapter).
(7) Landscaping: (See Landscaping and Screening Chapter).
CHAPTER 26
B-P BUSINESS PARK DISTRICT

Sections:
26.1.0 Purpose
26.2.0 Permitted uses
26.3.0 Permitted accessory uses
26.4.0 Conditional uses
26.5.0 Prohibited uses
26.6.0 Development standards
26.7.0 Site plan approval

26.1.0 PURPOSE. The purpose of the Business Park District is to provide for and encourage the development of business parks that are established in a campus like setting with landscaping and architectural amenities that create a sense of place and an aesthetically attractive urban development. It is intended that the business park district provide for the grouping and clustering of professional offices, commercial uses, non-hazardous research and development facilities and high technology manufacturing that functionally interact well together. Development standards of this district are intended to provide compatibility with and protection to surrounding residential and commercial properties by minimizing traffic congestion, noise, glare, vibration, odors, airborne particulate, and toxic substances. Sites within this zone should have primary access to or be functionally convenient to principal arterials.

26.2.0 PERMITTED USES. The following uses shall be permitted in the business park district:
(1) Administrative professional and business offices.
(2) Research laboratories and facilities.
(3) Testing laboratories and facilities.
(4) Research and Development facilities for the creation of prototypes.
(5) Manufacturing assembly testing and repair of component devices, equipment and systems of an electrical, electronic or electromagnetic nature.
(6) Manufacture testing, repair and assembly of optical devices, equipment and systems.
(7) Manufacture testing, repair and assembly of testing equipment.
(8) Pharmaceutical laboratory.
(9) Blue printing, photocopying, photo engraving, and film processing.
(10) Printing.
(11) Manufacture of ceramic products using only previously culturized clay and using kilns fired only by electricity or gas.
(12) Manufacture of control devices and gauges.
(13) Industrial medical facilities.
(14) Cafeteria, restaurant.

26.3.0 PERMITTED ACCESSORY USES. The following accessory uses and buildings shall be permitted in the Business Park District.
(1) Retailing activities provided said activity does not occupy more than 35% of any structure.
(2) Warehousing provided said use does not occupy more than 35% of any structure;
(3) Auditoriums and conference facilities.
(4) Day care for family members of employees.
(5) Above and below ground tank storage of critical material. Above ground tanks shall not exceed 20’ in height and shall be painted a neutral color to match or compliment the principal building. Additionally, the first 7 feet of all ground tanks shall be screened by a solid masonry wall.

26.4.0 CONDITIONAL USES. The following uses are permitted subject to the approval of a special permit:
(1) Motels and Hotels.
(2) Business, professional, technical and trade schools.
(3) Recreational areas and facilities.
(4) Non-motorized recreational trails and similar facilities.

26.5.0 PROHIBITED USES. The following uses shall be prohibited in the Business Park District:
(1) Any outdoor manufacturing, testing, processing, or similar activities.
(2) Outdoor storage except as provided in this section.
(3) Outdoor sales.
(4) Residential uses including caretakers residences.
(5) On-site hazardous substance processing and handling or hazardous waste treatment and storage facilities unless clearly incidental and secondary to a permitted use. On-site hazardous waste facilities shall be subject to the state siting criteria.

26.6.0 DEVELOPMENT STANDARDS
(1) Minimum lot area: No specific lot area is required, except the minimum area required for a business park zone shall be twenty-five (25) acres. Land immediately adjacent an existing business park zoning district may be added to that district in increments of five acres.
(2) Lot Coverage: Lot area coverage by buildings or structures shall not exceed fifty percent of the total lot area.
(3) Minimum Yard Setbacks:
   (a) Front Yard: 50 feet.
   (b) Side Yard: No requirements except where a business park lot abuts a residential district then the side yard shall be 30 feet or equal to the height of the building whichever is greater.
   (c) Rear Yard: 30 feet or equal to the height of the building, whichever is greater.
(4) Maximum building height:
   (a) Forty-five (45) feet except a greater height may be approved by special permit.
(5) Parking: All parking lots shall be improved with appropriate curbs for drainage control and to maintain landscaping areas. Parking lots shall be constructed of asphalt concrete or Portland cement concrete and shall contain canopy trees as provided in Section 6 (F).
(6) Landscaping: The landscaping provisions of this section shall supersede and take precedence over the Landscape and Screening provisions.
   (a) Fifteen percent of all lot areas shall be landscaped.
(b) The twenty feet of front yard setback area nearest street rights-of-way shall be landscaped.
(c) At least fifty percent of all building exteriors shall abut landscaped areas.
(d) Except for loading and unloading zones buildings shall be no closer than ten feet from a parking area.
(e) For every thirty parking spaces within a parking lot, one large canopy tree (one and one half to two inch caliper at planting) shall be located within the parking lot.
(f) No paving shall be permitted within four feet of the center of a tree at the time of planting.
(g) Seventy percent of all landscaped areas shall contain live vegetation said vegetation shall consist of a variety of shrubs, trees and ground covers.
(h) All landscaping shall be regularly maintained in good order and healthy conditions following good commercial landscaping maintenance practices.
(i) Loading and unloading dock areas shall be screened from adjoining properties and street rights-of-way with masonry walls and/or landscaping elements.
(j) Rear and side yard setback areas immediately adjacent neighboring properties in a different zone shall be treated with landscaped elements so as to create a visual buffer.
(k) At least fifty percent of the required landscape area shall be visible from the street adjoining the lot.

(7) Loading and Unloading Docks:
(a) Loading and unloading dock areas shall be screened as required in Section (6)(i).
(b) Sufficient area shall be provided on-site to accommodate loading and unloading activities. Streets and street rights-of-way shall not be used for these purposes.

(8) Roof Top Equipment: All roof top equipment shall be screened so as not to be visible from the horizontal plane of building roofs.

(9) Outdoor Storage and Waste Disposal:
(a) No outdoor storage shall be permitted in the business park zone unless such storage is entirely enclosed by building walls and/or a solid masonry wall not less than seven (7) feet in height. No materials stored behind the wall shall extend and be visible above the wall.
(b) No materials or waste shall be deposited upon a property within the business park zone in such a form or manner that they may be transferred to other areas by natural causes or forces.
(c) All waste material shall be stored in an enclosed area in proper containers and shall be accessible to service vehicles.

(10) Signage: All signs advertising the business park and/or businesses located therein not affixed to buildings shall be ground signs, which blend with and complement landscaping and architecture. No roof signs, perpendicular to walls or freestanding pole signs are permitted. All wall signs shall not exceed ten (10) percent of wall areas in size.

(11) Architecture: All structures shall be constructed so as to create a unique and distinct character for the business park. Building exteriors shall consist of various types of concrete, brick, stucco, glass, tile, wood products and composite materials. The
materials are to be used so as to create character and relief to the buildings. Twenty (20) percent of a building’s exterior may be constructed of baked enamel, sheet metal (excluding the roof area).

26.7.0 SITE PLAN APPROVAL. Site plan approval by the Planning Director shall be a prerequisite for obtaining a building permit for any development within a business park district. All site plans shall illustrate the following:

1. Vicinity map.
2. Boundaries and dimensions of the property.
3. Locations of buildings and structures with existing and proposed location and layout of off-street parking.
4. Loading and unloading areas, location of walls and fencing indicating the height thereof.
5. Location of storage areas and refuse containers.
6. Location and size of signs, landscaping plan.
7. Landscaping plan.
8. Indication of building height.
10. Location and size of all existing and proposed utilities.
11. Site drainage.
13. Interior circulation proposal, including truck circulation for loading/unloading.
15. Acreage of site.
16. Indication of adjoining use.
CHAPTER 27
I-2 GENERAL INDUSTRIAL ZONE

Sections:
27.1.0 Purpose
27.2.0 Permitted uses
27.3.0 Permitted accessory uses
27.4.0 Conditional uses
27.5.0 Development Standards

27.1.0 PURPOSE. The I-2 General Industrial Zone is established to preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses. Uses in this district have the potential to generate high levels of noise, light, odor, fumes or smoke that require their protection from encroachment by incompatible land uses. Residential land uses are discouraged from this Zone.

27.2.0 PERMITTED USES. Uses permitted in the I-2 zone shall be:
(1) All uses permitted in the C-3 Zoning District.
(2) Landscape gardening and storage area for equipment and materials.
(3) Processing (industrial or manufacturing plants) of agricultural products that are not produced or grown on-site.
(4) Building material storage yard.
(5) Trucking, express and storage yards.
(6) Contractor’s plant or storage yards.
(7) Electrical central power station.
(8) Laboratories, experimental.
(9) Automotive assembly and repair.
(10) Creamery, bottling, ice manufacture and cold storage plant.
(11) Blacksmith, welding or other metal shops, excluding punch presses over twenty tons rated capacity, drop hammers, and the like.
(12) The manufacturing, compounding, processing, packaging of cosmetics, pharmacology and food products, except fish and meat products, and the reducing and refining of fats and oils.
(13) Printing plant.
(14) Parking lots within 500 feet of a C-2 district boundary, provided such lots are paved and the development complies with the landscape and fencing requirements of the C-1 district.
(15) Junkyards, automobile wrecking yards, scrap iron, scrap paper, or rag storage, sorting or bailing shall be permitted, provided:
   (a) An eight-foot sight-obscuring fence must be constructed and inspected prior to the issuance of a certificate of occupancy for use of the goods. The fence shall be of solid single neutral color.
   (b) No automobile or parts thereof, junk or salvage materials or parts thereof shall be visible from any public right-of-way. All materials or parts shall be located within the fenced area.
   (c) Fire lanes shall be provided as required in the Uniform Fire Code.
(d) A performance bond for one thousand dollars shall be required prior to the issuance of an occupancy permit, to assure compliance with provisions of this section. The bond shall remain in force as long as the use exists.
(e) The permit shall be granted for a period not to exceed two years and at the end of such period an inspection shall be made of the premises to determine the advisability of renewing such permit.

27.3.0 PERMITTED ACCESSORY USES. Accessory buildings and accessory uses. See definitions for further reference.

27.4.0 PERMITTED CONDITIONAL USES. The following uses may be permitted in the I-2 district upon approval of a special permit:
1. Slaughterhouses and stockyards.
2. Acid manufacture or wholesale storage of acids.
3. Cement, lime, gypsum, or plaster of paris manufacture.
4. Distillation of bones.
5. Manufacture of explosives or storage of explosives, including gases.
6. Fat rendering, fertilizer, gas or glue manufacture.
7. Garbage, offal, or dead animal reduction or dumping.
8. Petroleum or petroleum products refining.
9. Smelting or reduction of ore or metallurgical products.
10. Foundry casting of nonferrous metals or electric foundry causing noxious fumes or odors.
11. Race tracks and courses for the conduct of seasonal or periodic racing.
12. Asphalt or concrete batch plant.
13. Commercial composting facilities.
15. Power generating facilities or plants.
16. Permanent airstrips used by agricultural aerial applicators (crop dusting) - including helicopters.
17. Non-motorized recreational trails and similar facilities.
18. The land application of sewage sludge and septage for beneficial use.

27.5.0 DEVELOPMENT STANDARDS.
1. Minimum lot area: Not required except for non conforming residential uses which must retain a minimum of five thousand (5,000) square feet for single family and three thousand (3,000) square feet for each additional unit.
2. Lot Coverage: Dictated by parking requirements, setbacks and landscaping.
3. Minimum Yard Setbacks:
   (a) See Site Design Standards Chapter for appropriate yard requirements.
4. Maximum building height:
   (a) No restrictions.
5. Fences and hedges: (See Landscaping and Screening Chapter).
6. Parking: (See Off-Street Parking Chapter).
7. Landscaping: (See Landscaping and Screening Chapter).
CHAPTER 28
I-3 HEAVY INDUSTRIAL ZONE

Sections:
28.1.0 Purpose
28.2.0 Permitted uses
28.3.0 Prohibited uses
28.4.0 Development standards

28.1.0 PURPOSE. The I-3 Heavy Industrial District is established to provide areas in the county where heavy industrial, manufacturing, processing, assembly, fabricating and ancillary activities can occur while being protected from encroachment of commercial and residential uses. This district is intended to permit high intensity land uses that would be termed obnoxious due to noise, glare and other emissions resulting from the manufacturing process. Heavy industrial activities shall occur within designated Urban Growth Area Boundaries where adequate municipal water services are available.

28.2.0 PERMITTED USES. The following shall be permitted in the I-3 zone:
   (1) All uses not otherwise prohibited by law except those listed below.

28.3.0 PROHIBITED USES. The following uses shall be prohibited in the I-3 district.
   (1) Single-family dwellings.
   (2) Multiple family dwellings.
   (3) Public and private schools except for apprenticeship and vocational training programs.
   (4) Community Service Facilities.

28.4.0 DEVELOPMENT STANDARDS.
   (1) Potable water:
       (a) A municipal water supply is required for activities that occur within the Heavy Industrial District.
       (b) Domestic wells are not allowed within the Heavy Industrial District.
   (2) Minimum lot area: None required.
   (3) Lot Coverage: Dictated by parking requirements, setbacks and landscaping.
   (4) Minimum Yard Setbacks:
       (a) See Site Design Standards Chapter for appropriate yard requirements.
   (5) Maximum building height:
       (a) No restrictions.
CHAPTER 29
PLANNED UNIT DEVELOPMENT

Sections:
29.1.0 Purpose
29.2.0 Permitted Uses
29.3.0 Minimum Site Area
29.4.0 Relationship to Adjacent Areas
29.5.0 Phased Development
29.6.0 Combined Preliminary and Final PUD
29.7.0 Concurrent Platting
29.8.0 Design Standards and Requirements.
29.9.0 Procedure for Approval of PUD’s
29.10.0 Effect of Preliminary PUD Approval
29.11.0 Preliminary PUD Approval Expiration
29.12.0 Final PUD Application
29.13.0 Expiration of Time Frames
29.14.0 Changes and Modifications
29.15.0 Building Permits

29.1.0 PURPOSE. The purpose of this Chapter is to provide opportunities for innovation, creativity and flexibility in land development. It is intended to encourage the use of new techniques and technology resulting in a more creative approach to development of land that will realize economies of scale and permit flexibility that provides for aesthetic diversification of site layout and spatial arrangements between geographic features, structures, circulation patterns, utilities and open space. Furthermore, it is the purpose of this chapter to:
   (1) Encourage development that enhances the quality of life while protecting the health, safety and welfare of residents.
   (2) Encourage variety in housing opportunities.
   (3) Encourage the development of a viable economic base.
   (4) Encourage development of land uses that will be compatible with and complement existing or proposed adjacent land uses.
   (5) Provide guidelines for development of planned unit developments.

29.2.0 PERMITTED USES. The planned unit development district may be approved for any use or combination of uses permitted by this title except combinations of residential and industrial uses. Uses permitted in any specific PUD district shall be enumerated in the ordinance establishing such a district.

29.3.0 MINIMUM SITE AREA. The minimum site area for a PUD is ten (10) acres.

29.4.0 RELATIONSHIP TO ADJACENT AREAS. The design and layout of a PUD shall take into account the relationship of the site to the surrounding areas.
(1) The perimeter of the PUD shall be so designed as to minimize any undesirable impact on adjacent properties.

(2) Setbacks from the property line of a PUD shall be comparable to those of the existing development of adjacent properties or to the type of development, which may be permitted on adjacent properties.

29.5.0 PHASED DEVELOPMENT. Development of a planned unit development may be phased, in which case all the property anticipated for PUD development shall be submitted as a preliminary PUD showing a conceptual depiction of the eventual development through all phases. Subsequent to legislative approval of the preliminary PUD plan, portions of the development may be submitted as a final PUD for review and approval.

29.6.0 COMBINED PRELIMINARY AND FINAL PUD. In all cases, the preliminary PUD and final PUD may be combined and processed as a final PUD.

29.7.0 CONCURRENT PLATTING. Plats for PUD’s requiring platting may be processed concurrently with the PUD approval procedures.

29.8.0 DESIGN STANDARDS AND REQUIREMENTS.

(1) SUBDIVISION REQUIREMENTS. If land or structures within a proposed PUD are to be sold to more than one person, partnership, firm or corporation, or are to include the dedication of land, then the proposed PUD shall be subject to the short plat or major subdivision ordinances.

(2) RIGHT OF WAY REQUIREMENTS. County policy with regards to the dedication of right-of-way and right-of-way improvements may be waived in a PUD.

(3) ZONING REQUIREMENTS. A Planned unit development shall be exempt from the minimum lot size and setback standards of this title, except where on-site parking is located in front of a structure that portion of the structure shall be setback 20 feet from the property line.

(4) DENSITY. The basic density in a planned unit development shall be established for each land use as provided in the zoning districts. The Planning Commission may recommend and the Board of Commissioners may authorize a density not more than twenty percent greater than what is otherwise permitted following findings that the amenities or design features which promote the purposes of this chapter are provided.

(5) LOT REQUIREMENTS. Minimum lot areas, lot dimensions, building heights, lot coverage and yard requirements shall be as established on the approved development plan.

(6) OPEN SPACE REQUIREMENTS. The PUD shall provide not less than thirty-five (35) percent of the gross land area for common open space.

(7) SETBACKS BETWEEN BUILDINGS. A distance between all structures shall at a minimum comply with the standards prescribed by the most current edition of the Uniform Building and Fire Codes as adopted by the County.
29.9.0 PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS. The approval of a planned unit development shall be by the Board of Commissioners, upon recommendation of the Planning Commission and shall be processed in accordance with the following procedures:

(1) Who may apply. Any owner or group of owners of contiguous property acting jointly may submit an application for a PUD.

(2) Pre-application. Prior to the acceptance of an application for PUD approval a pre application conference between representatives of the County and the potential applicant is required. This conference shall be set by the Planning Department at the request of the potential applicant. The purpose of the pre application conference is to acquaint the applicant with various code requirements affecting PUD districts.

(3) Application. The applicant shall file a PUD district application for preliminary plan approval with the County Planner. All applications will be processed in accordance with the provisions of Amendments and Rezones. The application shall be accompanied by the following:

(a) A filing fee in an amount equal to the rezone fee.

(b) A completed SEPA checklist.

(c) A vicinity map.

(d) Twelve copies of maps and drawings comprising the preliminary plan.

(4) Preliminary Plan. The preliminary PUD district plan shall indicate or include the following:

(a) Written documents including but not limited to:

   (i) a legal description,

   (ii) statement of present ownership,

   (iii) statement of intent, including any plans for selling or renting the property,

   (iv) a timetable of development, including a phasing schedule if project will be developed in phases,

   (v) provisions to assure maintenance of all common areas, and

   (vi) proposed restrictive covenants, if any.

(b) Relationship of the property to the surrounding area including identification of land use and zoning of both the site and vicinity properties.

(c) Names and dimensions of streets bounding, traversing or touching upon the site.

(d) Location and width of proposed streets and pedestrian ways, arrangement of common off-street parking and recreational vehicle storage areas.

(e) Location, layout and conceptual landscape design of all common yards, open space and recreational areas.

(f) Proposed method of street lighting and signing.

(g) Existing and proposed utility systems, including irrigation plan.

(h) Existing site conditions, showing contours at five foot intervals and location of significant geographic features.

(i) Approximate building locations, buildable areas and building heights.
Public hearing Before the Planning Commission. Following a public hearing, the Planning Commission may recommend approval or denial of the application and accompanying PUD plans or may recommend imposition of such conditions of approval as are necessary to insure conformity to all applicable regulations and the purposes of the PUD district. A PUD may be recommended for approval only when it has been determined that:

(a) the PUD district development will be compatible with nearby developments and uses,
(b) peripheral treatment insures proper transition between PUD uses and nearby external uses and developments,
(c) the development will be consistent with the comprehensive plan and the purposes of the PUD district, and
(d) the public health, safety and welfare have been served.

29.10.0 EFFECTIVE PRELIMINARY PLANNED UNIT DEVELOPMENT APPROVAL. Legislative approval of a preliminary PUD shall constitute a zone change of the subject property from the former zoning designation to a planned unit development zone. The ordinance establishing a PUD zone will enumerate the uses permitted and the zone.

29.11.0 PRELIMINARY PUD APPROVAL EXPIRATION. Preliminary PUD approval shall be effective for five (5) years from the date of approval by the Board of Commissioners during which time a final PUD or the first phase of a staged PUD shall be submitted for approval. If the final PUD or initial phase is not submitted within the five year approval period, the preliminary PUD shall be null and void, unless the Board of Commissioners grants an extension not to exceed a one year period. A one year extension of the preliminary PUD approval does not require a public hearing. In a phased PUD, successive phases are to be approved and constructed within five years of the previously approved phase.

