

PLAN TO PERMIT

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Community Planning & Development
City of Mercer Island
9611 SE 36th St
Mercer Island, WA 98040

RE: Legally Established Non-Conforming Lot Coverage for Yuan Project (1907-017)

July 19, 2019

Dear Community Planning & Development:

One comment from the intake screening meeting notes provided for the Yuan replacement single family residence at 3611 W Mercer Way (CP&D permit tracking number 1907-017) stated:

To use the 2 to 1 lot coverage replacement provision in MICC 19.01.050(F)(3)(b)(i) & (ii), you must prove that the existing lot coverage met code. Please provide previous permits that prove its legal nonconformity.

MICC 19.16.010 defines "Lot Coverage, Maximum" as:

The maximum area of a residentially zoned lot that may be covered by a combination of buildings and vehicular driving surfaces.

I. LEGALLY ESTABLISHED BUILDING

The City of Mercer Island approved a building permit for the addition to the house in 1981 (City of Mercer Island permit tracking number 81-099). Please see Attachment 1. This building permit demonstrates that the building portion of the lot coverage was legally established.

II. LEGALLY ESTABLISHED LOT COVERAGE

Attachments 2 through 10, aerial photos from the City of Mercer Island, illustrate the driveway existed in 1963 (or earlier). The attached zoning code from 1965 (Attachment 11) demonstrates that the lot was zoned R-15, and that the City of Mercer Island did not have a maximum lot coverage, nor impervious surface coverage limit, earlier than 1965 for the R-15 zone. We note that the hand drawn sketch of the driveway from the 1982 building permit addition does not reflect the driveway that existed before or after the construction of the addition with 100% accuracy. Some inaccuracies in the location and size of the driveway are to be expected based on the fact the site plan was not based on a survey, and the exact shape of the driveway was not critical to the addition of the house. However, based on the ridgeline of the original house, the aerial photographs demonstrate the driveway, with space for two additional cars northwest of the original house, existed when there was not a limit to the maximum lot coverage or impervious surface coverage.

III. CONCLUSION

Based on the attached information available from the City of Mercer Island, the existing building and vehicular driving surfaces met code, and were legally established, at the time of creation.

Please feel free to contact me at george@plantopermit.com if you have any questions or need any additional information. Thank you for your time and help.

Sincerely

A handwritten signature in blue ink that reads "George Steirer". The signature is written in a cursive, flowing style.

George Steirer
Plan to Permit, LLC

M.W.M 1198

3603

EXISTING DRIVEWAY

PROPOSED ADDITION

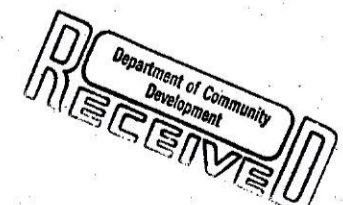
SLOPE UP

3611

ROOF LINES

3621

LAKE WASHINGTON

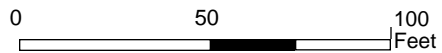


JUL 26 1982



Legend

- Address
- Property Line
- Street
- Parks
- Winter 1963
 - High : 255
 - Low : 0



1 inch = 100 feet



Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

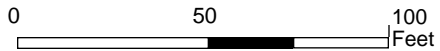
Notes

ATTACHEMENT 3 - 1978 AERIAL



Legend

- Address
- Property Line
- Street
- Parks
- March 1978
- High : 254
- Low : 0



1 inch = 100 feet



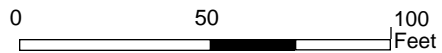
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Notes



Legend

- Address
- Property Line
- Street
- Parks
- March 1992
- High : 255
- Low : 0



1 inch = 100 feet



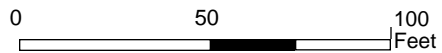
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Notes



Legend

- Address
- Property Line
- Street
- Parks
- April 1999
- Red: Band_1
- Green: Band_2
- Blue: Band_3



1 inch = 100 feet



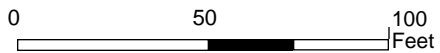
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Notes



Legend

- Address
 - Property Line
 - Street
 - Parks
- March 2007
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



1 inch = 100 feet



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Notes

ATTACHMENT 7 - 2009 AERIAL

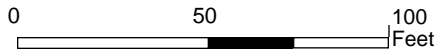


Legend

- Address
- Property Line
- Street
- Parks

April 2009

- Red: Band_1
- Green: Band_2
- Blue: Band_3



1 inch = 100 feet



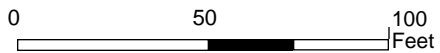
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Notes



Legend

- Address
 - Property Line
 - Street
 - Parks
- April 2012
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



1 inch = 100 feet



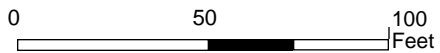
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Notes



Legend

- Address
 - Property Line
 - Street
 - Parks
- March 2015
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



1 inch = 100 feet



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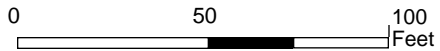
Notes

ATTACHMENT 10 - 2017 AERIAL



Legend

- Address
 - Property Line
 - Street
 - Parks
- March 2017
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



1 inch = 100 feet



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Notes

City of Mercer Island

Zoning Code

1965

(As amended through Ordinance 123)

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An ORDINANCE establishing land use regulations and zones within the City of Mercer Island, State of Washington, adopting maps showing zone boundaries, and providing for the administration and enforcement of these regulations.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERCER ISLAND:

SECTION 1. PURPOSE OF THESE REGULATIONS.