29.12.0 FINAL PUD APPLICATION. After receiving preliminary approval, the applicant may submit a detailed final development plan in conformity to the approved preliminary PUD. The procedures for final PUD approval shall be as those prescribed for preliminary PUD approval. Detailed development plans shall contain the following information:

(1) Vicinity map.
(2) A detailed site plan in conformance with the approved preliminary plan showing land uses and vehicular and pedestrian circulation.
(3) Boundary survey of the entire property or the development phase.
(4) Construction specification for streets and pedestrian ways including a typical roadway section showing location of all utilities.
(5) Location and height of all buildings indicating either the dimensions or the limits within which buildings will be constructed.
(6) Preliminary engineering plans for water, sewer, storm drainage, electric power, telephone and gas.
(7) Preliminary subdivision plat if the property is to be subdivided.
(8) Landscape plans for open space, common areas, streets, pedestrian ways and recreational facilities.
(9) Location, arrangement and dimensions of parking facilities and loading areas.
(10) Preliminary architectural plans and elevations of typical buildings and structures.
(11) Covenants, property owner agreements or other provisions which will govern the use, maintenance and perpetual care of the PUD and all of its open space and property held in common.

29.13.0 EXPIRATION OF TIME LIMITS. Construction of improvements in a PUD shall begin within one (1) year from the date of final PUD approval by the Board of Commissioners. An extension of time for improvements (streets and utilities) may be requested in writing by the applicant, and such request may be granted by the Board of Commissioners for a period of one year. If construction does not occur within five (5) years from the legislative approval, the PUD district designation shall be dropped from the official zoning map and zoning shall revert to the former district designation.

29.14.0 CHANGES AND MODIFICATIONS.
(1) Major changes in the approved final development plan shall be considered as a new application for preliminary approval. Major changes include:
   (a) Change in use.
   (b) Major realignment of vehicular circulation patterns.
   (c) Increase in density or relocation of density pattern.
   (d) Reduction of open space.
   (e) Change in exterior boundaries except survey adjustments.
   (f) Increase in building height.
(2) The planning director may approve changes in the development plan which are minor in nature and are consistent with the approved plan.

29.15.0 BUILDING PERMITS. No building permits shall be issued until final PUD or phase approval has been granted by the Board of Commissioners. The construction and development of all common areas and open space of each project phase shall be completed to coincide with the completion of structures. For example, when 25 percent of the structures are completed, 25 percent of the common areas are required to be completed.
CHAPTER 30
PLANNED DENSITY DEVELOPMENT

Sections:
30.1.0 Purpose
30.2.0 Minimum site development area
30.3.0 Density regulation
30.4.0 Ownership
30.5.0 Streets
30.6.0 Setback requirement
30.7.0 Building heights
30.8.0 Procedure
30.9.0 Development review

30.1.0 PURPOSE. The purpose of the planned density development is to provide a degree of flexibility and innovative land use design and development not possible under strict interpretation of the zone and subdivision ordinances. It is the intention of the planned density development designation to encourage creativity in the design of large parcels of property for residential use and to encourage the development of a variety of housing types to better serve the citizens of the Urban Growth Areas.

30.2.0 MINIMUM SITE DEVELOPMENT AREA. A planned density development shall contain an area not less than twenty (20) acres.

30.3.0 DENSITY REGULATION.
(1) The overall average residential dwelling unit density for planned density development shall not exceed the maximum allowed density requirement of the underlying zone. The number of dwelling units shall be designated on each platted lot or combination thereof, forming a site, of the subdivision at the time of approval of the preliminary plat.
(2) Site development within the designated areas may be constructed in phases; provided, however, at no time shall the average density of that portion of the overall development with dwelling units thereon exceed the density of the underlying zone.

30.4.0 OWNERSHIP. A planned density development shall be under one ownership or one unit control during the planning and development stages to assure that the development will be accomplished as planned.

30.5.0 STREETS. All public streets shall be constructed in accordance with minimum county standards as determined by the county engineer.

30.6.0 SETBACK REQUIREMENT. Minimum setbacks for structures erected within an approved planned density development site shall be as follows:
(1) PERIMETER. The perimeter setbacks prescribed herein shall be measured from the exterior boundary of the lot or group of contiguous lots forming the planned density development site. The front, side and rear yard setbacks of the underlying zone shall be the minimum perimeter setbacks for all structures; provided, that such minimum
setbacks may be increased by the planning commission if deemed necessary to protect the appropriate use and development of adjacent lands.

(2) INTERIOR. The minimum distance between structures within a planned density development site shall not be less than Uniform Building Code requirements.

30.7.0 BUILDING HEIGHTS. The maximum permitted building heights of the underlying zone shall prevail.

30.8.0 PROCEDURE.

(1) Any property owner or property owners may petition by application for a planned density development designation. There shall be filed with the application a title report showing an existing interest in the property by the applicant. Said title report shall also include the names and addresses of all property owners within three hundred feet of the exterior boundaries of the subject property.

(2) The petition shall be presented to the Planning Commission who shall after public hearing make their recommendation to the Board of Commissioners in writing as to whether the planned density development shall be approved, modified or denied. All planned density developments shall be platted in accordance with the Plats and Subdivisions Ordinance.

(3) The Board of Commissioners may, after receiving the recommendation of the Planning Commission, designate by ordinance the planned density development and shall require said designation to be entered on the preliminary plat.

(4) If the preliminary plat is not given final approval within five years from the date of the public hearing at which approval was granted, the plat shall become invalid and approval for the planned density development shall expire.

30.9.0 DEVELOPMENT REVIEW. Development review shall be conducted and approved by the Franklin County Planning Director, or one of his/her designees.
CHAPTER 31
DENSITY INCREASE

Sections:
31.1.0 Purpose
31.2.0 Maximum increase
31.3.0 Threshold requirements
31.4.0 Design standards
31.5.0 Formula
31.6.0 Application requirements
31.7.0 Applicability of other chapters in the zoning ordinance
31.8.0 Appeals

31.1.0 PURPOSE. A density increase chapter is established to provide a means whereby an increase in the number of dwelling units may be achieved beyond that amount permitted in the base density of the R-2 and R-3 residential districts. The intent is to create a flexible means by which developers may voluntarily incorporate architectural creativity, site and aesthetic considerations in the design of residential developments that achieve a more efficient site plan, result in a physical development which blends more favorably or harmoniously with neighboring uses and uses within the vicinity, and increase the quality of the living environment for its future residents.

31.2.0 MAXIMUM INCREASE. The lot area per dwelling unit ratio within the R-2 and R-3 residential districts may be reduced in accordance with the provisions of this chapter. The maximum available reduction is as follows:
(1) R-2 District: May be reduced a maximum of one thousand four hundred square feet, from five thousand square feet per dwelling unit to three thousand six hundred square feet per dwelling unit.
(2) R-3 District: May be reduced a maximum of one thousand square feet, from 3,000 square feet per dwelling unit to 2,000 square feet per dwelling unit.

31.3.0 THRESHOLD REQUIREMENTS. Applicants shall be required to screen side yard lot lines adjacent a lower density residential district with a minimum five-foot site-obscuring fence, dense shrubs, or other treatment, except those portions within the required front and rear yards. Applicants shall also furnish, prior to issuance of a building permit, a covenant binding the owner to maintain, for the life of the development, all improvements/standards for which a density increase has been received under this chapter.

31.4.0 DESIGN STANDARDS. The following design standards and respective percentages shall be available to applicants seeking to increase the density of residential development on an eligible site.
(1) Open space.
   (a) Grass (ten percent): Two hundred square feet of sod per dwelling unit. May be located anywhere on the site, but may include only that portion of the required front yard exceeding the amount established in the front yard requirements of the underlying district. A hose bib is required within fifty feet of any portion of sod provided to meet this standard. Each additional
twenty square feet of sod per dwelling unit, in excess of this standard, shall be worth one percent, up to maximum additional five percent.

(b) Trees (eight percent): One five-foot minimum height tree for each two dwelling units.

(2) Exterior Design.
(a) Porches (ten percent): Covered porch at least three feet deep by four feet wide for each dwelling unit.
(b) Balconies (twenty percent): Forty-eight square feet minimum for each above-ground level dwelling unit with no dimension less than six feet.
(c) Patios (ten percent): Forty-eight square feet minimum for each ground level dwelling unit with no dimension less than six feet. Patios must be a minimum of four inches thick concrete. If patios are entirely covered, this shall be worth fifteen percent.
(d) Lap-siding (sixteen percent): Finish material on all exterior walls is entirely lap-siding.
(e) Cedar-siding (sixteen percent): Finish material on all exterior walls is entirely cedar.
(f) Stucco-siding (sixteen percent): Finish material on all exterior walls is entirely stucco or material with stucco appearance. Decorative four-inch batting shall be used in conjunction with staccato paneling on all expansion joints.
(g) Brick/Stone Siding (thirty-six percent): Finish material on exterior walls is entirely brick or stone.
(h) Combined siding (pro-rated percent): When more than one of the above types of siding is used, the proportion of the total exterior wall spaces excluding gable ends each type is applied to will be the proportion of its design standard percentage listed above. The total percentage award shall be determined by adding together with prorated percentages from the siding treatments used.

(3) General Site Principles.
(a) Transit Availability (ten percent): Site abutting an arterial street.
(b) Solar Adaptability (two percent): Southern exposure for majority of window space.
(c) Views (ten percent): Orient living room windows so views are channeled toward private open spaces.
(d) Dwelling Unit Identity (twenty percent): Each ground level unit is visually separated from adjacent ground level units by structural variation(s) in the exterior walls and/or roof line, or groupings of live vegetation and trees arranged adjacent to the exterior walls and extending outward in order to create a similar effect. All vegetation must be within fifty feet of a hose bib.
(e) Pedestrian Circulation (four percent): Permanent walkways of solid concrete (three feet wide by four inches thick) or other in-laid masonry technique from each ground level unit to parking area(s) or adjacent street. Loose gravel, decorative rock, bark or other similar material may only be used as trim or accent.
(f) Parking Areas (six percent): Exterior perimeter, except points of ingress/egress, landscaped with live vegetation, and all such vegetation is within fifty feet of a hose bib.
(g) Private Open Spaces (ten percent): Building variations, landscaping and trees or fencing arranged or situated to create a minimum of two hundred square feet of private lawn space directly accessible from each ground level unit.

(h) Side Yard Screening (seven percent): One or more side yards are screened with a five-foot minimum site obscuring method, except those required under the threshold requirement in.

**31.5.0 FORMULA.** The maximum available reduction in square feet of lot area per dwelling unit as established in shall be multiplied by the total percent reduction earned. The resulting number shall be subtracted from the base lot area per dwelling unit to determine the reduction achieved.

**31.6.0 APPLICATION REQUIREMENTS.** The site plan submitted for building permit shall show the location of grass and trees and shall be accompanied by a drawing of the exterior walls of all structures, illustrating the type of exterior finish to be used.

**31.7.0 APPLICABILITY OF OTHER CHAPTERS IN THE ZONING ORDINANCE.** Applicants seeking an increase in density through this chapter shall meet all other applicable requirements of this ordinance, except as otherwise provided in this chapter.

**31.8.0 APPEALS.** An applicant aggrieved by the Planning Director’s decision in the administration of this chapter may appeal to the Board of Commissioners, provided written appeal is filed with the administrative official within ten days of the date of the administrative action taken.
CHAPTER 32
RECREATIONAL VEHICLE PARKS

Sections:
32.1.0 Purpose
32.2.0 Definitions
32.3.0 Conditional use permit required
32.4.0 General requirements
32.5.0 Completion prior to occupancy phasing
32.6.0 Recreational vehicle park location criteria
32.7.0 Design standards
32.8.0 Accessory uses
32.9.0 Park administration
32.10.0 Recreational vehicle park application procedure

32.1.0 PURPOSE. The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the occupants of such parks and the residents of the county.

32.2.0 DEFINITIONS. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words and phrases defined in this section shall have the below indicated meanings; provided that, all definitions, rules and regulations defined herein that are in conflict with provisions of other county ordinances, the provisions of the recreational vehicle park chapter of this ordinance shall prevail.

(1) “Park Model” means a recreational vehicle designed specifically for placement in a recreational vehicle park to be utilized for transient or recreational housing. Park models are distinguished from standard recreational vehicles by the lack of self-contained holding tanks. For purposes of this title if a unit is not listed in the latest addition of the N.A.D.A. Recreation Vehicle Appraisal Guide as a park model it cannot be considered a park model. Park models do not exceed 11.5 feet in width and contain 400 square feet of living space or less.

(2) “Recreational Vehicle” means a vehicle or portable structure built and designed to be used for temporary occupancy or travel, recreational or vacation use. Said vehicles contain plumbing, heating and electrical systems which are operated with or without connection to outside utilities. Recreational vehicles shall include, but are not limited to, campers, motor homes, camping trailers, tent trailers, fifth wheels and travel trailers; tents are excluded. A recreational vehicle shall have a body width of no more than nine (9) feet and a body length of no more than forty (40) feet when factory equipped for the road.

(3) “Recreational Vehicle Site” means a plot of ground within a recreational vehicle park intended for temporary location of a recreational vehicle as a dwelling unit.

(4) “Recreational Vehicle Park” means a tract or parcel of land upon which two or more recreational vehicle sites are located, for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes.
(5) “Sanitary Station or Sanitary Dumping Station” means a facility used for removing and disposing of wastes from recreational vehicle sewage holding tanks.

(6) “Tents” means an enclosed structure of shelter fabricated entirely or in major part of cloth, canvas, plastic or similar material used for recreational or vacation purposes.

32.3.0 CONDITIONAL USE PERMIT REQUIRED. A recreational vehicle park shall be permitted only upon the issuance of a Special/Conditional Use Permit. The owner, operator and occupants of a recreational vehicle park shall develop and use the park in strict compliance with the conditions imposed by the permit.

32.4.0 GENERAL REQUIREMENTS.
(1) No recreational vehicle shall be occupied overnight unless the same is parked inside an approved recreational vehicle park. An exception to this rule may be granted for temporary uses.
(2) No recreational vehicle shall be occupied for commercial purposes; except units used for job shacks at commercial construction sites with valid building permits.
(3) No recreational vehicle shall be used as a permanent place of abode, or dwelling, except for park management, for indefinite periods of time. Occupancy in a park for more than 180 days in any 12-month period shall be conclusively deemed to be permanent occupancy. Placement of the unit on a foundation or any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair, is hereby prohibited.
(4) Except portable awnings and screens that are attached to and carried with the recreational vehicle, no external appurtenances, such as carports, cabanas or patios may be attached to any recreational vehicle while it is in a park.
(5) No space within a recreational vehicle park shall be rented for any purpose other than those expressly allowed by this chapter.
(6) No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter.

32.5.0 COMPLETION PRIOR TO OCCUPANCY PHASING. All required site improvements, and other conditions of the special permit shall be met prior to occupancy of any site by a recreational vehicle; provided, that completion may be accomplished by phases if such phases are identified and approved in the special permit.

32.6.0 RECREATIONAL VEHICLE PARK LOCATION CRITERIA. The location of recreational vehicle parks shall be reviewed for harmony with adjoining properties. Recreational vehicle parks may only be established on property which meets the following criteria:
(1) Recreational vehicle parks may be permitted only in the C-1, C-2, C-3, CR, RC-1, RC-5, AP-20 and AP-40 Zoning Districts.
(2) The minimum site area of a park shall be four (4) acres.
(3) Parks within Urban Growth Areas shall be located within 2,000 feet of a State or interstate highway.
32.7.0 DESIGN STANDARDS. The following are minimum design standards for recreational vehicle parks. Some of the requirements of this chapter may be waived in the C-2 and A-P Districts:

(1) Density. The number of recreational vehicles permitted in a park shall not exceed a density of 20 units per gross acre. The special permit may limit density further to ensure compatibility with the surrounding areas.

(2) Spacing and Site Width. There shall be a minimum side to side dimension of 15 feet between vehicles and an end to end dimension of 12 feet. Each recreational vehicle space shall have a minimum width of 24 feet.

(3) Site Access. Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavement at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within 100 feet of the intersection with the park entrance.

(4) Parking. At least one parking space for each 8 sites shall be provided for visitor parking in the park.

(5) Internal Park Roads. All internal park roads shall be privately owned and maintained. They shall be paved and meet standards, as approved by the Engineer. Park roads shall have a minimum improved width as follows:
   (a) The main or central road through the park shall have a width of not less than 28 feet exclusive of parking lanes.
   (b) Roads other than the main road shall have a width of not less than 14 feet per each travel lane.
   (c) One way roads shall be permitted only where drive through RV spaces are provided. One way roads shall have a width of not less than 12 feet.
   (d) Parking lanes shall have a width of not less than 10 feet.
   (e) All walkways shall not be less than 4 feet in width.

(6) Open Space/Recreational Facilities. A minimum of 20 percent of the site shall be set aside and maintained as open space for the recreational use of park occupants. Such space shall be accessible and usable by all residents of the park for passive or active recreation. Parking spaces, driveways, access streets, and storage areas are not considered to be usable open space. The percentage requirement may be reduced to 15% of the site if substantial and appropriate recreational facilities (such as recreational buildings, swimming pool or tennis courts) are provided.

(7) Setbacks. No recreational vehicle site shall be closer than 15 feet from any exterior park property line abutting upon a major street or shoreline or 10 feet from any other exterior park property line. Permanent structures within a park shall have minimum front and rear yards of 15 feet each, and minimum side yards of 5 feet each. Yard space shall be measured from the wall of the building. Building yard setbacks do not supersede other more restrictive setbacks.
(8) Landscaping/Screening. All areas of recreational vehicle parks including perimeter setback areas not utilized for roadways, pathways, buildings maintenance yards and recreational facilities shall be landscaped. Landscaping shall consist of a combination of live vegetative ground cover, lawn, shrubs, trees, flower beds and ornamental shrub beds. All landscaping plans shall be approved in conjunction with the special permit process and shall be guided by the following:

(a) The first 15 feet of the park exterior abutting upon a major street or shoreline shall be landscaped. Said landscaped area shall contain one shade (1-1/2" caliper) tree every 40 feet and a grouping of three or more small trees or shrubs every 50 feet. The remainder of the setback area exposed to public view shall be treated with lawn or various ground cover.

(b) The first 10 feet of all park exterior abutting properties other than those described in (a) above shall be treated with landscaping as provided in (a) above.

(c) All exterior boundaries of a recreational vehicle park shall contain a 6 foot solid fence. Required fencing along park exterior boundaries abutting upon a major street or shoreline shall be setback 15 feet from the property line(s).

(d) One shade tree (1-1.2” caliper) shall be required for every 3 recreational vehicle sites.

(e) All management offices, club houses and recreational buildings shall have border and foundation plantings on at least two sides of the building.

(f) All utility areas of park buildings shall be screened with landscaping, solid fencing or combination thereof.

(g) All maintenance yards shall be sight screened by a solid fence and various landscape elements.

(9) Landscaping/Screening Design and Maintenance. All landscaping and screening shall be designed and maintained to be aesthetically pleasing to ensure the general welfare of the community is enhanced. All trees, flowers, lawns and other landscaping features shall be maintained by the park management in a healthy growing condition at all times.

(10) Signs. Signs and advertising shall be prohibited in recreational vehicle parks except:

(a) One freestanding sign in accordance with the Sign Codes.

(b) One identifying sign at each entrance of the park which may be indirectly lighted, but not flashing. Said sign(s) shall comply with the Sign Codes.

(c) Directional and information signs for the convenience of occupants of the park.

(11) Utilities. All utilities within the park shall be constructed and maintained in accordance with all applicable State and local codes.

(a) Electricity: Electricity shall be provided to each recreational vehicle site.

(b) Water: Water shall be provided to each recreational vehicle site.

(c) Watering Station: Each recreational vehicle park shall be provided with one or more easily accessible water supply outlets for filling recreational vehicle water storage tanks.
(d) **Sewer Service:** Sewer service shall be provided to all recreational vehicle spaces.

(e) **Sanitary Stations:** Each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of one for every one hundred (100) recreational vehicle sites or fractional part thereof. Sanitary stations shall consist of at least a trapped four inch sewer riser pipe connected to the sewage disposal system and surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitable hinged cover; and, a water outlet, with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate adjacent areas. A sign shall be posted near the water outlet indicating that this water is for flushing and cleaning purposes only, not for drinking.

(f) **Solid Waste Disposal:** Refuse containers shall be placed throughout the park in convenient locations. Refuse containers must be screened from public view on three sides. All recreational vehicle parks shall be maintained free of litter and garbage. In addition to the refuse containers placed throughout the park, at least one large (4 yards or greater) container shall be located near the management building.

(12) **Storm Drain.** All storm water drainage shall be contained on the park. Storm water control facilities require Engineer approval prior to construction.

(13) **Surfacing of Sites.** All spaces except tent sites shall have a hard surfaced pad of the same minimum dimensions as the largest unit permitted to occupy that space. Sites utilized for tents need not be hard surfaced, however, tent spaces shall not be greater than 10% of the total number of sites.