These regulations have been worked out in accordance with a comprehensive plan which the City of Mercer Island has adopted for its physical and other generally advantageous development, to implement such comprehensive plan insofar as such plan is intended to encourage the most appropriate use of land throughout the municipality, to lessen traffic congestion and accidents, to secure safety from fire, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to promote a coordinated development of the unbuilt areas, and to conserve and restore natural beauty and other natural resources, all pursuant to chapter 44, Laws of 1935, as amended, RCW 35.63.

SECTION 2. DEFINITIONS.

ACCESSORY BUILDING: A subordinate building, such as a boathouse, carport, garage or toolshed, the use of which is incidental to that of the main building on the same lot. Where an accessory building is attached to and made a part of the main building for at least fifty (50) percent of the length of one of the abutting walls of such accessory building, it shall comply with provisions of this ordinance applicable to the main building.

BUILDING: Any structure having a roof, but excluding all forms of vehicles even though immobilized.

BUILDING AREA: The part of a lot upon which a building may be erected and maintained without violating the yard requirements prescribed herein.

BUILDING HEIGHT: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

CONDITIONAL USE: A use listed among those classified in any given zone but authorized to locate only after the granting of a conditional use permit imposing such performance standards or other conditions as will assure compatibility with other uses in the vicinity.

CORNER LOT: A lot located at the junction of and fronting on two or more intersecting streets.

FENCE: A barrier composed of posts or piers connected by boards, rails, panels or wire, or a masonry wall, designed to enclose space or separate parcels of land, but excluding retaining walls.

GRADE: The average of the finished ground level at the center of all walls of a building.

INTERIOR LOT: A lot which is not a corner lot.

LOT: Land held as a unit, regardless of whether platted or unplatted, and regardless of whether described on plats or in documents of title as one or several tracts, blocks, lots, parcels or portions thereof. Land is held as a unit if contiguous and beneficially owned or controlled by one person or by a group of affiliated persons (such as a marital community, or joint venture, or partnership or a corporation and one or more of its subsidiaries, officers, directors or stockholders, etc.) acting together with respect to the land.

Ord.

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NONCONFORMING BUILDING OR USE: A building of use lawfully established, that does not conform with subsequently adopted restrictions of the zone in which it is situated.

PARKING SPACE: A space within or without a building, at least ten (10) feet wide, twenty (20) feet long and two hundred (200) square feet in area, exclusive of access drives, aisles, ramps, columns, living areas or work areas, having adequate access from a public street, and adequate provision for ingress and egress from the space itself, for the temporary parking of one (1) motor car or truck.

Ord. # 44 **SIGN:** Any outdoor sign, display, device, figure, painting, drawing, message placard, poster, billboard or other thing which is designed, intended or used to advertise or inform.

RECREATIONAL AREA:

Commercial: An area including facilities and equipment for recreational purposes, such as a swimming pool, tennis courts, a golf course, or a playground, operated for profit.

Noncommercial: An area including facilities and equipment for recreational purposes, such as a swimming pool, tennis courts, a golf course, or a playground, maintained and operated by a nonprofit club or organization with specified limitations upon the number of members or limited to residents of a block, subdivision, neighborhood, community or other specific area of residence for the exclusive use of members and their guests.

Private: An area including facilities and equipment for recreational purposes, such as a swimming pool, tennis courts, a golf course, or a playground, maintained by an individual for the sole use of his household and guests, located at or adjacent to his residence, not for profit or in connection with any business operated for profit.

VARIANCE: A determination in the case of a particular lot or tract to require only substantial compliance with some provision of these regulations pertaining to building height limits, building site area requirements, yard requirements, loading space requirements or parking requirements, where because of special circumstances such lot or tract could not be used and enjoyed in substantially the same manner as other property in the same zone, if such provision were strictly applied or enforced.

YARD: An open, unoccupied space, unobstructed from the ground to the sky, on the lot on which a building is situated, required to be kept open by the yard requirements prescribed herein.

SECTION 3. ESTABLISHING ZONES AND REGULATING THE USES OF LAND THEREIN.

3.01 In order to carry out the purpose of this Ordinance in the interest of public health, safety, morals and general welfare, the following zone classifications are established:

<u>ZONE</u>	<u>ABBREVIATED DESIGNATOR</u>
Residential Single Family Zone	R-8.4
Residential Single Family Zone	R-9.6
Residential Single Family Zone	R-12
Residential Single Family Zone	R-15
Residential Two-Family Zone (Duplex)	R-2A
Residential Multiple Family Zone	R-2
Residential Multiple Family Zone	R-3
Business Parking Zone	B-P
Business Neighborhood Zone	B-N
Business Zone	B-1
Commercial Office Zone	C-O
Parks and Playgrounds Zone	P

3.02 (Reserved)

3.03 The location and boundaries of the various zones as hereafter determined shall be shown and delineated on zone maps covering portions of the City, each of which said maps shall, upon its final adoption, be a part of this Ordinance either by adoption as a part hereof or by amendment hereto.

3.04 Each zone map showing the classification and boundaries, after its final adoption as required by law, shall become a part of this Ordinance and said map and all notations, and other information shown thereon shall thereafter be as much a part of this Ordinance as if all the matters and information set forth on said map were fully described herein.

3.05 A zone map may, for convenience, be divided into parts and each part may, for purposes of identification, be subdivided into units. Such parts may be separately and successively adopted by means of an amendment to this Ordinance and, as adopted, such zone map, or its parts, shall become a part of this Ordinance.

3.06 Changes in the boundaries of a zone shall be made by Ordinance adopting an amended map, or part of said zone map.

3.07 When uncertainty exists as to the boundaries of any zones shown on said zone maps, the following rules shall apply:

- (a) Where such boundaries are indicated as approximately following street lines or lot lines, such lines shall be construed to be such boundaries.
- (b) In unsubdivided property and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on such zone map.
- (c) Where property abuts a lake, river or body of water, the land use classification extends to the inner harbor line and in the areas where no harbor line has been defined, to a line which the Army Engineers would define as a line of navigability.
- (d) In case any uncertainty exists, the Planning Commission shall recommend and the City Council shall determine the location of boundaries.
- (e) Where a public street is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street.

3.08 The boundaries of such zones as are shown upon any zone map adopted by this Ordinance or amendments thereto, are hereby adopted and approved and the regulations of this Ordinance governing the uses of land, buildings and structures, the height of buildings and structures, the size of yards about buildings and structures, and other matters as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon each zone map.

3.09 EXCEPT AS HEREINAFTER PROVIDED:

- (a) No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used for any purpose or in any manner other than a use listed in this Ordinance or amendments thereto as permitted in the zone in which such land, building, structure or premises is located.
- (b) No building or structure shall be erected nor shall any existing building or structure be moved, reconstructed or structurally altered to exceed in height the limit established by this Ordinance or amendments thereto for the zone in which such building or structure is located.
- (c) No building or structure shall be erected nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and the yard regulations established by this Ordinance or amendments thereto for the zone in which such building or structure is located.

- (d) No yard or other open spaces provided about any building or structure for the purpose of complying with the regulations of this Ordinance or amendments thereto shall be considered as providing a yard or open space for any other building or structure.
- (e) A detached garage may be erected within the rear yard setback.

SECTION 4. R-8.4 RESIDENTIAL SINGLE FAMILY ZONE.

4.01 USES PERMITTED:

1. Single family dwelling unit.
2. Private conservatories and structures for plants and flowers.
3. Electrically powered fixed mechanical equipment for private utilities of a building site.
4. Off-street parking space and private garages, as provided in Section 16, General Provisions.
5. Lodgers not to exceed two (2).
6. Recreational area -- Private.
7. Accessory buildings and uses which are incidental to that of the main building.
8. Public or private schools accredited or approved by the State for compulsory school attendance, but subject to the following conditions:

Ord.

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- a. Must be located thirty-five (35) feet or more from any other lot in an "R" zone with a minimum building line setback of forty-five (45) feet from any other public right of way.
- b. Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space per elementary classroom and for high schools at a ratio of one (1) parking space per classroom plus one (1) parking space per ten (10) students.
- c. Not more than thirty-five (35) percent coverage of the site area with structures.
- d. A minimum area of one-fourth (1/4) of an acre must be provided as an area abutting or adjacent to and in one (1) usable unit devoted exclusively to playfield purposes.

9. Churches but subject to the following conditions:

- a. Must be located thirty-five (35) feet or more from any other lots in an "R" zone.
- b. Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each five (5) seats in the chapel or nave.
- c. Not more than thirty-five (35) per cent coverage of the site area with structures.

Ord.

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10. Accessory uses and structures incidental to residency in the main building, including exercise of a gainful occupation customarily carried on within the home, but subject to the following conditions:

- (a) The occupation shall not involve external alteration of any structure.
- (b) No more than one person who is not a resident of the premises shall be engaged in the occupation.
- (c) There shall be no exterior display or sign advertising the occupation on the premises.
- (d) No offensive noise, vibration, smoke, dust, odor, heat or glare or unusual or excessive traffic to and from the premises shall be produced or generated by the occupation.

Ord.

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11. Non-commercial recreational areas, buildings and uses, but subject to the following conditions:

- (a) Location shall be central to the members or neighborhood served.
- (b) Access to arterial streets shall be good.
- (c) Public health requirements shall be met.
- (d) Off-street parking shall be provided at a ratio of at least one (1) space for each five (5) family membership groups.
- (e) Boundaries of the area above the line of ordinary high water shall be adequately screened from abutting property and streets. The maintenance of landscape screens shall be guaranteed by posting a bond to the City in a reasonable amount if required by the Planning Commission.
- (f) Floodlighting shall be shielded to minimize glare upon abutting property and streets.
- (g) Buildings and active play areas shall be located thirty-five (35) feet or more from boundaries above the line of ordinary high water.
- (h) A plot, landscape and building plan showing compliance with these conditions shall be filed with and approved by the Planning Commission; and the construction and maintenance of buildings and other improvements, and the establishment and continuation of uses, shall comply with the approved plot, landscape and building plan, with deviation permitted only on filing and approval of an amended plan.