### 32.8.0 ACCESSORY USES.

(1) **Accessory Uses:** Management buildings, recreational facilities, restrooms, showers, laundry facilities, other uses, and structures customarily incidental to operation of a recreational vehicle park are deemed to be permitted accessory uses in a recreational vehicle park. In addition, grocery stores and convenience shops shall be permitted as accessory uses and are subject to the following restrictions:

(a) Such establishments and the parking area primarily related to their operations shall not occupy more than five percent of the gross area of the park.

(b) Such establishments shall present not visible evidence from any street outside the park of their commercial character that would attract customers other than occupants of the park.

(c) The structures housing such facilities shall not be located closer than 50 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

(2) **Maintenance buildings,** recreation and similar buildings must be permanent structures. Permanent structures do not include recreational vehicles, recreational vehicles on foundations or shipping containers of any kind.

(3) **Restroom and Shower Facilities:** Restroom facilities shall be provided for each gender, shall be properly identified, and each shall contain showers and toilets connected to a municipal sewer utility when located within a U.G.A. The
minimum number of such facilities shall be one (1) commode and one (1) shower, for each gender, for every twenty-five (25) recreational vehicle sites.

32.9.0 PARK ADMINISTRATION. The owner of a recreational vehicle park shall be responsible for the development and maintenance of the park in strict conformity with the approved plan and conditions of the special use permit, and all applicable laws and ordinances. Each park shall have a manager available 24-hours per day, seven days per week.

32.10.0 RECREATIONAL VEHICLE PARK APPLICATION PROCEDURE.

(1) The applicant shall apply for the Special Permit application on forms provided by the Planning Department.

(2) The application shall include the Special Permit Fee (See Appendix A Fee Schedule), an Environmental Checklist with associated fee, and the application requirements in the Special Permit Chapter of this Ordinance.

(3) The application shall further be accompanied by twenty (20) copies of a site plan which shall be drawn at a scale of not less than one hundred (100) feet to the inch, and shall be clear and precise. If necessary, the site plan can consist of more than one (1) drawing. The site plan shall contain, but not necessarily be limited to, the following:

(a) Name of the owner and operator, with address and phone numbers; and the name of the proposed recreational vehicle park.

(b) Legal description of the subject tract of land.

(c) Name, address and phone number of the person or firm preparing the site plan.

(d) Scale of the drawing and north arrow.

(e) The area and dimensions of the tract of land.

(f) The number, size and location of all recreational vehicle spaces.

(g) The number, location and size of all off-street parking spaces.

(h) The location and width of all streets and walkways.

(i) The location of service buildings, management offices, sanitary stations, recreation areas, and any other proposed facilities or structures.

(j) Location of all utility easements.

(k) Specifications of the water supply, sewage disposal, electrical supply, and refuse collection systems.

(l) Drainage plan (may be submitted on a separate drawing).

(m) Landscaping plan (may be submitted on a separate drawing).

(n) Topography at an appropriate contour interval unless specifically waived by the Engineer.

(o) A vicinity map indicating the names and locations of all streets within at least a quarter mile radius of the subject area.

(p) Signage.

(q) Fencing and screening.

(4) Special Permit Review. Once a complete application has been received by the County, the Planning Department will schedule a hearing before the Planning
Commission. The application will then continue through the standard special permit process until a special permit is approved or denied.
CHAPTER 33
USE REGULATIONS

Sections:
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33.2.0 Permitted Land Uses
33.3.0 Access Requirements to Public Roads
33.4.0 Accessory Buildings
33.5.0 Accessory Dwelling Units
33.6.0 Accessory Dwelling Units – detached
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33.8.0 Bed and Breakfast Facilities
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33.20.0 Rural Retail Business
33.21.0 Supplemental Use Classifications – Planning Determinations
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33.25.0 Temporary use of a trailer (Travel Trailer, RV, 5th Wheel, Etc.)
33.26.0 Vehicle-Related Uses
33.27.0 Wineries

33.1.0 PURPOSE. The purpose of this chapter is to establish supplemental development standards which qualify or supplement, as the case may be, the district regulations contained herein. The supplemental development standards are intended to assure land use compatibility and promote the public health, safety and welfare of the community.

33.2.0 PERMITTED LAND USES. Table 70-1 “Permitted Land Uses” is incorporated as part of this section and is inserted at the end of this chapter. The land uses listed in Table 70-1 are designated as permitted by right (P), accessory (A) or requiring a conditional use permit (CUP).

33.3.0 ACCESS REQUIREMENTS TO PUBLIC ROADS. Prior to issuance of a building permit or factory assembled residential structure (FAS) permit, the applicant for such permits shall demonstrate either of the following:

(1) That the parcel upon which the building or FAS will be located fronts upon and has direct access to a County road, state highway, city street, or

(2) There is an access easement recorded in the Franklin County Auditor’s Office that provides access to the parcel from a County road, state highway or city street. Any such
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access easement shall be continuous from the boundary or the parcel for which the permit is to be issued to county road, state highway, or city street and shall be a minimum of twenty (20) feet in width, unless additional width is required by any other Franklin County Code provision.

The responsibility for construction and maintenance of an access easement shall be vested with the property owner and not with Franklin County. Any person submitting an application for a building or FAS permit based upon an access easement shall submit a copy of the recorded access easement to the Planning and Building Director or Building Official. If said access easement is crossing an irrigation canal right-of-way or a railroad right-of-way, then the applicant must provide to the Planning and Building Director or Building Official a valid crossing permit from the respective agency.

33.4.0 ACCESSORY BUILDINGS. A building, structure or use which is considered necessary to the operation or enjoyment of a lawful permitted use or conditional use, and is appropriate, incidental, and subordinate to any such building, structure or use, shall be considered accessory when located on the same lot. A use which involves an increase in the number of dwelling units in a building or on a lot beyond that which is permitted in the district, shall not be considered an accessory building.

(1) General Standards:
   a) Yard setback requirements are identified in each Zoning District.
   b) Corner lot setback standards are discussed in the Site Design Chapter.
   c) Front setback standards are measured from the public road or access easement.
   d) No portion of the building shall be located within or encroach into a utility easement.
   e) De-certified mobile homes (factory assembled homes), recreational vehicles, and mobile office structures or trailers shall also not be considered as accessory buildings.
   f) Tent and/or canvas covered storage buildings/structures shall be no greater in size than 480 square feet within Urban Growth Area residential zoning districts and the Rural Community 1 Zoning District. The size maybe exceeded upon the approval of a Conditional Use/Special Use permit.
   g) Within residentially zoned properties which restrict the number of accessory structures allowed, no more than two (2) accessory structures, which are of a size that do not require a building permit, may be placed on a parcel or lot. The side and rear yard setback for these structures is 5 feet. This standard is in addition to the two (2) permitted accessory structures of 1200 square feet, and 480 square feet.
   h) Storage containers are a permitted use in the AP-20, AP-40, and I-2 Zoning Districts. The approval of a Conditional Use Permit is required for placement in the Office, C-1 and C-2 Zoning Districts. Storage containers are not permitted in any residential zoning districts with the exception of the RR-5, RC-1 and RC-5. Placement of a storage container in the RR-5, RC-1 and RC-5 Zoning Districts shall comply with the following standards:
      i) The parcel where the container is to be located shall be a minimum of 2.5 acres in size and allow for the placement of only one container;
ii) The container shall be located in the side and rear yards only;

iii) The color of the container shall be similar to the primary structure;

iv) Shall comply with the standards described in Section 8.3.0 Permitted Accessory Uses and Section 8.5.0 Development Standards for the RR-5 Zoning District and Section 9.3.0 Permitted Accessory Uses and Section 9.5.0 Development Standards for the RC-1 Zoning District and Section 10.3.0 Permitted Accessory Uses and Section 10.5.0 Development Standards for the RC-5 Zoning District.

v) The container shall be screened with live vegetation or other materials or structures approved for use in this zone so no more than 50% of the container is visible from the County R-O-W and neighboring properties.

vi) Site Plan approval to ensure compliance with the above described standards shall be approved by the Planning Department.

(2) Riverfront Standards: Lands with River frontage or frontage to Corp of Engineers (Government) owned riverfront land with a Residential zoning classification may construct an accessory building within the designated Front Yard Area (between the home and street) without approval of a Conditional Use/Special Use Permit if the following design criteria is complied with:

a) Roofing materials must be compatible and similar in relation to the primary structure.

b) Exterior siding must be compatible and similar in relation to the primary structure.

c) Placement of accessory buildings must conform to all applicable yard requirements for the zoning district in which they are located. Front yard setback standards are the same as the primary structure.

d) Placement of accessory building shall not encumber more than 40% of the front facing wall of the single-family home.

e) The size and height requirements for accessory buildings described in the applicable zoning district shall be complied with.

f) The Planning and Building Department Director shall review each accessory building for compliance with the above described criteria.

(3) An accessory building which is an integral part of the primary structure; i.e., has a common wall must comply with the provisions of this ordinance applicable to the primary structure. An accessory building that is detached or connected by a breezeway must comply with this section.

a) A detached accessory building that is connected by a breezeway may be considered to be a portion of the primary structure provided the following provisions are complied with:

(i) The breezeway connecting the primary structure and accessory building shall not be more than twenty-five (25) feet in length.

(ii) The breezeway connecting the primary structure and accessory building shall be constructed out of similar materials (both type and color) as the primary structure and at a minimum have the same roof pitch as the primary structure. This is to maintain the same look as and match the primary structure as closely as possible (i.e. siding and roofing).
(iii) The breezeway connecting the primary structure and accessory building shall be fully soffitted, utilizing similar materials (both type and color) as the primary structure. This is to maintain the same look as and match the primary structure as closely as possible (i.e. siding).

(iv) The accessory building, being attached to the primary structure via the breezeway, shall be constructed out of similar materials (both type and color) as the primary structure and at a minimum have the same roof pitch as the primary structure. This is to maintain the same look as and match the primary structure as closely as possible (i.e. siding and roofing).

(v) If the above provisions are utilized, the setback and height restrictions shall be the same as the primary structure.

(4) Accessory buildings shall not be permitted prior to the completion of the primary building/structure and/or permitted use within any zoning district (*verification of at least 50% completion of the primary building/structure and/or permitted use will constitute the eligibility to apply for an accessory building permit).
   a) Item 4 listed above can be waived upon the completion and approval of a Franklin County “accessory building declaration of occupancy use” form.

(5) The following standards shall apply to all accessory buildings in any zoning district within the Urban Growth Area Boundaries of Franklin County:
   a) Roofing materials must be compatible and similar in relation to the primary structure.
   b) Exterior siding must be compatible and similar in relation to the primary structure.
   c) Placement of accessory buildings must conform to all applicable yard requirements for the zoning district in which they are located.

33.5.0 ACCESSORY DWELLING UNITS. One accessory dwelling is permitted per single family dwelling within all single family districts under the following conditions:

(1) An accessory apartment may be developed in an existing or new residence.
(2) An accessory apartment must be under the same roof as the principal dwelling and cannot be detached in any manner from the principle dwelling.
(3) An accessory apartment must have its own outside entrance, but not within the same facade as the main entrance of the dwelling.
(4) An accessory dwelling shall have a kitchen and bathroom and shall not contain more than two bedrooms.
(5) Shall not exceed forty percent of the principal dwelling’s total floor area, and shall not exceed eight hundred (800) square feet.
(6) One additional off street parking space shall be provided in conformity with Off-Street Parking.
(7) One dwelling must be owner-occupied for eight months of the year.
(8) The dwelling and the accessory dwelling must meet all applicable setbacks, lot coverage and building height requirements.
(9) Must be connected to the utilities (except telephone and television) of the principal dwelling unit and can not have separate services.
(10) Must not require any modification that would alter the single family character of the principal dwelling.
(11) If the Post Office permits house mounted mail boxes only one shall be permitted on the principal dwelling.
(12) An accessory dwelling permit is required prior to the issuance of a building permit for construction or alteration of an accessory dwelling.
(13) Any accessory dwellings unit lawfully existing prior to adoption of this Ordinance are considered legal nonconforming uses. All such units are required to obtain an accessory dwelling permit.
(14) The renting of rooms for lodging purposes is prohibited in single family homes where there is an accessory dwelling unit.

33.6.0 ACCESSORY DWELLING UNITS – DETACHED. One “detached” accessory dwelling unit is permitted per dwelling within all single family districts subject to the following conditions:

(1) Single family residence situated upon a parcel of real estate being 2.0 acres in size or larger.
(2) The accessory dwelling is a separate or “detached” dwelling.
(3) The accessory dwelling shall have a floor space exceeding 720 square feet, but not to exceed 1,600 square feet. The accessory dwelling shall have provided off-street parking in conformity with off-street parking.
(4) The accessory dwelling may be developed only upon the granting of a conditional use permit. The conditional use permit may require that, upon the termination of the specified occupant’s use and occupancy of the accessory dwelling, said dwelling shall be removed from the premises permanently, with any underground or permanent improvements to the premises to be capped and/or abandoned.
(5) The exterior colors of the accessory dwellings siding must be compatible with the primary dwelling.
(6) The accessory dwelling may be a factory assembled home or may be constructed within an existing or proposed detached accessory building. If the detached accessory dwelling is to be a factory assembled home, the placement and age of the structure shall comply with the zoning requirements in effect for the placement of a single family home for the specific project location.
(7) The use of the accessory dwelling unit shall be only for the care of aged parents, aged relatives, disabled children or disabled relatives.
(8) The accessory dwelling must meet all applicable set backs, lot coverage, and building height requirements.
(9) The accessory dwelling must be connected to utilities (except telephone and television).
(10) An accessory dwelling permit is required prior to the issuance or application for the conditional use permit, and both of said permits are required prior to the issuance of a building permit for the placement of the accessory dwelling.
(11) Any accessory dwelling unit lawfully existing prior to the adoption of this ordinance are considered legal nonconforming uses.
(12) An accessory dwelling unit may not be rented, nor may the rooms therein be rented, nor may the accessory dwelling unit be used for business purposes.

33.7.0 ADULT ENTERTAINMENT ESTABLISHMENTS.
(1) Adult entertainment facilities are a Special Use/Conditional Use within the General Industrial District (I-2) only.
(2) No adult entertainment facility shall operate, and the same are prohibited from operation within one thousand three hundred and twenty feet from the nearest property line of the following:
(a) Any residential zoning area.
(b) Any public or private primary or secondary school.
(c) Any church, synagogue, temple, mosque or other place of worship.
(d) Any library, public playground or park.
(e) Any public or private preschool or nursery school.
(f) Any commercial day care facility.

(3) No Adult Entertainment Facility shall operate within seven hundred and fifty feet from the nearest property line of any other Adult Entertainment Facility.

33.8.0 BED AND BREAKFAST FACILITIES.

(1) “Bed and Breakfast Facility” means any facility within a single family dwelling unit in which travelers are lodged (maximum of 5 bedrooms) for two weeks or less and morning meals are provided, and for which compensation of any kind is paid. For the purposes of this definition, a bed and breakfast facility is not a hotel, inn, motel, lodging or rooming house, or restaurant.

(2) A Bed and Breakfast Facility is permitted as a Special/Conditional Use in all zoning districts which permits single family dwellings.

(3) A Bed and Breakfast Facility must be accessory to a household living use on a site. This means that an individual or family who operates the facility must occupy the house as their primary residence.

(4) Banquets, parties, weddings, or meetings for guests or other non-family members are prohibited unless these type of activities are specifically stated in an approved Special/Conditional Use Permit.

(5) Bed and Breakfast Facility shall comply with all applicable health (including Department of Health and Social Service review), fire safety, and building codes.

(6) One sign not to exceed thirty-two (32) square feet in area, shall be allowed. Lighted signs may be permitted with external direct lighting.

(7) Driveways accessing a Facility shall be approved by the appropriate Fire District and shall have a minimum easement width of thirty (30) feet with a twenty (20) foot fire apparatus road and be constructed at an acceptable grade;

(8) One off street parking space shall be provided for each room available for patrons in addition to the off street parking requirements for the underlying zoning district.

(9) Outdoor activity shall be limited to the hours of 7:00 a.m. to 10p.m.

(10) A Bed and Breakfast Facility is required to have an approved and current Franklin County Business Registration.

33.9.0 CARETAKER’S RESIDENCE. In the commercial and industrial districts, a caretaker’s residence may be permitted by special permit as an accessory use, provided the following circumstances are demonstrated by the applicant:

(1) The caretaker’s residence is solely intended to provide security for the established principal permitted use of the property.

(2) The residential structure, to include factory assembled homes, will be located on a parcel at least two times the size of the caretaker’s residence.

(3) The structure will conform to other applicable codes and regulations for residential structures.

(4) A special permit granted for a caretaker’s residence may be reviewed annually upon written request of owners of property within three hundred feet of such residence or upon written request of the Planning Director.

(5) A special permit granted for a caretaker’s residence shall include a time-line for future Planning Commission and Board of County Commissioners review of the Permit.
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(33.10.0) COMMUNICATION TOWERS.

(1) Communication Towers are permitted in all zoning districts for non-commercial purposes provided:
   (a) Such structures and appurtenances shall not be located in the required front yard or in front of the front line of the dwelling or principal building.
   (b) Such structures shall not exceed a height of 10 feet within a required side or rear yard.
   (c) Such structures shall not exceed a height of 80 feet within the yard area between the rear yard set back and the rear of the building.
   (d) Not more than one such structure per lot or parcel shall exceed a height of 30 feet.

(2) Wireless Communication Facilities (WCFs) are permitted under the following conditions and guidelines:
   (a) Applicability: The requirements of this section apply to all wireless communication facilities, except as follows:
      (1) Pre-Existing WCFs: WCFs for which a permit has been issued prior to the effective date of this chapter shall not be required to meet the requirements of this section.
      (2) Exclusion for Amateur Radio Facilities: This section shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.
   (b) Wireless Communication Facilities---Uses:
      (1) Permitted Use:
         (i) WCFs shall be an allowed/permitte d use in all Industrial or C-3 Zoning Districts provided the tower location is 500 feet or more from a residential district. Any location closer than 500 feet requires a conditional use permit/special permit in accordance with Chapter 41.
      (2) Conditional Use: The following WCF applications may be permitted by a conditional use/special permit in all zoning districts:
         (i) The WCF is attached to or located on an existing or proposed building, structure or tower that is higher than thirty-five (35) feet (a conditional use permit may be waived per Co-location subsection (b) (3) (ii)), or
         (ii) The WCF is located on or within a publicly owned facility such as a water reservoir, fire station, police station, school, county/city or port facility.
         (iii) (i) and (ii) above may be waived in the Agricultural Production Zoning District.
      (3) Co-location:
         (i) Co-location Encouraged: In order to minimize facility proliferation, WCFs shall be required, to the greatest extent practicable, to be co-located. Co-location will be a condition of any land use permit or other development approval unless an applicant submits a demonstration that supports, to the satisfaction of the Planning Department, the conclusion that sharing space on an existing facility or a facility that has been
approved/pending construction is not feasible or possible based on one or more of the following factors:

(1) Available space on existing (or approved/pending construction) facilities.

(2) The facility owner’s ability to lease space.

(3) The facility’s structural capacity.

(4) Radio frequency interference.

(5) Geographic service area requirements.

(6) Mechanical or electrical incompatibilities.

(7) The comparative costs of co-location and new construction.

(8) Any FCC limitation on facility or structural support sharing.

(ii) Co-location in Non-Residential Zones—Waiver of Conditional /Special Permit Requirements: Co-location proposals may be reviewed administratively by the Planning Department in non-residential zones provided:

(1) The co-located WCF is attached to an existing structure (such as a building, sign, light pole, water tower, or other free standing non-residential structure) or tower, so long as the attachment does not increase the height of said structure or tower. Any increase in height will require the approval of a conditional/special permit.

(2) The co-located WCF is allowed only one (1) equipment structure (See Design Standards subsection (2) (e) (4)), any increase in the number of structures will require the approval of a conditional/special use permit.

(3) Co-location in Non-Residential Zones—Administrative Review:

(a) The applicant must submit detailed plans to the Planning Department for a determination as to whether the Conditional Use Permit process and public hearings may be waived.

(b) Co-locations are required to comply with any other permit, license, lease, or franchise requirement including the issuance of a Franklin County Building Permit and Business License.

(c) Application Requirements: The following application requirements apply to permitted and conditional/special use WCF proposals. For conditional/special use permit applications, the requirements stated in Chapter 40 also apply. At a minimum the application requirements shall include the following:

(1) Land Development Application form provided by the Planning Department (including a statement from the applicant which explains the WCF’s specific use).

(2) Franklin County Business License Application form provided by the Planning Department.

(3) Any SEPA documents (SEPA Checklist), as applicable.

(4) Site Plan: A scaled site plan showing the location, point of reference, type, height and horizontal location (coordinates) of the proposed support structures and antennas, existing buildings, adjacent roadway rights-of-way, parking areas if applicable, proposed means of access, setbacks
from property lines, the approximate distance between the proposed support structures and the property lines, and method of fencing.

(5) Landscaping Plan: A landscaping plan shall be prepared indicating the specific placement of the WCF on the site. Trees and other significant site features, the type and location of plant materials used to screen the facility and the proposed color(s) of the facility shall also be indicated.

(6) Service Area Map: A current map showing the location of the proposed support structure, the locations and service areas of other WCFs operated by the applicant and those proposed by the applicant that are close enough to impact service within the County.

(7) Co-location Demonstration pursuant to subsection (b)(3)(i) of this section including a statement that the applicant has made a diligent attempt to mount the facilities on an existing (or approved/pending construction) support structure or tower that is within a one (1) mile (within an Urban Growth Area Boundary) or five (5) mile (outside an Urban Growth Area Boundary) radius of the chosen site. For non co-location applications within the above described radius’, the County may hire/contract with a neutral party (cost of this hire is the responsibility of the applicant) to determine the applicants’ co-location feasibility on existing (or approved/pending construction) towers/facilities.

(8) Co-location Statements: A statement by the applicant as to whether construction of the support structure will accommodate co-location of additional antenna(s) for future users. If so, a signed statement shall be included indicating that: (i) the applicant and landowner agree they will diligently negotiate in good faith to facilitate co-location of additional WCFs by other providers on the applicant’s structure or within the same site location; and (ii) the applicant and/or landowner agree to remove the facility within ninety (90) days after abandonment.

(9) Compliance Letter: A letter signed by the applicant stating the support structure and antenna will comply with all applicable federal, state and local laws and regulations, and this section.

(10) Interference Certification: Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions of other communications facilities.

(11) Licenses: Copies of any FCC licenses required under FCC regulations for the provision of service within the County.

(d) Siting Requirements: WCF sites are subject to the following siting requirements:

(1) An applicant proposing to site a WCF shall demonstrate by a propagation map that the WCF must be located at the site to satisfy its function in the applicant’s grid system.

(2) Further, the applicant must demonstrate by a propagation map that the height requested is the minimum height necessary to fulfill the site’s function within the applicant’s grid system. An analysis by a Professional Engineer documenting these demonstrations shall accompany the propagation maps.

(3) WCFs shall be located and designed to minimize adverse impacts on residential properties. WCFs shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

(4) WCFs shall be located to minimize adverse impacts on existing airports/airstrips (private and public) and the associated impacts on the
agricultural aerial flight patterns (for agricultural spraying) in an area. A WCF shall not be located any closer than one (1) mile from an existing and established private airport/airstrip.

(e) Design Standards: WCFs and WCF sites are subject to the following standards:

(1) The entire facility shall be aesthetically and architecturally compatible with its environment.

(2) New facilities shall be designed to accommodate co-location which shall consist of a minimum three (3) available spaces per tower. New WCFs/towers are also subject to providing, at a minimum, one (1) co-location agreement (with a service provider) to the Planning Department prior to obtaining a building permit. This shall be a condition of approval of all special/conditional use permits.

(3) Lights, Signals and Signs: Signals, lights, or signs may be required on WCF’s by the FCC, FAA or the governing body.

(4) Equipment structures: A WCF shall be limited to one of the following options:

i. Two (2) equipment structures are allowed per WCF. The maximum floor area allowed for each structure is 300 square feet. The maximum structure height is 15 feet.

ii. WCF’s may have one (1) building with a maximum size of 720 square feet if the building is constructed in a fashion to accommodate a minimum of three (3) service providers. The maximum structure height is 15 feet.

(5) Fencing: A fence shall be provided around each WCF (including equipment shelter) that is not less than six (6) feet in height from the finished grade. Access to the tower shall be through a locked gate.

(6) All towers must meet or exceed current standards and regulations of the FAA and FCC. All applications for building permits must be accompanied by verification of approval by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) and any other state or federal requirements for tower design and location.

(7) All tower construction plans shall be designed and stamped by a licensed professional engineer.

(8) Tower and Antenna Height: In addition to the siting requirements in subsection (2) (d) the following height requirement apply:

(a) Industrial Zones. The maximum height for a WCF shall be 140 feet.

(b) C-3 General Commercial Zone. The maximum height for a WCF shall be 120 feet.

(c) Other Commercial Zones. The maximum height for a WCF shall be 100 feet.

(d) Residential Zones. The maximum height for a WCF shall be 60 feet.

(e) Agricultural Zones. The maximum height for a WCF shall be determined by the Conditional/Special Use process.

(f) Non-Use, Abandonment and Removal of WCFs: Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such a WCF shall have it removed within ninety (90) days from the date of notice from the governing authority that the WCF is abandoned. If such WCF is not removed within said ninety (90) days, the governing authority may remove such WCF at the owner’s sole expense. The permit shall be
reviewed one year after the date of issuance to make sure the permitted use is still the actual use of the land (i.e. to make sure the WCF is still an active tower). If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

(g) Nonconforming WCFs: WCFs in existence on the date of the adoption of this section that do not comply with the requirements of this section (non-conforming WCFs) may:

(1) Continue in use for the purpose now used, but may not be expanded without complying with this section, except as further provided in subsection (g) of this section.

(2) Add additional antennas (belonging to the same carrier or other carriers) subject to policies discussed in this section.

(3) Be repaired and restored to their former use, location and physical dimensions if damaged or destroyed due to any reason or cause, subject to obtaining a building permit therefore, but without otherwise complying with section.

(4) Be replaced, repaired, rebuilt and/or expanded in order to improve the structural integrity of the WCF support structure, to allow the facility to accommodate co-located antennas or facilities, or to upgrade the facilities to current engineering, technological or communication standards, without having to conform to the provisions of this section, so long as such facilities are not increased in height or setbacks are not decreased.

33.11.0 COMPOST BOXES/PILES. Compost boxes or piles are permitted in rear yards only as accessory uses in any residential zoning district provided, they are maintained in such a manner so as not to be a nuisance is located at least 5’ from any adjoining property.

33.12.0 HAZARDOUS WASTE.

(1) No person, firm, or corporation shall use any parcel(s), lot(s), or tract(s) of land for disposal of “dangerous” or “extremely hazardous” waste (chemical) as defined by Chapter 173-303 of the Washington Administrative Code.

(2) Any operation involving radioactive material greater than one curie in a sealed form, or any radioactive material in a non sealed form, but excluding any place of medical practice; except upon a conditional use permit granted by the Board of Commissioners. In developing a recommendation, the Planning Commission, shall, in addition to the requirements of Special Permits, also consider the location of the proposed use, the zoning regulations, the threat to the public health, safety or welfare, the effect of surrounding property values and development, reclamation of property, and the suitability of the property for the use proposed.

(3) Uses or activities that process or dispose of medical wastes as defined by Chapter 173-303 of the Washington Administrative Code are required to obtain a special permit.

33.13.0 MOBILE OFFICE. Consistent with Chapter 41, Section 41.2.0(19), mobile structures, including mobile offices, require the approval of a conditional use permit. The exception to this standard is for mobile offices within the AP-20, AP-40, and I-2 Zoning Districts. A mobile office is a permitted use in these zoning districts, subject to building permit review and approval. Additionally, within the AP-20 and AP-40 Zoning Districts, the property for which a mobile office is to be placed, must be of a size which constitutes a “farm”, as defined in Chapter 3, Section 3.40.0 Farm.
33.14.0 NATURAL RESOURCE USES.
(1) MINERAL EXTRACTION. Mineral extraction, quarrying, rock crushing or related activities such as a batch plant or a premix plant may be permitted in any zone, on approval of a special permit and as provided in this ordinance, the excavation and sale of sand and gravel, clay, shale, or other natural mineral deposits (except topsoil) for the quarrying of any kind of rock formation shall be subject to the following conditions:
   (a) In case of an open excavation or quarry, there shall be a substantial fence with suitable gates completely enclosing the portion of the property in which the excavation is located and such fence shall be located at all points forty feet or more from the edge of the excavation or quarry.
   (b) Whenever production in any area used as a gravel pit, sand pit, clay pit, or quarry shall have been completed, then all plants, buildings, structures and equipment shall be entirely removed from such property and stockpiles shall be removed or back-filled into the pit within one year after such completion. When production shall have been completed, then the owner shall take such measures to rehabilitate the area as deemed reasonable by the engineer and or as required in the special permit.
(2) AGRICULTURAL USES.
   (a) All existing agricultural uses (limited to existing acreage) occurring within any zoning district in the Urban Growth Areas where not expressly permitted by this code, shall be deemed a lawfully established non-conforming agricultural use.
   (b) The production of alfalfa or pasture grasses on acreage of any size shall be considered permitted uses within all zoning districts.
(3) STRIPPING OF TOPSOIL. No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a business on such premises, in which an excavation could be incidental thereto.

33.15.0 OUTDOOR RESIDENTIAL LIGHTING. In all residential zoning districts, outdoor residential lighting shall be so arranged as to not constitute a nuisance to passing traffic or adjoining residential properties. Lighting should be directed or shielded in a manner to limit glare and encroachment on neighboring lands. In some instances the height, type of light, watt, or bulb may need to be evaluated and limited to assist in meeting the general intent of the residential area and of the Ordinance.

33.16.0 OUTDOOR SHOPS AND SALES. Where the business of selling merchandise is permitted under this title, such business shall be within an enclosed structure meeting the requirements for the particular type of occupancy. An enclosed structure shall mean a building or similar established structure, but shall not mean a vehicle or other device capable of readily being removed from the premises. The requirements of this section shall not apply to businesses selling merchandise in the following situations:
(1) Where there is specific authorization by this ordinance that clearly permits the conducting of the business outside an enclosed structure, but only to the extent clearly permitted.
(2) Where there is specific authorization by this ordinance that permits a business to be conducted and such business by its very nature must be conducted outside an enclosed structure, but only to the extent that it must be so conducted.
(3) Where the merchandise is of such size as to render it impractical to contain the merchandise within a building or is of a character that does not readily deteriorate when exposed to the elements.
(4) Where the merchandise is plants, shrubbery, or trees growing or cut.
(5) When the merchandise being sold is on the same premises, or adjoining (premises, or on a premises within two hundred feet of the premises from which a business is conducted from within an enclosed building and the operator of the business conducted within an enclosed building has control of and is responsible for the use of the premises.

(6) Where the merchandise is fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm products or edibles raised, caught, produced, or manufactured in any place in this state by the person selling the merchandise.

(7) Where the merchandise is food or liquid refreshment being sold for immediate consumption.

33.17.0 PAWNSHOP and SECONDHAND SHOPS. Pawnshop and secondhand dealers as defined are prohibited from operating in zones in the C-2 (Rural Service Commercial), the C-1 (Retail Business District), the BP (Business Park District) zone, “O” (Office District) zone, C-R (Regional Commercial) Zone and any residential zone. Pawnshops and secondhand dealers are permitted to operate in the C-3 (General Business District) zone and the I-2 (General Industrial District) zone provided however no new pawnshops and secondhand dealers licenses shall be issued to an establishment located closer than 1,000 feet from an existing pawnshop or secondhand dealer. All business activities of pawnshop and secondhand dealers located in the C-3 (General Business District) zone shall be conducted entirely within an enclosed structure.

33.18.0 RESIDENTIAL DESIGN STANDARDS: URBAN GROWTH AREAS AND RURAL SHORELINE AREAS. The following site built and new factory assembled home design standards, with the exception of multi-family structures, shall apply in the R-1, R-2, R-3, RS-1, RS-12, RS-20, RS-40, R-T, RC-1 and RC-5 Zoning Districts. For property zoned RC-1 and RC-5, the following standards only apply to property outside designated Rural Settlement Areas as identified in the County Comprehensive Plan.

(1) Single-family homes shall be either new site built construction or a newly placed Factory Assembled Structures.
   a. Factory Assembled Structures: All Factory Assembled Structures shall be brand new as determined by the manufacture date (within the present calendar year and/or within the previous calendar year provided said unit has not been previously owned and/or lived in).
   b. Relocation of Existing Site Built Dwellings: Existing site built dwellings may be relocated to a new location without meeting the provisions of this Section (33.17.0) provided the dwelling must be relocated to a lot on which the dwelling meets all other requirements of the zoning district and the value of the dwelling being relocated must not be less than one hundred percent of the average assessed value, as determined by the records of the County Assessor, of improvements on surrounding lots within 750 feet in all directions.

(2) The main entry doors of all dwellings must face the street on which the dwelling is addressed.
   a. Limited deviations from this requirement may be approved by the Planning Director upon site plan and site design review.

(3) A minimum of 32 (thirty-two) square feet of glazing must be on the portion of the dwelling facing the street. Dwellings with less than 32 square feet of glazing must contain covered porches with a minimum of a four foot overhang.

(4) All entry porches/landing areas must be constructed as an integral part of the dwellings architecture.

(5) The main roof of all dwellings shall have a minimum 5/12 pitch; except dwellings with less than a 5/12 pitch legally established prior to the effective date of this Ordinance shall
be permitted to be rebuilt, altered, enlarged or remodeled without the roof being changed to a 5/12 pitch.

(6) All eave overhangs shall be a minimum of 12 inches.

(7) Dwellings with 4/12 pitch roofs may be permitted provided the main roof includes one or more secondary roofs intersecting the main roof at right angles. The secondary roof(s) must have separate, elevated eaves. This provision does not apply to false or artificial dormers.

(8) All foundations must be poured concrete or masonry block.

(9) All dwellings must be positively connected to foundations, meeting seismic and wind loading standards for Franklin County, Washington.

(10) No more than 12 inches of foundation wall can be exposed on the walls facing a street.

(11) All siding must be of durable materials, such as brick, masonry, stucco, vinyl, exterior-grade wood, exterior grade composites all with a life span of at least 20 years under normal conditions.

(12) All siding must extend below the top of the foundation 1 ½ to 2 inches. A bottom trim board does not qualify as siding and can not be used to cover the top of the foundation.

(13) All trim materials around windows doors, corners and other areas of the dwelling, must be cedar or other approved materials that are not subject to deterioration.

(14) All electric meters must be securely attached to an exterior wall of the dwelling and not readily visible from the street upon which the dwelling is addressed.

(15) All additions and/or other architectural features must be designed and positively connected to the dwelling so as to be an integral part of the dwelling.

(16) Primary driveways shall terminate into an architecturally integrated garage. No parking pad is permitted in front of a dwelling unless such pad leads to a garage. (See also the Accessory Building provisions (33.4.0) of this chapter for the utilization of breezeways to meet the requirements of this section regarding the architecturally integrated garage standards).

(17) At least one required off-street parking space must be located behind the front building setback line of the dwelling.

33.19.0 RESIDENTIAL DESIGN STANDARDS: RURAL RESIDENTIAL AND RURAL SETTLEMENT AREAS. The following site built and factory assembled home design standards, with the exception of multi-family structures, shall apply in the RR-1, RS-2, RC-1 and RC-5. For property zoned RC-1 and RC-5, the following standards only apply to land inside designated Rural Settlement Areas as identified in the County Comprehensive Plan.

(1) Any newly placed Factory Assembled Structure shall be no older than five (5) years from the current calendar year.

(2) The outside dimension shall not be less than 24’ and the home must provide 1000 sq. ft. of living space excluding basements and attached garages.

(3) The roofing materials must be approved composition shingles, coated metal or similar roofing material. The roof pitch shall not be less than 3/12.

(4) The exterior siding must consist of cottage lap, T1-11 or similar residential siding materials.

(5) Placement of homes must conform to all applicable yard requirements for the zoning district in which it is located.

(6) Title elimination must occur within one year of installation.

(7) All wheels, tongues, and other transportation equipment must be removed from the unit when placed upon the lot.
33.20.0 RURAL RETAIL BUSINESS ASSOCIATED WITH AGRICULTURAL PRODUCTS.

Rural retail businesses associated with agricultural products grown or produced on-site subject to the following criteria:

(1) The business is considered an accessory use to the permitted use in the AP-20, AP-40, RR-1, RR-5, and/or RC-5 Zoning Districts; must be on the same parcel with a permitted use and is clearly incidental and secondary to the permitted uses; and must be operated by the owner or lessee of the land and structures.

(2) The business shall be designed to primarily serve a need for people who reside in the area of the proposed business and not for the traveling public.

(3) Access to the business must be from an existing, improved (hard surface) county arterial. Access permits must be obtained from the County Public Works Department.

(4) Review and approval by the Planning and Building Department including site plan review, building application, and business registration.

(5) Review and approval by the County Fire Marshal for fire code review.

(6) Review and approval by the County Health Department including food service, waste disposal and water service.

(7) Department of Social and Health Services (if applicable).

(8) One on-premise sign shall be allowed to advertise the business. Setbacks shall be as defined in the Zoning Ordinance, and the sign area shall be regulated by the Sign Ordinance for commercial uses.

(9) Businesses will be permitted with the intention of permitting uses which will not adversely affect the public health, safety and general welfare, and the uses allowed within the applicable Zoning District. Additional review may be necessary for certain rural retail businesses as follows:

   i. A conditional/special use permit is required for rural retail businesses associated with agricultural products grown or produced on-site if that business also involves the sale of products, goods or commodities that are grown, produced, or packaged off-site.

   ii. Businesses that outgrow their area, and which in the opinion of the Planning Department pose a threat to the purpose and intent of the applicable Zoning District, pose a traffic hazard or violate these standards shall cause Franklin County to review (the approval of) the business and may cause said business to relocate to a more suitable area within established commercially zoned areas.

33.21.0 SUPPLEMENTAL USE CLASSIFICATIONS (PLANNING DETERMINATIONS).

When a use is not specifically listed in the sections devoted to uses permitted or within Table 70-1, it shall be assumed that such uses are hereby expressly prohibited unless a decision by the Planning Commission determines that said use is similar to and not more objectionable than the use specifically permitted. Said decision shall be known as a “Planning Determination” and will be reviewed by the Planning Commission on their regular meeting date. Applications for a planning determination are to be completed on forms provided by the Planning Department and received by the Planning Department at least seven days prior to the regular Planning Commission meeting. No “New” use may be allowed until such time that the development regulations have been amended in accordance with this ordinance.

33.22.0 SWIMMING POOLS AND HOT TUBS.

Swimming pools and hot tubs may be constructed and placed as an accessory use for a residence provided that:

(1) A swimming pool may be constructed within any side or rear yard, but shall not be located in any required front yard and the edge of the water line shall not be located
within five feet of any required front yard and not less than five feet from any rear or
side property line and not less than one foot from any utility easement.

a. A swimming pool may be constructed in a designated front yard area with
the approval of Conditional/Special Use Permit. Setbacks for swimming
pools, located in a designated front yard with the approval of a
Conditional/Special Use Permit, include the following: The edge of water
line shall not be located within twenty five (25) feet of a front property
line, five (5) feet from any rear or side yard, and one (1) foot from any
utility easement, unless otherwise approved in the Special/Conditional Use
Permit process.

(2) Swimming pools shall be entirely enclosed by buildings, fences or walls not less than
five (5) feet in height and with no openings that are greater in size than four (4) inches.
Said fences shall be equipped with self-latching gates or doors, the latching device
being located not less than four (4) feet above the ground. All fencing must be in place
and approved by the Building Department before water is run into the pool. All lighting
of pool areas shall be so hooded that the light does not shine toward abutting properties.

(3) Hot tubs shall include a pre-manufactured approved locking top. If an approved locking
top is not provided, the unit shall comply with the swimming pool enclosure and
fencing requirements in (2) above. This standard shall not apply to hot tubs located
within an enclosed building.

33.23.0 SWINE/PIG ANIMAL STANDARDS:

(1) Inside the Pasco Urban Growth Area and the Rural Shoreline Area (RC-1 only) the
following Swine/Pig Animal Standards apply for each lot/parcel:
   a. 3 Swine/Pigs for 4-H/FFA purposes only.

(2) Inside the Connell, Mesa, and Kahlotus Urban Growth Areas and for land that is Zoned
AP-20, AP-40, RR-5, RR-1, RC-5 and RC-1 (outside Rural Shoreline Areas) the
following Swine/Pig Animal Standards apply for each lot/parcel:
   a. Lots that are 2.0 acres and less in size: 3 swine/Pigs for any use
   b. Lots that are between 2.0 acres and 20 acres: 5 swine/Pigs for any use
   c. In the AP-20 and AP-40 Zones with parcel sizes greater in size than 20 acres, see
      the AP-20 and AP-40 Chapters for Animal Unit Standards on a Farm.

(3) Separation Standards: For (1)(a) and (2) (a) (b) above, all swine shelter/barns and
pen/corrals shall maintain a property line setback of 25’ feet.

(4) A special permit/conditional use permit may be requested for the number of swine and
separation standards listed in (1), (2) and (3) above.