4.02 USES PERMITTED WHEN AUTHORIZED BY THE ISSUANCE OF A
CONDITIONAL USE PERMIT:

1. Public utility and governmental buildings or structures including art galleries, libraries and museums:
 - (a) Must be located twenty (20) feet or more from any other lot in an "R" zone.
 - (b) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each two hundred (200) square feet of gross floor area.
 - (c) Not more than thirty-five (35) per cent coverage of site area with structures.
 - (d) Public utilities must be shielded from abutting properties and highways by a sight obscuring protective strip of trees or shrubs.

4.03 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet.

4.04 BUILDING SITE AREA REQUIREMENTS:

The lot area shall be not less than eighty-four hundred (8,400) square feet; lot width shall be not less than sixty (60) feet fronting on a public street or highway or at the building line; and lot depth shall be not less than eighty (80) feet. The minimum lot area required for each single family dwelling unit shall be eighty-four hundred (8,400) square feet.

4.05 YARD REQUIREMENTS:

Each lot shall have front, side and rear yards not less than the depth or widths following:

Front yard depth:	Twenty (20) feet or more
Side yard abutting a street:	Ten (10) feet or more
Side yard abutting interior lot line:	Five (5) feet or more
Rear yard depth:	Twenty-five (25) feet or more

One (1) side yard setback requirement shall be increased to twenty (20) feet for any residential structure that does not make provision for a garage or carport.

SECTION 5. R-9.6 RESIDENTIAL SINGLE FAMILY ZONE.

5.01 USES PERMITTED:

1. Any R-8.4 (4.01) zone use is permitted provided that the lot or parcel of land, any portion of which is devoted to such uses, shall comply with the building site area requirements of this zone.
2. One accessory building for the housing of domestic animals and fowl, having a floor area not to exceed thirty-six (36) square feet for each building site and located not less than sixty-five (65) feet from any place of habitation other than the owners and provided further that the roaming area shall be fenced and located not less than thirty-five (35) feet from any adjacent place of human habitation.

5.02 USES PERMITTED WHEN AUTHORIZED BY THE ISSUANCE OF A CONDITIONAL USE PERMIT:

Ord. # 45 Any R-8.4 (4.02) zone conditional use is permitted provided that the lot or parcel of land, any portion of which is devoted to such uses, shall comply with the building site area requirements of this zone.

5.03 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet.

5.04 BUILDING SITE AREA REQUIREMENTS:

The lot area shall be not less than ninety-six hundred (9,600) square feet; lot width shall be not less than seventy-five (75) feet, fronting on a public street or highway or at the building line; and lot depth shall be not less than eighty (80) feet. The minimum lot area required for each single family dwelling unit shall be ninety-six hundred (9,600) square feet.

5.05 YARD REQUIREMENTS:

Each lot shall have front, side and rear yards not less than the depth or widths following:

Front yard depth:	Twenty (20) feet or more
Side yard abutting a street:	Ten (10) feet or more
Side yard abutting an interior lot line:	Five (5) feet or more
Rear yard depth:	Twenty-five (25) feet or more

One (1) side yard setback requirement shall be increased to twenty (20) feet for any residential structure that does not make provision for a garage or carport.

SECTION 6. R-12 RESIDENTIAL SINGLE FAMILY ZONE.

6.01 USES PERMITTED:

Any R-8.4 (4.01) or R-9.6 (5.01) zone use is permitted provided that the lot or parcel of land, any portion of which is devoted to such uses, shall comply with the building site area requirements of this zone.

6.02 USES PERMITTED WHEN AUTHORIZED BY THE ISSUANCE OF A CONDITIONAL USE PERMIT:

Any R-8.4 (4.02) or R-9.6 (5.02) zone conditional use is permitted provided that the lot or parcel of land, any portion of which is devoted to such uses, shall comply with the building site area requirements of this zone.

6.03 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet.

6.04 BUILDING SITE AREA REQUIREMENTS:

The lot area shall be not less than twelve thousand (12,000) square feet; lot width shall be not less than seventy-five (75) feet, fronting on a public street or highway or at the building line; and lot depth shall be not less than eighty (80) feet. The minimum lot area required for each single family dwelling unit shall be twelve thousand (12,000) square feet.

6.05 YARD REQUIREMENTS:

Each lot shall have front, side and rear yards not less than the depth or widths following:

Front yard depth:	Twenty (20) feet or more
Side yard abutting a street:	Ten (10) feet or more
Side yard abutting interior lot line:	Five (5) feet or more
Rear yard depth:	Twenty-five (25) feet or more

One (1) side yard setback requirement shall be increased to twenty (20) feet for any residential structure that does not make provision for a garage or carport.

SECTION 7. R-15 RESIDENTIAL SINGLE FAMILY ZONE:

7.01 USES PERMITTED:

1. Any R-8.4 (4.01), R-9.6 (5.01) or R-12 (6.01) Zone use is permitted provided that the lot or parcel of land, any portion of which is devoted to such uses, shall comply with the building site area requirements of this zone.
2. Guest house (one), with not more than two bedrooms, having no kitchen facilities, used or designed for use primarily for sleeping quarters.

7.02 USES PERMITTED WHEN AUTHORIZED BY THE ISSUANCE OF A CONDITIONAL USE PERMIT:

Any R-8.4 (4.02), R-9.6 (5.02) or R-12 (6.02) zone conditional use is permitted provided that the lot or parcel of land, any portion of which is devoted to such uses, shall comply with the building site area requirements of this zone.