33.24.0 TATTOO PARLOR. As defined are prohibited from operating in the C-1 (Retail Business
District), the BP (Business Park District) zone, the “O” (Office District) zone, the C-R
(Regional Commercial) Zone, and any residential zone.

33.25.0 TEMPORARY USE OF A TRAILER (TRAVEL TRAILER, RV, 5TH WHEEL, etc.). The
temporary use of a mobile home/trailer (see definitions 3.27.0 and 3.64.0) may be allowed under
the following cases, subject to securing a temporary mobile home/travel trailer permit from the
Planning Department:

(1) During a family hardship condition, where the condition related to the aged, infirm, or to
persons incapable of maintaining a separate residence, a trailer may be temporarily
located and occupied as a second dwelling on a lot, subject to approval of the Benton-
Franklin Health District and County Building Department. Said temporary permit may
be obtained from the Franklin County Planning Department after health department approval and shall expire after a six month period.

(2) During periods of construction of a residence, a mobile home or trailer may be occupied to provide temporary living quarters during such construction. In most cases, a temporary trailer permit may be issued by the Planning Department for a six month period subject to health department and building department approval.

(3) For farm family, or farm labor, a mobile home or trailer may be occupied to provide assistance for the day-to-day operations of the primary farm. In most cases, a temporary trailer permit may be issued by the Planning Department for a six-month period subject to health department and building department approval.

(4) The permit may be extended for an additional six-month period after the approval of a conditional use permit.

33.26.0 VEHICLE-RELATED USES.

(1) Any building to be used as an AUTO BODY SHOP, as defined, shall have a spray paint room or spray paint booth, which complies with the requirements of the Uniform Fire Code and/or Uniform Building Code.

(2) INOPERABLE VEHICLES, as defined, are permitted within the Agricultural Production (A-P) zoning districts and Rural Residential, Rural Community, Residential Suburban, and Residential Zoning Districts and on all non-conforming residential uses in other districts subject to the following conditions:

(a) Only one (1) inoperable vehicle may be stored outside of a fully enclosed building and/or site obscuring fence (screened or not visible from the street or other public or private property). A site obscuring fence or screening includes a completely enclosed fence that is six (6) feet in height. The vehicle shall be an accessory use to the dwelling unit.

(1) The vehicles stored in a fully enclosed building or behind a site obscuring fence shall not constitute the storage of and/or collection of vehicles which meet the intent of a junk yard or nuisance. No more than two (2) inoperable vehicles may be stored or parked behind a site obscuring fence without the approval of a Franklin County Conditional Use Permit.

(b) The inoperable vehicle stored outside shall be parked in a designated parking area or driveway and shall not be stored upon a public right-of-way or in the front yard area of the property, and shall not conflict with other residential requirements such as off-street parking and lot coverage.

(c) The trunk of the outside inoperable vehicle shall be removed or locked at all times it is unattended.

(d) All vehicle parts not properly installed upon a vehicle shall be stored within the outside inoperable vehicle.

(3) Vehicle Repair on Private Property on Residential Premises:

(a) Servicing, repairing, assembling, modifying, restoring, or otherwise working on any vehicle on any residential premises in any residential zoning district shall be subject to the following:

(1) Work shall be limited to the repair and maintenance of vehicles, equipment, or other conveyance (painting is not permitted) and is currently registered (by the State) to the occupant or a member of the occupant’s family, which shall be limited to parents, grandparents, spouse, or children related by blood, marriage or adoption. This limitation prohibits auto repair on residential premises by any commercial entity.
(2) Such work shall be conducted on no more than one vehicle at any one time.

(3) Such work shall only be done on residential driveways (or designated parking area), within an enclosed building (such as a garage) or in an area which is screened from public view.

(4) Such work shall not be done in a public right-of-way.

(5) Such work shall be done only between the hours of six a.m. and ten p.m.

(6) Storage of parts, equipment, or other supplies needed for the repair of the vehicle on the premises must be kept within an enclosed structure.

(7) Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, cloths, rags, and equipment or material used in the work, and shall be left in such a condition that no hazard to persons or property shall remain.

(8) Waste products shall be disposed of in an appropriate location and manner.

(4) The parking and/or storage of no more than one (1) commercial vehicle (semi-tractor/trailer) exceeding 14,000 GVW may be permitted within all residential zoning districts (including AP 20 and AP 40) provided the following:

   (a) The minimum acreage of the lot, tract, or parcel of land that would allow for this use to occur would have to be 2.5 acres in size.

   (b) The commercial vehicles shall not include the transporting of flammable, hazardous, or combustible materials and/or liquids. This activity is only allowed in the Industrial Zones and shall not be located in Residential Zones.

   (c) The use will only allow for a vehicle that is operated and driven solely by the property owner(s) on which it is parked and/or stored.

   (d) The vehicle may be part of an approved business operation located on the lot, parcel, and/or tract of land on which it is parked and/or stored.

   (e) The Franklin County Public Works Department shall approve a proper approach for means of ingress and egress from and to this site. This is required to insure that the public health, safety, and welfare can be maintained.

   (f) The Franklin County Planning Department shall review and approve a site plan showing that a parking area is provided. This area shall be maintained and/or constructed to allow this use to be site obscuring from the public view. This area shall have a minimum setback of fifty (50) feet from any public roadway and/or street right-of-way.

   (g) The use will be permitted with the intention of permitted uses, which (in the opinion of the approving body) will not adversely affect the public health, safety, and general welfare, and the uses allowed within the zoning district.

   (h) If this permitted use causes a public nuisance, poses a traffic hazard and/or the property owner violates the standards and requirements listed, then Franklin County will review this permitted use and may cause and/or take whatever action it may deem necessary to correct, abate, revoke or suspend this use on the property involved.

### 33.27.0 WINERIES

The following standards must be met or exceeded in the U.G.A.’s:

(1) Outdoor Storage. Outdoor storage of any kind, except wine storage, is prohibited unless such storage is completely screened from public view by an opaque screening device. Screening visible from public rights-of-way and less intense zoning districts shall be constructed of brick, decorative concrete, natural stone, decorative masonry or cedar fencing material. Screening shall be constructed and maintained at a sufficient height to visually screen all stored materials.
(2) Utilitarian Areas. All areas of the property used for loading and unloading purposes, trash receptacles, transformers and utility purposes shall be visually screened as provided in the Outdoor Section above.

(3) Landscape and Buffering. In addition to the Landscape and Screening provisions, the Planning Commission may require additional landscape features to insure the proposed winery will be in harmony with and not impair the value of present and future development of adjacent lands. The spacing of shade trees in all buffer areas shall not be greater than thirty linear feet. Buffer area trees shall be a caliper size of one and one-half inch at the planting.

(4) Exterior Lighting. Exterior lighting shall be directed on site so as not to interfere with the comfort and repose of adjoining property owners.

(5) Building Design. The exterior of all structures shall be constructed of brick, natural stone, exposed aggregate, decorative concrete, stucco, cedar siding or lap siding as approved by the Planning Commission. Roofing materials may consist of composition shingles, standing rib or delta rib baked enamel metal roofs, or alternate as approved by the Planning Commission.
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**Community Services**

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P: Permitted
A: Allowed
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<thead>
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<th>Galleries for art and restored or refinshed antiques</th>
<th>Libraries (public)</th>
<th>Membership clubs</th>
<th>Municipal office buildings</th>
<th>Museums</th>
<th>Nursery school (private)</th>
<th>Police stations</th>
<th>Preschool</th>
<th>Schools (elementary, public and private)</th>
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<tr>
<th>Manufacturing</th>
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<tr>
<td>Acid manufacture or wholesale storage</td>
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<tr>
<td>Asphalt or concrete batch plant</td>
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<td>Automotive assembly and repair, major</td>
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<tr>
<td>Blacksmith, welding or other metal shops</td>
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<tr>
<td>Micro breweries, micro wineries</td>
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<tr>
<td>Cement, lime, gypsum or plaster of paris manufacture</td>
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<td>Commercial composting facilities</td>
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<tr>
<td>Container storage</td>
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<tr>
<td>Contractor's plant or storage yards</td>
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<tr>
<td>Creamery, bottling, ice manufacture and cold</td>
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<tr>
<td>Activity</td>
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<td>-------------------------------------------------------------------------</td>
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<tr>
<td>Storage plant</td>
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<tr>
<td>Distillation of bones</td>
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<tr>
<td>Fat rendering, fertilizer, gas or glue manufacture</td>
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<tr>
<td>Foundry casting nonferrous metals or electric foundry not causing noxious fumes or odors</td>
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<tr>
<td>Garbage, offal, or dead animal reduction or dumping</td>
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<tr>
<td>Industrial medical facilities</td>
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<td>Junkyards, automobile wrecking yards, scrap iron, scrap paper, or rag storage, sorting or bailing (with provisions)</td>
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<tr>
<td>Laboratories, experimental</td>
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<td>Laboratory, pharmaceutical</td>
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<tr>
<td>Laboratories, research</td>
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<tr>
<td>Laboratories, testing</td>
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<tr>
<td>Manufacture of ceramic products</td>
</tr>
<tr>
<td>Manufacture of components, control devices, gauges and optical devices</td>
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<tr>
<td>Manufacture or storage of explosives</td>
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<tr>
<td>Activity</td>
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<td>---------------------------------------------------</td>
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<tr>
<td>Manufacturing, compounding, processing, packaging of cosmetics, pharmacology and food products, except fish and meat products, and the reducing and refining of fats and oils</td>
</tr>
<tr>
<td>Petroleum pipelines</td>
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<td>Petroleum or petroleum products refining</td>
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<tr>
<td>Printing plant</td>
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<tr>
<td>Research and development facilities</td>
</tr>
<tr>
<td>Slaughterhouses and stockyards</td>
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<tr>
<td>Smelting or reduction of ore or metallurgical products</td>
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<tr>
<td>Trucking express and storage yard</td>
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<td>Wineries</td>
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<p>| Residential                                       |     |     |     |     |     |
| Accessory dwelling                                | A   | A   | A   | A   | A   |
| Detached residential garage                       | A   | A   | A   | A   | A   |
| Dwelling unit (single-family)                     | P   | P   | P   | P   | P   |</p>
<table>
<thead>
<tr>
<th>Dwelling units (two-family)</th>
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<tr>
<td>Multiple dwellings</td>
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<tr>
<td>Renting of rooms for lodging purposes only; provided, such accommodations shall not exceed two persons in a single-family dwelling</td>
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**Retail Trade and Services**

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<th>Administrative and professional offices</th>
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<tr>
<td>Alcoholic beverage sales provided it is for on-site consumption and located within a restaurant</td>
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<tr>
<td>Alcoholic beverage sales for on-site and off-site consumption provided the product is produced on-site in a micro-brewery and/or micro-winery</td>
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<tr>
<td>Alcoholic beverage sales of micro-brewery products and non-fortified wines for off-site consumption provided such sales are in conjunction with an establishment selling predominately home</td>
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<tr>
<td>Service Type</td>
<td>Location</td>
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<tr>
<td>Brewing and/or wine making equipment</td>
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<tr>
<td>Artist and office supplies</td>
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<tr>
<td>Auto body shops</td>
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<tr>
<td>Auto detail shops</td>
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<tr>
<td>Automobile filling stations</td>
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<tr>
<td>Automobile sales</td>
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<td>Automobile service</td>
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<td>Bakeries</td>
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<td>Banks</td>
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<td>Banks and financial institutions</td>
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<td>Barbershops and beauty shops</td>
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<tr>
<td>Blue printing, photocopying, photo engraving, and film processing</td>
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<td>Bookstores, except adult bookstores</td>
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<tr>
<td>Building material storage yard</td>
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<tr>
<td>Carting, express and storage yards</td>
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<tr>
<td>Catering establishments</td>
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<tr>
<td>Clothing, shoes and accessories, and costume rentals</td>
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<tr>
<td>Crafts, stationery and</td>
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<td>Activity</td>
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<tr>
<td>Gift shops</td>
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<td>Dancing schools</td>
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<td>Fresh and frozen meats</td>
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<td>Furniture and home appliance stores</td>
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<td>Hardware and home improvement stores</td>
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<td>Heavy machinery sales and service</td>
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<td>Home brewing and/or wine making equipment sales</td>
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<td>Incidental sales and services, such as food service, pharmacies and retail sales</td>
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<td>Landscape gardening and storage area for equipment and materials</td>
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<td>Laundromats and dry-cleaning establishments employing not more than five persons</td>
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**Ordinance Number 7-2005**
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<td>boarding facilities or outdoor areas)</td>
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<td>Electrical central power station</td>
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<tr>
<td>Wholesale Trade/Storage</td>
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<tr>
<td>Above and below ground tank storage of critical material (with provisions)</td>
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<tr>
<td>Mini-storage facilities</td>
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</table>

Ordinance Number 7-2005
CHAPTER 34
HOME OCCUPATIONS

Sections:
34.1.0 Purpose
34.2.0 Prohibited Home Occupations
34.3.0 Application requirements—Fee
34.4.0 Environmental standards
34.5.0 Administrative decision
34.6.0 Appeal
34.7.0 Revocation of license—Appeal
34.8.0 Complaints
34.9.0 Transfer of location

34.1.0 PURPOSE. A home occupation chapter is established to provide a means whereby the conduct of business may be permitted as a use accessory to an established residence within a residential district. The purpose is to create an administrative framework to authorize such uses that do not pose a disruption to or conflict with the existing and planned residential environment.

34.2.0 PROHIBITED HOME OCCUPATIONS. Due to the increased possibility for generating hazardous or nuisance conditions, the following uses and those similar in nature shall not be permitted as home occupations: vehicle repair and/or maintenance; rebuilding motors; painting vehicles; welding; sheet metal shops; upholstering; firewood cutting and any group H Occupancy as defined in the Uniform Building and Fire code adopted by the county.

34.3.0 APPLICATION REQUIREMENTS—FEE.

(1) Applications for home occupation shall be made upon forms provided by the Planning Department. The applicant shall provide the following application materials:
(a) Land Development application form.
(b) Kinds and amounts of supplies, materials and equipment to be used and the locations where they will be stored or used upon the premises.
(c) Description of all activities involved in the business and how the business will operate.
(d) Appropriate application fee.
(e) A list (names and addresses) of the abutting/adjoining property owners (to be provided by the applicant).
(f) Applicant shall apply for a Franklin County Business Registration.

(2) Business license fees shall be required for home occupations. An additional twenty-dollar fee shall be required for any business license that requires an on-site inspection to determine compliance with Environmental Standards.
34.4.0 ENVIRONMENTAL STANDARDS. All home occupations shall conform to the following standards:

1. Be clearly subordinate to the principal use of the property for residential purposes.
2. Not involve modification of the property or exterior of its structures that indicates other than residential uses of the premises.
3. Is performed entirely within a permanent structure upon the premises.
4. No signs, display or other advertisement upon the property.
5. No media or other off-premises advertising shall give the address or location of the home occupation.
6. No outside storage of materials, supplies, products or by-products, or equipment, except a single occupational vehicle not exceeding 14,000 pounds of Gross Vehicle Weight (GVW).
7. Be conducted solely by persons residing within the dwelling unit upon the premises, subject to the definition of family.
8. Except for articles produced thereon, no merchandise, products, goods or wares may be displayed or offered for sale upon the premises.
9. No occupation requiring the customer or client to be present upon the premises while the profession, trade, skill or service is performed shall be allowed.
10. No more than 6 customer vehicles may visit the dwelling in a given day.
11. Noise generated by the home occupation, detectable at any property line, shall not be in excess of the following standards:
   (a) 8:00 a.m. to 8:00 p.m.: 55 dba,
   (b) 8:00 p.m. to 8:00 a.m.: 45 dba;
12. No material or substance which is explosive, highly flammable, corrosive, radioactive or toxic shall be stored, created, utilized or discarded in any way without prior knowledge of and written approval by the county; provided the means or methods necessary for safety purposes do not conflict with other standards established herein.
13. The home occupation shall not generate light or glare, vibration, fumes or odors, or permit other conditions to occur or be present, which annoys, injures, or endangers the comfort, health, repose, decency or otherwise comfortable enjoyment of life and property of neighboring or surrounding residents, in accordance with the intent of this chapter and county nuisances ordinances.
14. The home occupation shall not occupy more than twenty (20) percent of the gross floor area of the residence. All of an attached or detached garage may be used for a home occupation provided the area of the garage to be utilized does not exceed six hundred (600) square feet.

34.5.0 ADMINISTRATIVE DECISION.

1. Within ten working days of the date an application is received, the Planning Director or his/her duly authorized agent shall render a decision to approve or deny the application for home occupation license, unless the applicant agrees to an extension. In no case shall the date of decision exceed thirty calendar days from the date the application is received.
2. If the decision of the planner is to deny the application, notification to the applicant shall include findings in support of the Planner’s decision and the
applicant’s rights of administrative appeal. The written decision shall be mailed promptly to the applicant by certified mail. The date of receipt by the applicant shall be the date the applicant is notified of the Planner’s decision. If no appeal is received, the decision of the Planner is final.

34.6.0 APPEAL. Any decision of the administrative official may be appealed to the Board of Commissioners if written notice of appeal, which shall include all and exclusive reasons for said appeal, is filed with the administrative official within ten working days from the date of the decision and accompanied by a $100.00 filing fee for said appeal. The Board, within thirty calendar days from the date of filing of the appeal, shall consider the appeal at a regular meeting thereof, but such consideration shall be limited to the reasons included in the written notice of appeal and shall include the written decision of the administrative official and the reasons therefore. The Board may affirm, modify or reverse the decision of the administrative official.

34.7.0 REVOCATION OF LICENSE—APPEAL. A home occupation may be revoked by the Planner if the planner finds the home occupation no longer conforms to the Environmental Standards or is a public nuisance as defined by county ordinance. The license holder may file written appeal of the Planning Director’s decision.

34.8.0 COMPLAINTS. Any person may file a written complaint regarding a home occupation. Any written complaint received shall cause the Planning Director and/or Code Enforcement Officer to investigate the conditions upon which the complaint is based to determine if the home occupation is in compliance with the provisions of this chapter. If the investigation results in a decision to revoke a home occupation license the applicant will have the right to appeal said decision within ten (10) working days from date of notification. All appeals of administrative decisions shall be reviewed by Board of County Commissioners in accordance with the Home Occupation Permit appeals section above.

34.9.0 TRANSFER OF LOCATION. No home occupation maybe transferred to a different location without first obtaining a new home occupation license authorizing its conduct at the proposed location.
CHAPTER 35
NONCONFORMING USES

Sections:
35.1.0 Purpose
35.2.0 Establishment of nonconformity
35.3.0 Development of existing lot of record
35.4.0 Continuation of nonconforming uses
35.5.0 Maintenance, damage, repairs, restoration
35.6.0 Discontinuance of a nonconforming use or structure

35.1.0 PURPOSE. Amendments over time to regulatory authority provided within this ordinance may result in structures, land and uses which no longer conform with the provisions set forth for the district in which they are situated. Therefore, it is the purpose of this chapter to allow for the continuance and maintenance of legally established nonconforming uses and structures subject to standards and provisions prescribed within this chapter.

35.2.0 ESTABLISHMENT OF NONCONFORMITY. The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such nonconformity and not upon the county. Upon request, the administrative officials shall assist the property owner in locating public records of which pertain to the legal status of the nonconformity.

35.3.0 DEVELOPMENT ON EXISTING LOTS OF RECORD. In any district, any permitted use or structure may be erected on an existing lot of record as recorded in the Franklin County Auditors office. Said lots shall be deemed to meet the lot size requirements of this ordinance, provided all adjacent or abutting lots are held under separate ownership on the effective date of this ordinance.

35.4.0 CONTINUATION OF NONCONFORMING USES.
(1) Generally. Any legal nonconforming use may continue as long as it remains otherwise lawful and provided that:
(a) A nonconforming use may not be altered or extended during its life except as provided herein.
(b) No nonconforming use shall be extended to displace a conforming use.
(c) Once a nonconforming use has changed to a conforming use, it shall not revert back to a nonconforming use.
(d) The extension of a lawful use of any portion of a nonconforming building shall not be deemed the extension of such nonconforming use.

35.5.0 MAINTENANCE, DAMAGE, REPAIRS AND RESTORATION.
(1) Ordinary maintenance of a nonconforming structure which includes minor interior and exterior repairs and incidental alterations is permitted. Minor maintenance and repair may include but is not limited to painting, roof repairs and replacement, plumbing, wiring, mechanical equipment replacement, and
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weatherization. Incidental alterations may include construction of nonbearing walls and partitions. Ordinary maintenance and incidental alterations shall not exceed 20 percent of the value of the building at the time of repair or alteration.