7.03 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet.

7.04 BUILDING SITE AREA REQUIREMENTS:

The lot area shall be not less than fifteen thousand (15,000) square feet; lot width shall be not less than ninety (90) feet, fronting on a public street or highway or at the building line; and lot depth shall be not less than eighty (80) feet. The minimum lot area required for each single family dwelling unit shall be fifteen thousand (15,000) square feet.

7.05 YARD REQUIREMENTS:

Each lot shall have front, side and rear yards not less than the depth or widths following:

Front yard depth:	Twenty (20) feet or more
Side yard abutting a street:	Ten (10) feet or more
Side yard abutting interior lot line:	Five (5) feet or more
Rear yard depth:	Twenty-five (25) feet or more

One (1) side yard setback requirement shall be increased to twenty (20) feet for any residential structure that does not make provision for a garage or carport.

SECTION 8. R-2A RESIDENTIAL TWO FAMILY ZONE.

8.01 USES PERMITTED:

1. Any use permitted in R-8.4 through R-15 Residential Single Family Zone.
2. Two-family dwellings (Duplexes).
3. Swimming pools, tennis courts, athletic or recreational club-houses or other similar uses when incidental to the principal use of the property and used solely by the owner, tenants and their guests.

8.02 USES PERMITTED WHEN AUTHORIZED BY THE ISSUANCE OF A CONDITIONAL USE PERMIT:

Any conditional use permitted in an R-8.4 (4.02) zone.

8.03 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet.

8.04 BUILDING SITE AREA REQUIREMENTS:

The lot area shall be not less than eighty-four hundred (8,400) square feet; lot width shall be not less than sixty (60) feet, fronting on a public street or highway or at the building line; and lot depth shall be not less than eighty (80) feet. The minimum lot area required for each duplex shall be eighty-four hundred (8,400) square feet.

8.05 YARD REQUIREMENTS:

Each lot shall have front, side and rear yards not less than the depth or widths following:

Front yard depth:	Twenty (20) feet or more
Side yard abutting a street:	Ten (10) feet or more
Side yard abutting interior lot line:	Five (5) feet or more
Rear yard depth:	Twenty-five (25) feet or more

One (1) side yard setback requirement shall be increased to twenty (20) feet for any residential structure that does not make provision for a garage or carport.

SECTION 9. R-2 MULTIPLE FAMILY RESIDENTIAL ZONE.

9.01 USES PERMITTED BUT SUBJECT TO THE FOLLOWING CONDITIONS:

1. Any use permitted in R-8.4 through R-15 and R-2A zones.
2. Clubs and fraternal societies whose chief activity is not a service customarily carried on as a business.
 - (a) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each seventy-five (75) square feet of gross floor area.
 - (b) Not more than thirty-five (35) per cent coverage of the site area with structures.
 - (c) One (1) unlighted sign no larger in area than six (6) square feet identifying the premises on which located, and/or the occupant of the premises on which located, and subject to the setback limitations applicable to other structures on the lot.
3. Flats and apartments:
 - (a) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each family unit contained therein.
 - (b) One (1) sign identifying the premises on which located or the occupant of the premises shall be permitted upon issuance of a building permit.
4. Fraternity and sorority houses, boarding houses and the renting of rooms for lodging purposes only.
 - (a) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each three (3) occupants.
 - (b) One (1) unlighted sign no larger in area than two (2) square feet identifying the premises on which located, or the occupant of the premises, and subject to the setback limitations applicable to other structures on the lot.
5. Hotels with stores therein.
 - (a) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each three (3) rooms plus the required parking spaces for the businesses contained therein.
 - (b) Business uses must be conducted and entered entirely from within the building.
 - (c) Not more than thirty-five (35) per cent coverage of the area with structures.
 - (d) One (1) sign identifying the hotel usage of the premises on which located shall be permitted upon the issuance of a building permit.

6. Hospitals, sanitariums, institutions for philanthropic and eleemosynary uses other than correction.
 - (a) Must be located twenty (20) feet or more from any other lot in an "R" zone.
 - (b) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each five (5) regular beds.
 - (c) Not more than thirty-five (35) per cent coverage of the site area with structures.
 - (d) One (1) unlighted sign no larger in area than six (6) square feet identifying the premises on which located, or the occupant of the premises on which located, and subject to the setback limitations applicable to other structures on the lot.

7. Rest Homes.
 - (a) Must meet conditions prescribed by State Law.
 - (b) One (1) unlighted sign no larger in area than two (2) square feet identifying the premises on which located, or the occupant of the premises and subject to the setback limitations applicable to other structures on the same lot.
 - (c) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each five (5) regular beds with a minimum number of four (4) spaces.
 - (d) Not more than thirty-five (35) per cent coverage of the site area with structures.
 - (e) Must meet drainage and health standards of the City and the State of Washington.

8. Day nurseries and pre-school uses.
 - (a) Must be located twenty (20) feet or more from any other lot in an "R" zone.
 - (b) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each classroom with a minimum of two (2) parking spaces.
 - (c) One (1) unlighted sign no larger in area than two (2) square feet identifying the premises on which located or the occupant of the premises and subject to the setback limitations applicable to other structures on the lot.
 - (d) Not more than thirty-five (35) per cent coverage of the site area with structures.
 - (e) Must meet conditions prescribed by State Law.

9. Structures for use of licensed practitioners (physicians, dentists, etc.)
 - (a) Must be located twenty (20) feet or more from any other lot in an "R" zone.
 - (b) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each two-hundred (200) square feet of gross floor area.
 - (c) Not more than thirty-five (35) per cent coverage of the site area with structures.

- (d) Structure to be consistent with the character of the surrounding area.
- (e) Only one (1) sign no larger in area than seventy-two (72) square inches bearing only the name and occupation and located within the setback limitations applicable to other structures on the lot.

10. Community Clubs.

- (a) Must be located thirty-five (35) feet or more from any other lot in an "R" zone.
- (b) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each seventy-five (75) square feet of gross floor area.
- (c) Not more than thirty-five (35) per cent coverage of the site with structures.

11. Public utility and governmental buildings or structures including art galleries, libraries and museums:

- (a) Must be located twenty (20) feet or more from any other lot in an "R" zone.
- (b) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each two hundred (200) square feet of gross floor area.
- (c) Not more than thirty-five (35) per cent coverage of site area with structure.
- (d) Public utilities must be shielded from abutting properties and highways by a sight-obscuring protective strip of trees or shrubs.

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9.02 USES PERMITTED WHEN AUTHORIZED BY THE ISSUANCE OF A CONDITIONAL USE PERMIT:

- 1. Institutions devoted in whole or part to the treatment of persons suffering from mental illness or habitual alcoholism:
 - (a) Establish and maintain security measures to safeguard the general public from possible injury or being molested.
 - (b) Structures must be located one-hundred (100) feet or more from any other lot in an "R" zone.
 - (c) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each five (5) regular beds.
 - (d) Not more than thirty-five (35) per cent coverage of the site with structures.
 - (e) One (1) unlighted sign no larger in area than six (6) square feet identifying the premises on which located, or the occupant of the premises on which located and subject to the setback limitations applicable to other structures on the lot.

(f) Must be in compliance with all pertinent State and City Health Regulations.

2. Motels.

- (a) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each sleeping unit.
- (b) One (1) sign identifying the premises on which located or the occupant of the premises shall be permitted.
- (c) Coffee shops when operated entirely from within the building as an incidental use to the principal use of the property and used solely by the owner, tenants and their guests. No sign advertising such coffee shop will be allowed.
- (d) Has frontage on a primary state highway.

9.03 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet unless otherwise approved by the City Council on recommendation of the Planning Commission.

9.04 BUILDING SITE AREA REQUIREMENTS:

The minimum area of any lot shall be eighty-four hundred (8,400) square feet with minimum width fronting on a public right-of-way or at the building line of sixty (60) feet, and a minimum lot depth of eighty (80) feet; except that apartments, dwelling groups or multiple family dwellings shall have an additional one-thousand (1,000) square feet of site area for each family or housekeeping unit in excess of one (1).

9.05 YARD REQUIREMENTS:

Each lot shall have front, side and rear yards not less than the depth or widths following:

Front yard depth:

Side yard abutting a street:

Side yard abutting interior lot lines:

Rear yard depth:

Twenty (20) feet or more

Ten (10) feet or more

Five (5) feet or more

Twenty-five (25) feet or more

SECTION 10. R-3 MULTIPLE FAMILY RESIDENTIAL ZONE.

10.01 USES PERMITTED BUT SUBJECT TO THE FOLLOWING CONDITIONS:

1. Any use permitted in R-8.4 through R-15, R-2A and R-2 zones.
2. Motels and motor courts.
 - (a) Off-street parking shall be established and maintained at a minimum ratio of one (1) parking space for each sleeping unit.
 - (b) One (1) sign identifying the premises on which located or the occupant of the premises shall be permitted.
 - (c) Coffee shops when operated entirely from within the building as an incidental use to the principal use of the property and used solely by the owner, tenants and their guests. No sign advertising such coffee shop will be allowed.

10.02 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet.

10.03 BUILDING SITE AREA REQUIREMENTS:

The minimum area of any lot shall be eighty-four hundred (8,400) square feet with a minimum width fronting on a public right-of-way or at the building line of sixty (60) feet, and a minimum lot depth of eighty (80) feet; that any use must meet the requirements of the zone in which previously allowed and motels and motor courts shall have an additional one-thousand (1,000) square feet of site area for each family or housekeeping unit in excess of one (1).

10.04 YARD REQUIREMENTS:

Each lot shall have front, side and rear yards not less than the depth or widths following:

Front yard depth:	Twenty (20) feet or more
Side yard abutting a street:	Ten (10) feet or more
Side yard abutting interior lot lines:	Five (5) feet or more
Rear yard depth:	Twenty-five (25) feet or more

Motor courts, when built with all their outside entrances from the front of the building only and opening into a court, may reduce the rear yard depth to not less than ten (10) feet. Motor courts over one (1) story high shall increase their side yard setback to ten (10) feet and their rear yard setback to twenty (20) feet.