(2) No building damaged by fire or other causes to the extent of more than fifty percent of the assessed value of the structure as determined by the records of the Franklin County Assessor shall be repaired or rebuilt except multi family units previously authorized by building permit in any residential zoning district may be rebuilt under the following conditions:

(a) The fire or other cause of damage was determined to be accidental or a natural disaster.
(b) The proposed repair or reconstruction must duplicate the original building footprint.
(c) The proposed repair or reconstruction does not increase the nonconformity of the structure or use.
(d) Reconstruction must adhere to the required district set backs.
(e) Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building ordered by any official charged with protecting public safety.

(3) Any structure or portion thereof declared unsafe by a properly authorized person may be restored to a safe condition and continue as a nonconforming use, unless such repairs exceed fifty percent of the assessed valuation of the structure as determined by the records of the Franklin County Assessor except multi family units previously authorized by building permit in any residential zoning district may be rebuilt under the following conditions:

(a) The fire or other cause of damage was determined to be accidental or a natural disaster.
(b) The proposed repair or reconstruction must duplicate the original building footprint.
(c) The proposed repair or reconstruction does not increase the nonconformity of the structure or use.
(d) Reconstruction must adhere to the required district set backs.
(e) Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building ordered by any official charged with protecting public safety.

35.6.0 DISCONTINUANCE OF A NONCONFORMING USE OR STRUCTURE. A nonconforming use or structure shall become discontinued when it is:

(1) Abandoned for a period of one or more years.
(2) Damaged and application for rebuilding has not been made within six months of such damage.
(3) Damaged to the extent that reconstruction costs exceeds fifty (50) percent of the assessed value of the structure.
CHAPTER 36
SITE DESIGN STANDARDS

Sections:
36.1.0 Purpose
36.2.0 Yards
36.3.0 Building Heights
36.4.0 Business Entrances on Residential Streets
36.5.0 Garage Entrances
36.6.0 Site Drainage

36.1.0 PURPOSE. The purpose of this chapter is to establish certain basic development requirements. These are minimum standards of which must be met to assure land use compatibility and promote public health, safety and welfare.

36.2.0 YARDS.

(1) VARIABLE YARD REQUIREMENTS. The Board of Commissioners, on recommendation of the Planning Commission, and after a public hearing held by the Planning Commission, may establish a building line along certain streets throughout certain zones or throughout certain natural areas, other than the setback requirements as established herein, when it is found that to do so will protect the public health, welfare and safety.

(2) FRONT YARD. Where any front yard is required, no building, structure, satellite dish, stationary play equipment or clothes lines shall be hereafter erected, altered, or placed so that any portion thereof shall be nearer to the front property line than the distance indicated by the depth of the required front yard, except:
   (a) Eaves, cornices, belt courses, and similar ornamentation may project over a front yard not more than two feet.
   (b) An open or enclosed porch shall be considered part of a building in the determination of the front yard setback and lot coverage.
   (c) Within the AP-20, AP-40, R-T, RR-1, RR-5, RC-1, RC-5, RS-40, RS-20, RS-12, RS-1, R-1, R-2, and R-3 Districts, where the front yard of a lawfully existing structure is less than that required for the district in which the structure is located, alteration or enlargement of said structure may be permitted, but shall not further reduce the existing front yard dimension or be located closer than fifteen feet from the front property line, whichever is the most restrictive.
   (d) Within the AP-20, AP-40, R-T, RR-1, RR-5, RC-1, RC-5, RS-40, RS-20, RS-12, RS-1, R-1, R-2, and R-3 Districts, where the front yards provided for lawfully existing structures upon the majority of lots within the same block front and on the same side of the street are of less depth than required by the applicable district regulation, the minimum front yard requirement for the remaining unoccupied lots within the same block front and on the same side of the street shall be reduced to a depth not less than
the average front yard dimension provided by said existing structures, but
in no case shall the front yard depth be less than fifteen feet.

(3) SIDE YARD. Where any specified side yard is required, no building shall be
hereafter erected or altered so that any portion thereof shall be nearer to the side
lot line than the distance indicated by the width of the required side yard.
(a) EXCEPTIONS: Eaves, cornices, belt courses, similar ornamentation and
fireplaces may project over a side yard, but not more than 2 feet.

(4) REAR YARD. Where any rear yard is required, no building shall hereafter be
erected or altered so that any portion thereof may be nearer to the rear lot line than
the distance indicated by the required rear yard, except:
(a) Eaves, cornices, steps, platforms, and open porches may extend into the
rear yard, but not more than 4 feet.
(b) An open or enclosed porch shall be considered part of a building in the
determination of the rear yard setback and lot coverage.

(5) CORNER LOTS: The following corner lot setbacks apply: The primary structure
and accessory buildings shall maintain a setback of 25’ from the front property
line and/or road right of way/access easement. The setback for an accessory
building may be reduced to 15 feet on the flanking street provided the access and
approach to the building is not from the flanking street.

(6) COMMERCIAL/INDUSTRIAL YARD REQUIREMENTS: Where a lot in a
commercial or industrial district abuts or joins a front, side or rear yard in a
residential district any building on the commercial/industrial lot shall conform to
and meet the front, side or rear yard set backs in the adjoining residentially zoned
lot. All commercial and industrial structures shall maintain a setback of 25’ from
the front property line and/or road right of way/access easement.

(7) VISION TRIANGLE: No building, wall, fence or other structure higher than
thirty-six (36) inches above curb grade shall be placed in a C-3 district within any
vision triangle, the equal legs of which are formed by lines measured twenty feet
along the property line from the intersection of two streets, or fifteen feet from the
intersection of a street and alley.

36.3.0 BUILDING HEIGHTS. The building height restrictions are identified in each applicable
Zoning District. For the C-3 Zone, the following apply:
(1) Exceptions to Height Regulations. Chimneys, water tanks, penthouses, towers,
scenery lofts, elevators, bulkheads, stacks, ornamental casting towers,
monuments, cupolas, domes, false mansards, and similar structures and necessary
mechanical appurtenances may be erected to any height.
(2) The above exceptions shall not apply to structures within the designated airport
zones.

36.4.0 BUSINESS ENTRANCES ON RESIDENTIAL STREETS. Where a residential
district is bounded by a portion of a business district, any side street extending through
such residential district into such business district shall not be used for any business
purpose. A business structure erected in a business district shall face and open upon the
street set aside for business purposes.
36.5.0 GARAGE ENTRANCES. No public garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within fifty feet of a residential district.

36.6.0 SITE DRAINAGE. All storm drainage shall be retained on site and controlled by way of drainage swales, dry-wells, french drains or other means as approved by the County Engineer.
CHAPTER 37
LANDSCAPING AND SCREENING

Sections:
37.1.0 Purpose
37.2.0 Application of chapter
37.3.0 Definitions
37.4.0 Screening required
37.5.0 Design standards
37.6.0 Special Design Standards
37.7.0 Parking Lot Landscaping
37.8.0 Plan required
37.9.0 Relief
37.10.0 Maintenance - Responsibility
37.11.0 Penalty - Enforcement
37.12.0 Additional remedy - Lien

37.1.0 PURPOSE. It is the purpose of this chapter to establish minimum standards for the provision, design, and maintenance of landscape areas and sight-obscuring methods within various zoning districts, thus preserving the health, safety, and general welfare of the district. Further, it is the purpose of this chapter to achieve particular objectives including, but not necessarily limited to, the following:

(1) Stabilize and preserve land values within and adjoining commercial and industrial districts.
(2) Provide an opportunity for the development of an aesthetic visual environment within the commercial and industrial districts as well as residential districts for the benefit of the users of such districts as well as passers-by.
(3) Preserve the safety of the general public by assuring adequate lines of sight along public streets and at intersections.
(4) Provide not only for the health, safety, and general welfare of the residents, workers and visitors of the community, but also to provide for the beauty and balance of the community, as are the proper and necessary concerns of local government.

37.2.0 APPLICABILITY AND EXEMPTIONS

(1) NEW CONSTRUCTION: The requirements contained in this chapter shall be deemed to be minimum standards for landscape and screening and shall apply to all new development, except for properties located in the C-2 Rural Services Commercial, AP-20, AP-40, RR-5, RC-5, and Industrial Zoning Districts not located in Urban Growth Areas. All properties developed in Business Park Districts shall comply with the provisions of that Chapter.

(2) RECONSTRUCTION: Whenever the cost of a remodel, alteration, reconstruction, or expansion of an existing building meets or exceeds thirty-three
(33) percent of the assessed value of the building, the requirements of this chapter shall apply.

**37.3.0 DEFINITIONS.** For purposes of this chapter, the following definitions shall be used:

1. “Landscape” shall include, but not be limited to, natural or artificial grass, flowers, shrubs and trees, planters, and ornamental forms of stone and wood, but shall exclude pavement.

2. “Landscape area” means those individual or collective portions of the lot devoted to landscape. A developer or property owner may receive credit toward the required landscape area for pedestrian walks or ways when such walks or ways are decorative and/or textured in character and are designed as a complementary part of the landscape area. No more than 25 percent of the landscaped area can be treated with decorative pedestrian ways and be included in the overall calculations for landscaped area.

3. “Lot” means the area within the property lines of the parcel or group of parcels upon which the proposed construction or improvements will occur, including all accessory or incidental use areas.

4. “Outdoor storage” means all materials, equipment, merchandise or objects kept or placed on the lot or not within an enclosed structure, for preservation or later use or disposal; it is not intended, however, to include the following exceptions:
   a. Those objects customarily stored outside an enclosed structure due to their size and due to their being of such character as to not readily deteriorate when exposed to the elements, such as automobiles, mobile homes, boats and other vehicles, farm machinery, irrigation and heavy construction equipment, and those objects which are themselves enclosures; provided, however, said objects are being kept primarily for immediate sale to others or for rental to others.
   b. Neat and orderly outdoor displays of items or objects for immediate sale when such displays are incidental or accessory to an established commercial principal activity conducted from an enclosed structure, and further provided that the area consumed by said displays does not exceed an amount equal to ten percent of the net lot area.
   c. Live vegetation means healthy nursery stock consisting of shrubs, trees, ground cover or lawn. Live vegetation does not include weeds, native grasses, bark or other mulches, ornamental stone or artificial plants or grass.

**37.4.0 SCREENING REQUIRED.**

1. Outdoor storage located in a commercial or industrial zone with existing or new development shall be screened from any adjacent residential zones and from residential zones across a public street or alley.
(2) Outdoor storage in C-1 (Retail Business) zones shall be sight screened from all adjoining properties.

(3) Outdoor storage located in a commercial or industrial zone with existing or new development and upon a lot adjacent to or visible from the following streets shall be so screened as to obscure vision of such outdoor storage afforded from said streets:
   • Court Street.
   • Highway #395.
   • Oregon Avenue.
   • Highway #12.
   • Road 68.
   • R-170.

(4) Screening of outdoor storage shall be accomplished by one or both of the following methods:
   (a) Dense shrubs and/or trees planted to provide a sight obscuring screen and within a minimum height of 6 feet, both within two years of planting.
   (b) A solid or otherwise sight-obscuring fence or wall at least 6 feet in height.

(5) Commercial and industrial side and rear yard landscaped areas adjacent residential districts must contain a 6 foot high continuous solid screen.

(6) For security purposes, portions of the required screening, not to collectively exceed 20 lineal feet along each street or alley adjacent to the lot from which vision is obscured, may be left unobstructed and open to view.

(7) Solid waste receptacles provided for multiple dwellings, provided in all commercial and office districts, and were visible in industrial districts shall be located within an area enclosed on three sides by a five-foot minimum site-obscuring fence, which provides a visual screen from any abutting street. In no case shall such enclosure and receptacle(s) be permitted within the required front yard.

37.5.0 DESIGN STANDARDS.
(1) Intersections. Landscape materials or foliage of any kind situated within the vision clearance triangle shall not obstruct or obscure horizontal vision between the heights of 3 and 14 feet above the adjacent street or driveway grade.

(2) Fences, Walls, and Hedges: The height of fences, walls, and hedges located between a structure and a street shall be measured from the existing or finished grade of the fence, whichever is lower. For sloping lot conditions, the height may be averaged for each six foot segment, with no height greater than 8 feet.

If you wish to place a fence or hedge above a retaining wall used to raise the grade of your property, the combined height of the retaining wall and fence/hedge
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is limited to 9-1/2 feet. If the retaining wall is necessary to protect a cut in grade, the normal height limitations apply to the fence, as long as the fence is setback three feet from the retaining wall.

(3) Front Yards: Subject to subsection (a) of this section, the height of fences, walls and hedges shall be limited to 4.0 feet within the front yard area of a residentially zoned lots, retail Business and office zoned lots; provided, when two contiguous corner lots, or two corner lots separated only by an alley right-of-way, form the entire frontage between parallel or nearly parallel streets, the height of fences, walls and hedges shall be limited to 6 feet within the front yard adjacent to the street.

(4) Rear and Side Yards: The height of fences, walls and hedges within the side and rear yards of residentially zoned lots, retail business and office zoned lots shall be limited to 6 feet. A gate or opening with a minimum 3-foot width leading into at least one side yard shall be provided.

(5) Fences shall not be constructed out of tires, pallets, tarps and/or sheet plastic, bed springs, multi-colored materials, except colored materials manufactured specifically for fencing (i.e., slats of chain link fences), corrugated sheet metal, wheel rims and similar or like materials not traditionally manufactured or used for fencing purposes.

(6) In all front yards, whether on properties with single, double, or triple frontage, rails, posts and other structural fence supports shall not be visible from a public street; except that posts and rails that are an intrical part of the fence design and aesthetics and not used primarily for structural support may be visible from a public street.

(7) Barbed and razor wire fencing is prohibited in all residential districts, except barbed wire may be permitted in suburban residential districts on tracts larger than an acre, and in the Office district and the Central Business district. In the C-1 Retail Business district only one strand of barbed wire is permitted along the top rail or within two (2) inches of the top rail.

(8) Electrified fences are not permitted in residential districts except as a secondary means of securing property where the electrified fence is located behind an existing fence or in suburban districts to contain permitted farm animals.

(9) Vision Triangle: No fence, wall or hedge, landscape material or foliage higher than 3 feet above curb grade shall be located or planted within an area 20 feet along the property lines from the intersection of two streets including the area between such points, or 15 feet from the intersection of a street and an alley; provided, however, a chain link fence of 6 feet, or a smaller chain link fence set upon a maximum 3-foot wall or other structure not exceeding a combined height of 6 feet, may be erected within said area of intersection of street and alley so
long as the chain link or woven wire fence is at all times unobstructed by foliage or other matter.

(10) Public Right-of-Way. Fences constructed in any zoning district may be permitted at the back of sidewalks in public right-of-way upon approval of the Engineer.

(11) Fire Hydrants. Where a fire hydrant is located within a landscape area, it shall be complemented by a minimum clearance radius of three feet.

(12) Irrigation. Where the landscape materials used in required landscape areas depend on water for sustenance, an underground sprinkler system shall be provided.

(13) Materials. Bark mulch, ornamental stone and other nonvegetative material shall not represent more than 50 percent of the landscaping within all landscaped areas on a site.

(14) Location of Trees. No tree, as measured from its center, shall be located within 10 feet of a street light standard, within 5 feet of a driveway or a fire hydrant.

(15) Lawns. Lawn grass shall be planted in species normally grown as permanent lawn in Franklin County. Grass areas may be sodded, sprigged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion.

(16) Unused right-of-way in commercial and industrial zones. The area between property lines and street curbs or sidewalks, exclusive of driveways for ingress/egress, shall be treated with landscape materials.

(17) Commercial and Industrial Districts. In addition to the requirements contained in this Chapter, commercially and industrially zoned properties adjacent to properties in less intense zoning districts shall have a 10 foot landscaped setback. This setback shall be planted with shrubbery and at least two trees for every 50 linear feet of side or rear yard. Trees may be planted in groupings or singularly as long as there is at least one grouping or tree per side or rear yard. The C-2 and Industrial zoning district outside the U.G.A.’s shall be exempt from the provisions of this chapter.

(18) The first 10 feet of all commercial and industrial property abutting an arterial street and the first 5 feet of commercial or industrial property abutting local streets shall be treated with a variety of landscape elements. No less than 50 percent of the landscaped area must be covered with live vegetation at the time of planting.

(19) Residential Landscaping: At least 50 percent of the required front yard area for all residential property, excluding driveways, shall be treated with live vegetation and/or decorative landscaping materials within 6 months from the time of
construction or reconstruction. This applies to residential properties in the Urban Growth Areas and the RR-1 and RC-1 Zones.

(20) All areas of a lot or parcel not landscaped or covered with improvements that have been disturbed shall be reseeded with native grasses or otherwise treated to control erosion and dust.

37.6.0 SPECIAL DESIGN STANDARDS. In addition to the design standards contained in this chapter the following standards shall be required for landscaping in the following areas:

- None identified at time of this ordinance adoption.

37.7.0 PARKING LOT LANDSCAPING.

(1) All parking areas fronting arterial streets shall be set back 10 feet from the right-of-way line. Parking areas adjacent local access streets and alleys shall be setback 5 feet from property lines. All parking lot setback areas shall be treated with a variety of landscape elements with no less than 50 percent of the surface being live vegetation.

(2) Exclusive of the landscaped setbacks required above, parking areas shall contain additional landscaping as follows:
   (a) Lots having 5 to 50 stalls: A minimum of 8% of the gross parking area must be landscaped.
   (b) Lots having 51 to 99 stalls: A minimum of 7% of the gross parking area must be landscaped.
   (c) Lots having 100 or more stalls: A minimum of 6% of the gross parking area must be landscaped.
   (d) Landscaped areas must be adequately protected from damage by vehicles.
   (e) No parking stall shall be located more than 75 feet from the edge of any landscaped area.
   (f) One tree which provides shade or is capable of providing shade at maturity, is required for every 200 square feet of required landscaped area.

37.7.0 PLAN REQUIRED. In commercial and industrial zones, compliance with the requirements of this chapter shall be demonstrated on a scaled site plan submitted with and as part of application for building permit. Said site plan shall include:

(1) Designation and dimensions of all use areas within the lot.
(2) Boundaries and dimensions of all landscape areas including location and common names of all landscape elements.
(3) Area, in square feet of individual and collective landscape areas.
(4) Location of screening, where required.
(5) Method of irrigation, if applicable.

(6) Location and identification of adjacent streets.

(7) Location of outdoor storage area if applicable.

(8) Location of driveways.

37.9.0 RELIEF. Where relief is sought from the provisions of this chapter, application shall be made in the form of a letter explaining the relief sought and the reasons therefor accompanied by a scaled site plan and a fifteen dollar fee. The complete application shall be filed with the administrative official. Within fifteen working days from the date of receipt of a complete application, the administrative official shall issue a written decision to approve, approve with modifications, or deny the request for relief. Any decision of the administrative official may be appealed to the Board of Commissioners if written notice of appeal, which shall include all and exclusive reasons for said appeal, is filed with the administrative official within ten working days from the date of the decision and accompanied by a $100.00 filing fee for said appeal. In the event a written decision is not issued by the administrative official within the required time period, the application for relief shall automatically constitute a qualified and properly filed notice of appeal and shall be considered by the Board in accordance with this section. The Board, within thirty calendar days from the date of filing of the appeal, shall consider the appeal at a regular meeting thereof, but such consideration shall be limited to the reasons included in the written notice of appeal and shall include the written decision of the administrative official and the reasons therefore. The Board may affirm, modify or reverse the decision of the administrative official.

37.10.0 MAINTENANCE - RESPONSIBILITY. All landscape and screening required under this chapter shall be so maintained as to not detract from the purpose of this chapter and shall be kept reasonably free of weeds and trash. The owner, occupants and persons responsible for or having control of the premises shall be responsible for such maintenance and said maintenance shall at a minimum conform with the following:

(1) All landscaped areas and plants required by this chapter must be permanently maintained in a healthy growing condition in order to accomplish the purpose for which it was required.

(2) Dead or diseased plants must be replaced within 30 days of notification, or as soon as practical in regard to freezing weather, or complex situations involving removal and replacement of large trees.

(3) All plantings must be fertilized, and pruned at such intervals necessary to promote optimum growth. All landscaped areas must be kept free of debris and weeds.

(4) Plant material must not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
(5) All planting areas must be irrigated if applicable.

(6) The owners, their agents and assigns, are responsible for providing, protecting, and maintaining all landscaping material in a healthy and growing condition, replacing it when necessary, and keeping it free of refuse and debris.

(7) All fencing, walls and other features used for screening purposes shall be kept free of litter, debris and weeds.

**37.11.0 PENALTY - ENFORCEMENT.** Enforcement of the provisions of this ordinance will occur through the Planning Director and/or Code Enforcement Officer.