3. Other retail establishments, such as furniture, appliance, hardware stores, clothing, shoe repair or service shops shall provide one (1) parking space for each four-hundred (400) square feet of gross floor area of the building with a minimum of two (2) spaces.
4. Real estate offices shall provide one (1) parking space for each one (1) employee, plus one (1) parking space for each two-hundred (200) square feet of gross floor area with a minimum of four (4) spaces.
5. Theaters shall provide one (1) parking space for each four (4) fixed theatre seats and be subject to review by the Planning Commission.
6. Banks, business and professional offices including animal hospitals or clinics shall provide one (1) parking space for each two-hundred (200) square feet of gross floor area of the building.
7. Undertaking establishments including mortuaries, funeral homes and crematoriums shall provide one (1) parking space for each five (5) seats in the chapel or nave.
8. Bowling alleys shall provide five (5) parking spaces for each alley.
9. Stadiums, sports arenas, auditoriums and other places of assembly with fixed seats shall provide one (1) parking space for each four (4) seats.
10. Dance halls, exhibition halls and places of assembly without fixed seats shall provide one (1) parking space for each seventy-five (75) feet of gross floor area of the building.
11. Commercial recreation places such as skating rinks shall provide one (1) parking space for each one-hundred (100) square feet of gross floor area of the building.
12. Wholesale stores, warehouses, storage buildings, motor vehicles or machinery sales shall provide one (1) parking space for each two (2) employees with a minimum of six (6) parking spaces.
13. Manufacturing uses including research and testing laboratories, creameries, soft drink bottling establishments, bakeries, canneries, printing and engraving shops shall provide one (1) parking space for three (3) employees with a minimum of six (6) spaces.

11.06 UNSPECIFIED USES:

In the case of use not specifically mentioned in this section, the requirements for business parking facilities shall be the same as the above mentioned use which in the opinion of the Planning Commission shall be deemed most similar.

11.07 MIXED OCCUPANCIES:

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for cooperative use.

11.08 COOPERATIVE PROVISION:

Nothing of this section shall be construed to prevent cooperative provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied cooperatively shall not be less than the sum of the requirements for the various uses computed separately. None of the above provisions shall prevent the overlapping cooperative use of parking facilities when the times during which such facilities are used are not conflicting.

11.09 BUILDING PERMITS:

Before the granting of a building permit for any new building or structure, or for an enlargement thereof, or change of use in any building hereafter constructed involved in any of the aforementioned uses, the applicant for said building permit shall present evidence in writing that arrangements have been made to provide off-street parking to be zoned B-P (Business Parking) in accordance with the above provisions, or that the required amount of parking facilities classified as a business parking area on the county zoning maps has been provided by a satisfactory written contract, or present evidence of participation in an association which is providing adequate public off-street parking so classified.

11.10 PARKING AREA REQUIREMENTS:

All off-street parking areas zoned B-P (Business Parking), or public off-street parking areas required under sub-section 11.09, Building Permits, shall be graded, surfaced and maintained to the minimum standards contained in the City's standard plans and specifications for private work on county right-of-way. The party seeking a B-P (Business Parking) zoning shall, submit a plan of said proposed parking area as to type of surfacing and whether or not the area will be fenced or screened with shrubbery and/or lighted. The Planning Commission after consultation with the City Engineer's Office will then refer the parking area plan with its recommendations to the City Council for final action.

3. In a planned business zone there shall be no signs of any kind within required yards, except that signs identifying the planned business zone as such, not higher than six (6) feet, may be located in the required yards alongside each driveway.
4. Directional and entrance signs shall not be directly lighted. No signs shall be lighted by intermittent or flashing light. No signs lighting shall be located so as to cause a hazard to traffic.

SECTION 12. B-N NEIGHBORHOOD BUSINESS ZONE.

12.01 USES PERMITTED:

1. Any use permitted in R-8.4 and R-2 residence zones provided said uses comply with area, frontage and setback regulations for the zone in which such use is permitted.
2. Barber shops and beauty shops.
3. Business or professional studios and offices.
4. Hand laundries, clothes cleaning agencies and pressing shops.
5. Light repair, battery service and tire shops, service stations and self-contained public garages. Open spaces in this zone may not be used for storage display or sale of used vehicles or equipment.
6. Locksmiths, shoe repairing, tailoring and other light repair shops.
7. Printing establishments and newspaper printing.
8. Real estate sales office.
9. Restaurants, cafeterias, catering.
10. Retail stores and personal service shops.
11. Banks and theatres.
12. Recreational Area Commercial.
13. Advertising signs as approved by the Planning Commission.

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12.02 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet without approval of the City Council upon recommendation of the Planning Commission.

12.03 BUILDING SITE AREA REQUIREMENTS:

No requirements for non-residential buildings. Residential structures shall comply with the site requirements for that use.

12.04 YARD REQUIREMENTS:

Non-residential structures shall have a minimum setback from any public right-of-way of ten (10) feet, except as provided in Section 16, Sub-Section 16.04, Item 3.

Residential structures shall meet the yard requirements for that use except that where located on the second story or more of a business use structure the minimum setback requirement shall be the same as for non-residential structures.

12.05 PARKING REQUIREMENTS:

Off-street parking shall be provided and maintained as prescribed in Section 11, B-P Business Parking Zone.

SECTION 13. B-1 PRIMARY BUSINESS ZONE.