**37.12.0 ADDITIONAL REMEDY - LIEN.** In addition to the penalties prescribed above, the Board may itself remedy a violation of this chapter and place a lien upon the property as permitted by law. Use of this provision, however, shall be preceded by written notification directed by certified mail to the owner of the property in violation. Said notification shall describe the violation and shall provide at least ten calendar days from date of receipt of written notification during which the owner may cause the violation to be remedied. In the presence of seasonal or other practical consideration, the time period in which violations are to be remedied may be reasonably extended by written instrument acknowledged by the person responsible for such remedy and approved by the Planner charged with enforcement of this ordinance.
CHAPTER 38
AIRPORT ZONING

Sections:
38.1.0 Airport district
38.2.0 Instrument approach zone
38.3.0 Non-instrument approach zone
38.4.0 Transition zones
38.5.0 Horizontal zone
38.6.0 Conical zone
38.7.0 Height limitations
38.8.0 Use restrictions

38.1.0 AIRPORT DISTRICT. There is hereby created an airport district as shown by the map made a part hereof labeled, Tri-Cities Airport Zoning Map dated November 29, 1971, as amended, and all lands lying within the zones therein shown are subjected to the following building and use restrictions in addition to the other uses allowed under this chapter.

38.2.0 INSTRUMENT APPROACH ZONE. An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of one thousand feet at a distance of two hundred feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand feet at a distance of fifty thousand two hundred feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

38.3.0 NON-INSTRUMENT APPROACH ZONE. A non-instrument approach zone is established at each end of all non instrument runways for non instrument landings and takeoffs. The non instrument approach zones shall have a width of five hundred feet at a distance of two hundred feet beyond each end of the runway, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

38.4.0 TRANSITION ZONES. Transition zones are hereby established adjacent to each instrument and non instrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line two hundred fifty feet on either side of the centerline of the non instrument runway, for the length of such runway plus two hundred feet on each end; and five hundred feet on either side of the centerline of the instrument runway, for the length of such runway plus two hundred feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one foot vertically for each seven feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and non
instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one foot vertically for each seven feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of five thousand feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.

38.5.0 HORIZONTAL ZONE. A horizontal zone is hereby established as the area within a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand feet radii from the center of each end of the primary surface of each runway of the airport and connecting the adjacent arcs by lines tangent to those arcs. The horizontal zone does not include the instrument and non instrument approach zones and the transition zones.

38.6.0 CONICAL ZONE. A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of four thousand feet. The conical zone does not include the instrument approach zones and transition zones.

38.7.0 HEIGHT LIMITATIONS. No building, pipe, chimney, tower, steeple, stand, platform, pole, wire or structure or erection or object of natural growth, or obstruction of any kind or nature whatsoever, shall be built, placed, hung, or permitted to grow or allowed to be built, placed or hung which shall at any point or part thereof exceed the heights as provided in the zone area so established. The restrictions shall apply to the area surrounding all runways and approaches situated thereon. Such height limitations are hereby established for each zone as follows:

(1) Instrument Approach Zone. One foot in height for each fifty feet in horizontal distance beginning at a point two hundred feet from and at the centerline elevation of the end of the instrument runway and extending to a distance of ten thousand two hundred feet from the end of the runway; thence one foot in height for each forty feet in horizontal distance to a point fifty thousand two hundred feet from the end of the runway.

(2) Non instrument Approach Zones. One foot in height for each fifty feet in horizontal distance beginning at a point two hundred feet from and at the centerline elevation of the non instrument runway and extending to a point ten thousand two hundred feet from the end of the runway.

(3) Transition Zones. One foot in height for each seven feet in horizontal distance beginning at any point two hundred fifty feet normal to and at the elevation of the centerline of non instrument runways, extending two hundred feet beyond each end thereof, and five hundred feet normal to and at the elevation of the centerline of the instrument runway, extending two hundred feet beyond each end thereof, extending to a height of one hundred fifty feet above the airport elevation which is four hundred eight feet above mean sea level. In addition to the foregoing, there
are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one foot for each seven feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of five thousand feet from the edge of the instrument approach zone measured normal to the centerline of the runway extended.

(4) Horizontal Zone. One hundred fifty feet above the airport elevation or a height of five hundred fifty-eight feet above mean sea level.

(5) Conical Zone. One foot in height for each twenty feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of two hundred feet above the airport elevation.

(6) Excepted Height Limitations. Nothing in this chapter shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to seventy-five feet above the surface of the land. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

38.8.0 USE RESTRICTIONS. Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by this chapter in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.
CHAPTER 39
OFF-STREET PARKING

Sections:
39.1.0 Purpose
39.2.0 Off-Street Parking Required
39.3.0 General Provisions
39.4.0 Central Business District
39.5.0 Existing Parking Facilities
39.6.0 Location of Required Parking
39.7.0 Computation of Required spaces
39.8.0 Site plan Required
39.9.0 Parking Lot Standards
39.10.0 Special Events Parking Lots
39.11.0 Handicapped Parking
39.12.0 Parking Lot Standards
39.13.0 Compact Car Allowance
39.14.0 Recreational Equipment Parking
39.15.0 Uses Not Specified
39.16.0 Off-Street Loading
39.17.0 Required Off-Street Parking
39.18.0 Unspecified Uses

39.1.0 PURPOSE. The provisions of this chapter are intended to assure adequate off-street parking is provided for all land uses to avoid or reduce traffic congestion on public streets; increase traffic safety and reduce the visual impact of parking lots in the community.

39.2.0 OFF-STREET PARKING AND LOADING SPACES REQUIRED. Whenever a structure is erected, or altered, there shall be provided on the same lot, adjacent lot, or group of lots accessible off-street parking. No off-street parking or loading spaces shall be constructed, located, relocated or modified without the issuance of a building permit.

39.3.0 GENERAL PROVISIONS.
(1) The off-street parking and loading facilities required by this chapter shall be established prior to the occupancy of any new or enlarged structure.
(2) Required off-street parking spaces shall provide vehicle parking only for residents, customers, patrons, and employees and shall not be used for the storage of equipment or materials, or for the sale, repair or servicing of any vehicle.
(3) Any area once designated for required off-street parking shall not be used for any other purpose unless and until equal facilities are provided elsewhere and a site plan has been approved to reflect the change, or the primary use of the property is changed to a use requiring less off-street parking.
(4) The required front yard in the single-family residential districts shall not be used for off-street parking for five or more cars. The storage and parking of vehicles in front yard areas of single-family properties shall be limited to that area formed
and bounded by parallel lines extending from the outer dimension of a garage, carport, or parking slab to the right-of-way. An additional area between the nearest side property line and the driveway of not more than 10 x 20 feet may be used for additional parking. On lots with 100 feet of frontage or more, parking may be permitted on circular drives. All parking areas and driveways in front yard areas shall be hard surfaced.

**39.4.0 RURAL SERVICE COMMERCIAL.** The provisions of this chapter shall not apply in the C-2 zone as they related to parking spaces required; provided that all other requirements of this chapter apply to any parking lot provided by a developer/property owner.

**39.5.0 EXISTING PARKING FACILITIES.** The following shall apply to existing parking facilities:

1. Whenever a pre-existing building or structure, that is non conforming with respect to this chapter, is remodeled, enlarge, altered, reconstructed or changed in anyway by thirty-three (33) percent or more of its assessed value, the requirements of this Chapter shall apply.

**39.6.0 LOCATION OF REQUIRED PARKING.** Off-street parking facilities shall be located according to the following:

1. For single-family and two-family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve.
2. For uses other than those specified above, parking facilities shall not be located over three hundred (300) feet from the buildings they are required to serve.
3. Off-site parking greater than 300 feet but less than 500 feet from the building may be authorized by special permit.

**39.7.0 COMPUTATION OF REQUIRED SPACES.** The following rules shall apply to the determination of the number of required off-street parking spaces:

1. Fraction. If the number of off-street parking spaces required contains a fraction, such number shall be changed to the next higher whole number.
2. Mixed Uses. When different uses occupy a single structure or lot, the total required parking spaces shall be the sum of the requirements of the individual uses.
3. Shared Uses. Owners of two or more uses, structures, or parcels of land within three hundred feet of each other may share the same parking or loading area when the hours of operation do not overlap. The owners of two or more uses, structures, or parcels within three hundred feet of each other may also share facilities concurrently, however, the total parking requirements shall be the sum of the requirements for each individual use. Whenever shared parking is allowed under this section, the parking lot shall be signed so as to reasonably notify the public of the availability of use, and spaces shall not be assigned, allocated or reserved between uses.
4. Tandem Parking. Parking spaces in tandem, having a single means of ingress and egress, shall not be counted as two off-street parking spaces for the purpose of
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fulfilling the requirements of this chapter; except that, each tandem space for single-family and two-family (duplex) dwellings shall be counted as a required parking space.

39.8.0 SITE PLAN REQUIRED. The submittal and approval of a site plan is required prior to the construction of any parking lot. The site plan shall show the proposed development, locations, size, shape and design of the parking spaces, curb cuts, lighting, method of on-site drainage, adjacent streets, circulation of vehicular and pedestrian traffic, signage, finished grade, landscaping, irrigation and other features of the proposed parking lot.

39.9.0 PARKING LOT STANDARDS. All parking lots required pursuant to this chapter and those properties consisting solely of parking development shall be designed and approved to meet the following standards:

(1) Surfacing
   (a) Parking lots designated for customer/client parking and all parking areas located between the right-of-way line and the face of buildings shall be surfaced with asphalt or Portland Cement concrete. Those areas out of direct public view utilized for employee parking, and service vehicle parking and storage, they are located behind the front yard setback or front of the building, are exempt from the surfacing requirements.
   (b) All parking not requiring hard surfacing as provided in 1(a) must be surfaced with gravel on a stable substrate.
   (c) No parking lot or driveway consisting of gravel shall abut a public street right-of-way. All driveways shall be surfaced as provided in 1(a) for a distance of five feet on each side of driveway openings to a point 20 feet from the right-of-way line.

(2) Grading and Drainage. All parking lot drainage shall be contained on site. Drainage facilities shall be designed according to accepted engineering standards.

(3) Border Barricades. All parking areas designed for customer/client parking and all parking areas located between a right-of-way line and a building face shall have curbing installed around perimeter areas and around all landscape elements.

(4) Markings. Parking stalls shall be delineated by paint or other markings as approved by the Engineer.

(5) Landscaping. All parking lots shall conform to the landscape provisions of Landscaping and Screening.

(6) Lighting. Parking lot lighting shall be so arranged as to not constitute a nuisance or hazard to passing traffic, or encroach on adjoining residential properties.

(7) Maintenance. All parking lots shall be regularly maintained and kept free of weeds and litter. Maintenance shall include the repair of traffic control devices, signs, light standards, fences, surfacing materials, curbs, landscaping, and drainage facilities.

39.10.0 SPECIAL EVENT PARKING LOTS.

(1) Special event parking lots used on infrequent basis shall be exempt from provisions of this chapter except subsection (G) above.
39.11.0 **HANDICAPPED PARKING.** Handicapped parking shall be provided in accordance with RCW 19.27 and Chapter 51-10 WAC Section 7508.

39.12.0 **PARKING SPACE DIMENSIONS.** Parking stall dimensions are provided in Table 78-1.

Table 78-1: Parking Space Dimensions (all dimensions are based on a basic 9’ x 19’ stall)

<table>
<thead>
<tr>
<th>Angle of Parking</th>
<th>Stall Width</th>
<th>Curb Length Per Car</th>
<th>Stall Depth</th>
<th>Minimum Driveway Width</th>
<th>Lot Width (1 row + 1 driveway)</th>
<th>Sq. Ft.</th>
<th>Lot Width (2 rows + 1 driveway)</th>
<th>Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along Curb</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 degrees</td>
<td>8</td>
<td>23’</td>
<td>8’</td>
<td>12’</td>
<td>20’</td>
<td>460</td>
<td>28’</td>
<td>644</td>
</tr>
<tr>
<td>30 degrees</td>
<td>9</td>
<td>18’</td>
<td>17’4”</td>
<td>11’</td>
<td>28’4”</td>
<td>511</td>
<td>45’8”</td>
<td>824</td>
</tr>
<tr>
<td>45 degrees</td>
<td>9</td>
<td>12’7”</td>
<td>19’8”</td>
<td>13’</td>
<td>32’8”</td>
<td>420</td>
<td>52’6”</td>
<td>668</td>
</tr>
<tr>
<td>60 degrees</td>
<td>9</td>
<td>10’4”</td>
<td>21’</td>
<td>18’</td>
<td>39’</td>
<td>406</td>
<td>60’</td>
<td>624</td>
</tr>
<tr>
<td>90 degrees</td>
<td>9</td>
<td>9’</td>
<td>19’</td>
<td>24’</td>
<td>43’</td>
<td>387</td>
<td>62’</td>
<td>558</td>
</tr>
</tbody>
</table>

39.13.0 **COMPACT CAR ALLOWANCE.** Any parking area required by this chapter may provide parking spaces designed for compact cars, the minimum dimensions of which shall be seven and one-half feet in width and fifteen feet in length, provided such provision does not exceed twenty-five percent of the total number of parking spaces required by this chapter and further provided such compact car parking spaces are identified by above-grade signs.

39.14.0 **RECREATIONAL EQUIPMENT PARKING.** Boats, motor homes, camp trailers, travel trailers, fifth wheels, pickup campers, utility trailers, and snowmobiles as defined herein may be stored only within the side and rear yards in the AP-20, RR-1, RR-5, R-T, RC-1, RC-5, R-S-40, R-S-20, R-1, R-2, R-3 R-S-12, and RS-1 districts. All storage areas shall be surfaced with all weather materials such as asphalt, brick stone, concrete or gravel. Bonified guests of the occupants of the premises may temporarily park on driveways for periods not to exceed 10 days in any 60 day period.

39.15.0 **USES NOT SPECIFIED.** Off-street parking requirements for uses not specifically listed herein shall be determined by the Administrative Official based upon the requirement for similar uses.

39.16.0 **OFF-STREET LOADING.** Off-street loading and unloading spaces shall be required for any use requiring frequent loading or unloading from trucks or other large vehicles.

1. **Loading Space Size** - The required loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loading or unloading at the structure. Each off-street loading space shall have the minimum dimensions of twelve feet in width and twenty-five feet in length. On-site maneuvering space of not less than 52 feet in length shall be provided adjacent to the loading dock. This maneuvering space shall not include any area designated for off-street parking.

2. **Loading Space Location** - Required off-street loading and related maneuvering space.
shall be located only on the property served by the load facility. No part of any vehicle using the loading space will be allowed to project into the right-of-way of any public or private road.

(3) **Off-Street Loading:** Schools - A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any public or private school.

### 39.17.0 REQUIRED OFF-STREET PARKING

The number of off-street parking spaces for various land uses will be as follows:

<table>
<thead>
<tr>
<th>USE</th>
<th>REQUIRED PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Amusement and Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Auditorium, exhibit halls, stadiums, and sports arenas</td>
<td>One space for each four seats based upon maximum seating capacity or at least one space for every ten lineal feet of bench seating, or places with no fixed seating, one space for every 100 square feet of floor area.</td>
</tr>
<tr>
<td>Bowling Alleys, Game rooms, card rooms, pool halls</td>
<td>Four spaces for each lane</td>
</tr>
<tr>
<td>Gymnasiums, exercise facilities</td>
<td>One space for each playing table, or one space for every three machines</td>
</tr>
<tr>
<td>Horse racing tracks, speedways</td>
<td>One space for each 200 square feet of floor area</td>
</tr>
<tr>
<td>Movie Theaters</td>
<td>One space for each four seats</td>
</tr>
<tr>
<td>Roller/Ice-skating Rinks</td>
<td>One space for each 200 square feet of skating surface area</td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>One space for each 200 square feet of water surface area</td>
</tr>
<tr>
<td><strong>2. Community Services</strong></td>
<td></td>
</tr>
<tr>
<td>Churches, synagogues, temples and funeral homes</td>
<td>One space for each four seats based upon maximum seating capacity or at least one space for every ten lineal feet of bench seating</td>
</tr>
<tr>
<td>Convalescent homes, nursing homes, congregate care facilities</td>
<td>One space for each three beds plus one space for each two employees</td>
</tr>
<tr>
<td>Fire and Police Stations</td>
<td>One space for each 300 square feet of floor area</td>
</tr>
<tr>
<td>Hospital</td>
<td>One space for every three patients plus one additional space for each staff doctor and one space for each three employees</td>
</tr>
<tr>
<td>Library</td>
<td>One space for each 250 square feet of floor area</td>
</tr>
<tr>
<td>Museums, art galleries</td>
<td>One space for each 250 square feet of gross floor area</td>
</tr>
<tr>
<td>Juvenile detention centers</td>
<td>One and one-half spaces for each bed</td>
</tr>
<tr>
<td><strong>3. Educational Facilities</strong></td>
<td></td>
</tr>
<tr>
<td>Elementary Schools</td>
<td>One and one-half spaces for each classroom or teaching station</td>
</tr>
<tr>
<td>Middle Schools</td>
<td>Two spaces for each teaching station</td>
</tr>
<tr>
<td>High Schools</td>
<td>One space for each employee plus one space for each eight students</td>
</tr>
<tr>
<td>School Auditoriums</td>
<td>See requirements for auditoriums under amusement</td>
</tr>
</tbody>
</table>

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Daycare Centers: One parking space for each employee and one space per 6 children.

Vocational schools, beauty schools: One parking space for each 300 square of floor area.

4. Manufacturing Industries
All uses: One space for each 400 square feet of gross floor area or one space for each employees shift.

5. Residential
All residential units: Two spaces per unit.
Congregate Care Facilities: One space per residential unit.

6. Retail Trade and Services
General retail uses: One space for each 300 square feet of floor area.
Beauty and Barber Shop: One space for each 100 square feet of floor area.
Financial Institutions: One space for each 300 square feet of floor area.
Furniture and Appliances: One space for each 600 square feet of floor area.
Office buildings, medical offices: One space for each 300 square feet on the ground floor; One space for each 500 square feet of floor space above or below the first floor.
Motels and Hotels: One space for each restaurant and one space for two employees.
Restaurants: One space for hundred square feet of floor area.

7. Transportation
Bus and train stations: One space for each 400 square feet of floor area.

39.18.0 UNSPECIFIED USES. For uses not specified, the requirements for off-street parking will be determined by the Planning Director, based upon the most analogous uses listed above.
CHAPTER 40
VARIANCES

Sections:
40.1.0 Authorization
40.2.0 Procedure
40.3.0 Notice of Public Hearing
40.4.0 Action of Planning Commission
40.5.0 Action of Board of County Commissioners
40.6.0 Findings
40.7.0 Appeal of Recommendation
40.8.0 Reapplication
40.9.0 Fees

40.1.0 AUTHORIZATION. The County Commissioners, after proper public hearings, may vary or modify requirements of this ordinance where strict application would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. Variances will, under most circumstances be limited to requirements governing yards, lot dimensions and coverage, heights, and parking areas. In granting a variance, the County Commissioners may attach conditions which it finds necessary to protect the best interest of the surrounding property or vicinity, and otherwise achieve the purpose of this ordinance.

40.2.0 PROCEDURE. The procedures for variance applications shall be the same as described in Chapter 41 (Special Permits), Section 41.6.0.

40.3.0 NOTICE OF PUBLIC HEARING. Notice of Public Hearing shall be the same as described in Chapter 41 (Special Permits), Section 41.7.0.

40.4.0 ACTION OF THE PLANNING COMMISSION. Action of the Planning Commission shall be the same as described in Chapter 41 (Special Permits), Section 41.8.0 – 41.9.0. The Planning Commission shall also make and enter findings of fact as to whether or not the application complies with the findings in Section 41.6.0.

40.5.0 ACTION OF THE BOARD OF COUNTY COMMISSIONERS. Action of the Board of County Commissioners shall be the same as described in Chapter 41 (Special Permits), Section 41.11.0.

40.6.0 FINDINGS. The Board of County Commissioners may approve an application for a variance if it finds:
(1) That exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district or vicinity, and result from lot size, shape, topography or other circumstances over which the applicant has no control.
(2) That the variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zoning district or vicinity.

(3) That the granting of the variance will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(4) That the variance would not be materially detrimental to the intent of this ordinance, or the property in the same zoning district or vicinity in which the property is located, or otherwise conflict with the objectives of any County plan or policy and the variance requested is the minimum variance which would alleviate the hardship.

40.7.0 APPEAL OF RECOMMENDATION. The appeal process of the Planning Commission’s recommendation shall be the same as described in Chapter 41 (Special Permits), Section 41.10.0.

40.8.0 REAPPLICATION. Reapplication shall be the same as described in Chapter 41 (Special Permits), Section 41.17.0.

40.9.0 FEES. Fees for Variances shall follow the fee schedule as provided in Appendix A of this Ordinance.
CHAPTER 41
SPECIAL PERMITS

Sections:
41.1.0 General provisions
41.2.0 Unclassified uses
41.3.0 Historic Places
41.4.0 Temporary uses
41.5.0 Agricultural uses in a U.G.A
41.6.0 Application requirements
41.7.0 Public hearing required
41.8.0 Findings of fact by planning commission
41.9.0 Recommendation of planning commission
41.10.0 Appeal of Recommendation
41.11.0 Board of Commissioners consideration
41.12.0 Effective date
41.13.0 Expiration
41.14.0 Revocation of permit
41.15.0 Expansion of a special permit
41.16.0 Reapplication
41.17.0 Extensions

41.1.0 GENERAL PROVISIONS. Unclassified uses, conditional uses listed within each district, and any other uses specifically referred to this chapter shall be subject to the regulations contained in this chapter, in addition to all applicable requirements of this Ordinance. All such uses, due to their nature, are deemed to require special review to consider, on a case by case basis, their impacts on which would serve them. Conditional uses and other uses specifically referred to in this chapter may be permitted only in their respective districts. Unclassified uses may be permitted within any district where not otherwise prohibited.

41.2.0 UNCLASSIFIED USES. The following uses shall be considered unclassified:

(1) High schools, colleges, universities, vocational schools, business colleges and other similar academic or skills training facilities or institutions not heretofore permitted within any district.

(2) Cemeteries, crematories, mausoleums, and other places of burial or interment of remains.

(3) Community service facilities.

(4) Correctional institutions, juvenile delinquency homes and facilities, and other similar facilities for incarceration or detainment.

(5) Airports, heliports, or any other landing or maneuvering space for aircraft, together with terminals and other customary facilities accessory to the unclassified use.

(6) Group homes.

(7) Group care facilities.
(8) Golf courses, pitch and putt courses, miniature golf courses, and similar facilities for public, private or membership use.
(9) Monasteries, convents or other functionally similar facilities.
(10) Mines, quarries and gravel pits.
(11) Landfills, garbage dumps, and resource recovery facilities.
(12) Off-site parking lots, except those required for a residential use, provided such parking area is not more than five hundred feet from the building.
(13) Electrical substations and load transfer stations, natural gas booster stations, and other similar utility facilities.
(14) Park and ride lots, off-street transfer stations or other similar facility involving the storage, start-up, idling and movement of public or private operated carrier, charter or transit buses, vans, and similar vehicles.
(15) Agricultural use (commercial) in U.G.A.’s except in areas within 1,000 feet of a residential zoning district, subdivision or dwelling unit.
(16) Parks.
(17) Fire Stations – Police Stations.
(18) Portable classrooms – associated with a permitted school (private/public).
(19) Mobile structures-factory assembled structures- (Non Residential) not meeting the requirements of this ordinance or other County Ordinances. See Chapter 33 Use Regulations – 33.13.0 Mobile Office for exceptions to this standard.
(20) Exotic or wild animals.
(21) Power generating facilities.

**41.3.0 HISTORIC PLACES.** A special permit for the preservation by adaptive re-use of an historic place, accepted on the National Register of Historic Places, may be requested for uses not otherwise permitted within the applicable district.

1. A special permit granted under this section is personal to the applicant and shall permit only the applicant to exercise the adaptive re-use authority, and shall not be assigned, transferred, conveyed or passed to heirs or beneficiaries of the applicant’s estate.

2. Each applicant granted a special permit shall be required to substantially preserve the intrinsic qualities of the historic place which led to its acceptance on the National Register of Historic Places. Prior to issuance of any building permits the County may consult with the Washington State Office of Archaeology and Historic Preservation to insure compliance with this requirement.

**41.4.0 TEMPORARY USES.** A temporary special permit for any use not otherwise permitted within the applicable district, may be approved by the Board of Commissioners, provided that such use is clearly of a temporary nature and does not involve the erection of a permanent structure. Requests for temporary special permits shall be applied for and processed in the same manner as herein established for uses requiring a special permit, including such conditions as will safeguard the public health, safety and general welfare for the duration of the permit.
41.5.0 AGRICULTURAL USES, in U.G.A.’s.

(1) Any new Commercial agricultural uses within designated Urban Growth Area Boundaries – excluding Agriculturally zoned areas, listed as conditional or unclassified uses in this ordinance shall conform to the following prior to the issuance of a conditional and/or special permit:

(a) Special permits for agricultural uses (commercial) may be granted for tracts of land over ten acres in size within 1,000 feet of a residential zoning district, subdivision or a dwelling unit excluding dwellings associated with agriculture uses.

(b) The applicant for a special permit shall be required to submit a conservation plan approved by the FSA (Farm Service Agency) Soil Conservation Service.

41.6.0 APPLICATION REQUIREMENTS. Applications for special permit shall include the following:

(1) Present use of the land and structures, if any.

(2) Detailed description of the proposed use.

(3) Description of any existing zoning ordinance violation.

(4) A site map or plan drawn neatly and to scale, showing the following:

(a) Exterior property lines and any adjacent public street or alley rights-of-way.

(b) Existing and proposed buildings and other structures.

(c) Existing and proposed points of ingress and egress, drives and driveways and circulation pattern.

(d) The location of existing and proposed parking areas with each parking space shown.

(e) Existing and proposed open spaces and landscape areas.

(5) A Certificate of Ownership and a list of owners, with addresses, of all property within five hundred feet of the applicant’s property within an Urban Growth Area Boundary and one mile outside of Urban Growth Area Boundaries, as provided and certified by the County Assessor’s Office or a licensed title company, and being current within thirty (30) days from the date of the application.

(6) Any other pertinent information that may be necessary to determine if the use meets the requirements of this ordinance.

41.7.0 PUBLIC HEARING REQUIRED. Upon the filing of a complete application for a special permit, the application shall be scheduled for a open record pre-decision hearing before the Planning Commission. Notice of such open record hearing shall be given as provided for in Amendments and Rezones. The open record hearing may be continued as deemed necessary by the Planning Commission, provided the applicant consents to any such continuance. In the event the applicant does not consent to a continuance, the Planning Commission shall close the public hearing and render a recommendation to the Board of Commissioners in accordance with the provisions below.
41.8.0 FINDINGS OF FACT BY PLANNING COMMISSION. Upon conclusion of the open record pre-decision hearing, the Planning Commission shall make and enter findings from the record and conclusions thereof as to whether or not:

(1) The proposal is in accordance with the goals, policies, objectives, maps and/or narrative text of the Comprehensive Plan.
(2) The proposal will adversely affect public infrastructure.
(3) The proposal will be constructed, maintained and operated to be in harmony with the existing or intended character of the general vicinity.
(4) The location and height of proposed structures and the site design will discourage the development of permitted uses on property in the general vicinity or impair the value thereof.
(5) The operations in connection with the proposal will be more objectionable to nearby properties by reason of noise, fumes, vibrations, dust, traffic, or flashing lights than would be the operation of any permitted uses within the district.
(6) The proposal will endanger the public health, or safety if located and developed where proposed, or in anyway will become a nuisance to uses permitted in the district.

41.9.0 RECOMMENDATION OF PLANNING COMMISSION. After an open record pre-decision hearing on a proposed temporary, conditional or unclassified use, the Planning Commission shall render a recommendation to the Board of Commissioners as to whether the proposal be denied, approved, or approved with modifications and/or conditions.

41.10.0 APPEAL - FILING REQUIREMENTS.

(1) Any recommendation of the Planning Commission regarding a special permit application may be appealed in accordance with one of the following methods:
   (a) Applicant. Within ten (10) calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the Planning and Building Director stating the basis of appeal from said recommendation.
   (b) Other Person. Within ten (10) calendar days from the date of the Planning Commission recommendation, file written appeal with the Planning and Building Director stating the basis of appeal from the Planning Commission recommendation.
   (c) A proper and timely filed appeal shall cause the Board of County Commissioners to schedule a closed record appeal, notice of which shall be given in accordance with Chapter 42.4.0 Amendments and Rezones to consider the appeal of the Planning Commission’s recommendation.

(2) Either method of appeal shall include payment of an appeal fee. The established fees are described in the current Franklin County Planning and Building Department Fee Schedule Ordinance (11-2007, as amended).

41.11.0 BOARD OF COMMISSIONERS CONSIDERATION.

(1) Unless a proper and timely appeal is filed or the Board by majority vote deems further review is necessary, the recommendation of the Planning Commission shall be effected by proper action of the Board without further review. In the
event the Board deems further review is necessary, it shall conduct a closed record appeal, notice of which is given in accordance with Amendments and Rezones.

(2) Prior to the closed record appeal, the Board of County Commissioners will review the meeting record from the Planning Commission’s open record hearing. At the closed record appeal, the Board of Commissioners may ask questions of persons in attendance based upon the Planning Commission’s meeting record. The Planning Commission’s meeting record shall be the basis for any discussion as it relates to questions asked by the County Commissioners and responses by the attending public or applicant. New testimony or testimony that is not deemed part of the Planning Commissions’ meeting record will not be permitted or considered by the County Commissioners.

(3) The Board of County Commissioners at the conclusion of a closed record appeal shall make and enter findings of fact and take one of the following actions:

(b) Approve the special permit with or without conditions.
(c) Deny the special permit.

41.12.0 EFFECTIVE DATE. Special permits shall become effective on the day after the date of the decision of the Board.

41.13.0 EXPIRATION. (1) Unless otherwise specified within the special permit, the applicant shall commence the special use authorized or obtain a building permit for construction of authorized facilities within six months after the effective date of the special permit, or the special permit shall expire.

(2) In the case of temporary special permits, unless otherwise specified within the permit, the permit shall expire six (6) months from its effective date. Within thirty (30) days after the date of expiration, the applicant shall have removed from the premises the temporary use and any improvements of a temporary nature authorized by the permit.

(3) When any use of land, building, structure, or premises established under the provisions of this Chapter have been discontinued for a period of one (1) year, it shall be unlawful to again use the land or building or premises for such discontinued use unless a subsequent special permit is authorized and issued.

(4) Permits may be issued for specified time periods. Permit renewals shall require that a new special permit application be submitted and processed in accordance with this Chapter.

41.14.0 REVOCATION OF PERMIT. Any special permit may be revoked by the Board of Commissioners if, after a public hearing, notice of which shall be given in accordance with Amendments and Rezones, it is found that the conditions upon which the special permit was authorized have not been fulfilled or if the use authorized has changed in size, scope, nature or intensity so as to become a detriment to the surrounding area. The decision of the Board is final.
41.15.0 EXPANSION OF A SPECIAL PERMIT. An approved conditional and/or special use permit may be expanded by no more than 20% of the square footage of the permitted use or structure, without amending the original conditional and/or special use permit in accordance with this chapter. The expansion must also be determined to be incidental, accessory and appurtenant to the already permitted special use.

41.16.0 REAPPLICATION. No request for a Conditional/Special Use Permit shall be considered by the Planning Commission within the twelve-month period immediately following a previous denial of such request.

41.17.0 EXTENSIONS. A one-time extension of a special permit may be granted by the Planning Director provided the extension does not exceed six months and an application for extension is submitted to the Planning Department no later than thirty (30) days after the expiration date of the special permit. This provision does not apply to temporary special permits.
CHAPTER 42
AMENDMENTS AND REZONING

Sections:
42.1.0 Purpose
42.2.0 Initiation of Amendments
42.3.0 Requirements for petition
42.4.0 Notice requirements
42.5.0 Amendment in conflict with comprehensive plan
42.6.0 Planning commission - Findings and recommendations
42.7.0 Appeal of recommendation
42.8.0 Board of Commissioners consideration
42.9.0 Change in zoning map-Effectuation
42.10.0 Concomitant agreement
42.11.0 Termination of concomitant agreement

42.1.0 PURPOSE. The purpose of this chapter is to establish procedures to amend either the zoning text, zoning map, comprehensive plan text, or comprehensive plan maps (i.e. Urban Growth Area (UGA) Boundaries and land use maps) of this ordinance.

42.2.0 INITIATION OF AMENDMENTS.
(1) **Zoning Map and Comprehensive Plan Maps:**
(a) Any person, firm, corporation, group of individuals, or municipal corporation may petition for a zone change or a change in the comprehensive plan maps with the following exceptions:
(i) If the person, firm, corporation or group of individuals does not have legal ownership of the parcel of land under consideration for rezoning or change in the comprehensive plan designation, the petition shall not be accepted. All petitions submitted must contain the signature of the legal owner of the property. The legal owner is considered to be the owner of record. Specific application forms for both zoning and comprehensive plan map amendments can be obtained from the Planning Department.
(ii) A person, firm, corporation or group of individuals may not submit, in any one year, more than one petition requesting a zone change or change in the comprehensive plan maps from the property’s present zone or comprehensive plan map designation to another particular zone or comprehensive plan map designation for the same parcel of land, provided, within the one year period, a person, firm, corporation or group of individuals may submit another petition requesting a zone change or change in the comprehensive plan maps from the property’s present zone or comprehensive plan map designation to a zone or comprehensive plan map designation other than the zone or comprehensive plan map designation previously requested in the earlier petition.
(2) **Text:**
(a) The Board of Commissioners upon its own motion may conduct a open record hearing to amend the text, or request that the Planning Commission conduct a public hearing to develop a recommendation on a text amendment.
(b) The Planning Commission may initiate an open record hearing to develop a recommendation for a text amendment.

c) Any resident or property owner may petition the Board for a text amendment.

(3)  City and County Coordination:

(a) All County zoning and comprehensive plan map amendments within a UGA shall be coordinated with the affected City prior to change by the County. Coordination shall consist of providing the effected jurisdictions with timely notification of proposed map amendments and affording an opportunity to comment. Map amendments shall conform in all respects to the UGA comprehensive plan.

(b) Zoning and comprehensive plan text amendments shall be coordinated between the County and cities to insure the intent and purpose of the joint development regulations are maintained. Coordination shall consist of providing affected jurisdictions the opportunity to participate in drafting the text amendment through comment and consultation.

42.3.0 REQUIREMENTS FOR ZONING AND COMPREHENSIVE PLAN PETITIONS. The petitions for a change of classification must show the following and must be provided on application forms provided by the Planning Department specific to zoning amendment (text and map) petitions and specific to comprehensive plan amendment (text and maps) petitions:

(1)  The date the existing zone or comprehensive plan designation became effective.

(2)  The changed conditions which are alleged to warrant other or additional zoning or comprehensive plan designations.

(3)  Facts to justify the change on the basis of advancing the public health, safety and general welfare.

(4)  The effect it will have on the value and character of the adjacent property and the comprehensive plan.

(5)  The effect on the property owner or owners if the request is not granted.

(6)  The current comprehensive plan land use designation for the property.

(7)  Such other information as the Planning Commission requires.

42.4.0 NOTICE REQUIREMENTS. At least ten days prior to the hearing date the following shall be completed:

(1)  Notice of the time, place, and general purpose of any open record hearing required by this chapter shall be published in a newspaper of general circulation in the County;

(2)  A sign shall be posted at the site informing the public that a hearing or action will be taking place;

(3)  Written notice of the hearing shall be mailed to each property owner of record, within five hundred feet in an Urban Growth Area (UGA) and Rural Settlement Areas. For applications not within an Urban Growth Area or Rural Settlement Area, written notice shall be mailed to each property owner within one (1) mile of the area proposed to be changed or altered. Owners of record shall be determined by a report (obtained from the County Assessor’s Office or licensed title company) not more than thirty calendar days preceding the date of publication. Substantial compliance shall be deemed to be full and sufficient compliance.
42.5.0 AMENDMENT IN CONFLICT WITH COMPREHENSIVE PLAN. In the event any proposed amendment, supplement, change to or repeal of this ordinance is in conflict with the comprehensive plan, said amendment or change shall not be entertained until and if the comprehensive plan is amended.

42.6.0 PLANNING COMMISSION - FINDINGS AND RECOMMENDATIONS.

(1) After completion of an open record hearing on a petition for reclassification of property, the Planning Commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not:
   (a) The proposal is in accord with the goals and policies of the comprehensive plan.
   (b) The effect of the proposal on the immediate vicinity will be materially detrimental.
   (c) There is merit and value in the proposal for the community as a whole;
   (d) Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.
   (e) A concomitant agreement should be entered into between the county and the petitioner, and if so, the terms and conditions of such an agreement.

(2) The Planning Commission shall render its recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The commission’s recommendation, to include its findings and conclusions, shall be forwarded to the Board of Commissioners at a regular business meeting thereof.

42.7.0 APPEAL OF RECOMMENDATION. Any recommendation of the Planning Commission regarding a petition for reclassification of property or amendment may be appealed in accordance with one of the following methods:

(1) Applicant: Within ten (10) calendar days from the date of the Planning Commission recommendation, the applicant files written appeal with the Planning and Building Director stating the basis of appeal from said recommendation.

(2) Other person: Within ten (10) calendar days from the date of the Planning Commission recommendation, file written appeal with the Planning and Building Director stating the basis of appeal from the Planning Commission recommendation.

(3) Either method of appeal shall include payment of an appeal fee in the amount of one hundred dollars.

(4) A proper and timely filed appeal shall cause the Board of Commissioners to schedule a closed record appeal hearing, notice of which has to be given in accordance with Chapter 42.4.0 Amendments and Rezones to consider the appeal of the Planning Commission’s recommendation. A closed record appeal hearing will occur with no new testimony or information allowed to be presented to the Board of Commissioners. Only appeal argument, based on the Planning Commission’s meeting record, will be allowed. The Board of Commissioners may ask questions of persons in attendance based upon the Planning Commissions record.

42.8.0 BOARD OF COMMISSIONERS CONSIDERATION.

(1) Unless a proper and timely appeal is filed or the Board by majority vote deems further review is necessary, the recommendation of the Planning Commission shall be effected by proper action of the Board without further review. In the event the
Board deems further review is necessary, it shall conduct a closed record hearing, notice of which shall be given in accordance with this chapter.

(2) In those cases which require further review, the Board shall at the conclusion of a closed record hearing make and enter findings of fact and take one of the following actions:

(a) Approve the reclassification with or without modification.

(b) Enter into a concomitant agreement with the petitioner.

(c) Deny the reclassification.

42.9.0 CHANGE IN ZONING AND COMPREHENSIVE PLAN MAP - EFFECTUATION.

Upon granting the application for zone change or comprehensive plan map change with or without modification and/or conditions, the Board shall change by ordinance the district boundaries, zone classifications or comprehensive plan map designations as shown on the district and comprehensive land use maps and amend, supplement or change by ordinance the regulations established by this ordinance.

42.10.0 CONCOMITANT AGREEMENT.

(1) The County may enter into an agreement with the petitioner whereby the County will grant the requested zone change conditioned upon the petitioner entering into a covenant with the County restricting the use and/or development of the subject property. Provisions of the agreement may relate to any or all of the following aspects of the use of petitioner’s property:

(a) Setback.
(b) Use of building or property.
(c) Type of business.
(d) Height of building.
(e) Size of building.
(f) Size of subdivision of property.
(g) Density.
(h) Landscape.
(i) Street, sidewalk and curb improvement and easements and rights-of-way for such.
(j) Public utility improvements and easements and rights-of-way for such.
(k) Time frame for commencement or completion of the proposed construction or development. In the event a concomitant agreement includes a specified time frame for the proposed development, it may further provide that failure to conform to the specified time frame shall cause the zone change granted therein to revert to the zone existing immediately prior to said zone change.

(2) Any concomitant agreement under this chapter must be signed by the legal owner of record for the property described in the agreement, notarized and attached to and becoming a part of the ordinance effectuating the zone change.

(3) The ordinance effectuating the zone change, together with the concomitant agreement and all other attachments thereto, shall be filed with the county auditor and all conditions and covenants included in the concomitant agreement shall be binding on all heirs, successors and assigns, and shall run with the land.
42.11.0 TERMINATION OF CONCOMITANT AGREEMENT. A person, firm, corporation or group of individuals seeking termination of the concomitant agreement must petition for termination of the concomitant agreement in the same manner and following the same steps and procedures as a person applying for a zone change under the provisions of this chapter.
CHAPTER 43
COMPREHENSIVE PLAN

Sections:

43.1.0 Adoption

Comprehensive Plans for Pasco, Connell, Mesa, and Kahlotus Urban Growth Areas.

**43.1.0 ADOPTED.** The Comprehensive Plans of Pasco, Connell, Mesa, and Kahlotus are hereby incorporated herein and adopted as a guide for the development and redevelopment of lands within their respective Urban Growth Areas.
APPENDIX A
FEES

Whenever a public hearing is required by this Ordinance, in addition to other required data accompanying a request involving a public hearing, the applicant shall pay to the County an application fee. The established fees are described in the current Franklin County Planning and Building Department Fee Schedule Ordinance (11-2007, as amended).

No application shall be processed unless the respective application fee, listed in the current Franklin County Planning and Building Department Fee Schedule Ordinance (11-2007, as amended) has been paid in full. These fees are non refundable.