13.01 USES PERMITTED:

1. Any use permitted in R-8.4 through R-15, R-2, R-3 and B-N zones, provided said use comply with area, frontage and setback regulations for the zone in which such use is permitted.
2. Advertising signs and canopies approved by the Planning Commission.
3. Animal hospitals and clinics when structurally enclosed.
4. Banks.
5. Barber shops, beauty shops and personal service shops.
6. Beer parlors, bars, taverns, cabarets or any other similar place where alcoholic beverages of any kind are dispensed or sold.
7. Business or professional offices or studios.
8. Custom cabinet work using total power not in excess of two (2) horsepower with not more than three (3) persons engaged at any one time in the fabricating, repairing or processing of materials.
9. Decorating shops.
10. Electric shops.
11. Employment agencies.
12. Hand laundries, clothes cleaning and pressing.
13. Locksmith, shoe and other repair shops.
14. Lumber, coal, fuel yards and feed stores provided that when unhoused they shall be surrounded by an eight (8) foot solid wall or sight obscuring fence herein known as a structure.
15. Printing establishment and newspaper printing.
16. Public garages and repair shops.
17. Real estate sales office.
18. Restaurants, cafeterias, catering.
19. Retail stores and wholesale markets.
20. Retail trade shops or shops for custom work or the making of articles not manufactured by chemical processes, using total power not in excess of two (2) horsepower with not more than three (3) persons engaged at any one time in the fabricating, repairing or processing of materials.
21. Sales rooms or store rooms for motor vehicles and other articles of merchandise.
22. Service stations, except as provided in Sub-Section 13.04, Yard Requirements.
23. Tailors.
24. Telephone exchanges or telegraph offices.

25. Theaters, dance halls, bowling alleys and similar indoor uses subject to conditions of any applicable City license requirements and provided further that no moving picture theater, or any structure for the exhibition of moving pictures shall be permitted within three hundred seventy (370) feet of the property line of any public school grounds nor shall any dance hall, bowling alley, skating rink, or other commercial amusement places be permitted within five hundred (500) feet of the property line of any such park, school or playground. Said distance shall in all cases be measured along street margins and the same produced across street intersections by the shortest route.
26. Undertaking establishments including mortuaries, funeral homes and crematoriums.
27. Accessory uses and uses incidental to uses allowed in this zone.

13.02 BUILDING HEIGHT LIMIT:

Except as provided in Section 16, General Provisions, no building shall be erected to a height in excess of thirty-five (35) feet without approval of the City Council upon recommendation of the Planning Commission.

13.03 BUILDING SITE AREA REQUIREMENTS:

No requirements for non-residential buildings. Residential buildings shall comply with the site area requirements for that use.

13.04 YARD REQUIREMENTS:

1. Non-residential buildings shall have a minimum setback from any public right-of-way of ten (10) feet, except service station pump islands which shall have a setback from the street line of at least fifteen (15) feet to provide for safe access to or from such street, and that the placement of the tanks in the setback be by revokable permit and that approved ingress and egress be required and except as provided in Section 27, Sub-Section 16.04, Item 3.
2. Residential buildings shall meet the yard requirements for that use except that where located on the second story or more of a business use building, the minimum setback requirements shall be the same as for non-residential structures.

13.05 PARKING REQUIREMENTS:

Off-street parking shall be provided and maintained as prescribed in Section 11, B-P Business Parking Zone.

SECTION 14. C-O COMMERCIAL OFFICES ZONE (Dispersal Type).

14.01 USES PERMITTED:

1. Any professional, legal, medical, governmental, engineering, administrative or commercial office use and may also include clinics, hospitals, research facilities, mortuaries, churches, lodges and similar semi-public uses.
2. Auxiliary uses directly related to the principal use, such as residences of watchmen or employees in training, special employee dormitories, employee cafeterias, auditoriums, service station in connection with authorized motor-pool facilities and similar uses.

14.02 REQUIREMENTS:

1. Uses shall be limited to those which are not objectionable beyond the boundaries of the zone by reason of offensive odors, dust, smoke, or gas.
2. The State Pollution Commission shall approve the method of waste disposal materials.
3. No use shall be permitted if it results in industrial noise above five (5) sones as measured at the outer boundary of this zone.
4. Necessary public rights-of-way shall be dedicated to the public either as a portion of a plat or upon acceptance of street dedication by the City Council and each building site shall front on or have access to such public rights-of-way.
5. To protect the contiguous uses, a protective strip of land bordering the external boundaries and along any frontage on public rights-of-way and devoted exclusively to the planting, cultivation, growing and maintenance of sight-obscuring trees, shrubs and plant life shall be established and maintained. The maintenance guarantees of such protective strips and the planned landscaping of the site may be bonded to the City in a reasonable amount if required by the City Council. In lieu of such protective strip, under appropriate circumstances, there may be substituted a use classification of the outer margin of this zone consistent with the use classification of the surrounding area.

6. Not more than thirty-five (35) per cent of any site area shall be occupied by structures, including outdoor storage area.
7. Outdoor storage facilities, including storage areas for official vehicles, shall be obscured by an approved architectural screen specified on the plot plan and approved by the Planning Commission.
8. A plot and building plan showing compliance with the provisions herein stated shall be filed with the Planning Commission and the building permit application shall comply with this approved plot plan.

14.03 BUILDING HEIGHT LIMIT:

1. Structures, excluding stacks, shall not exceed thirty-five (35) feet in height and/or three (3) stories except that when the site exceeds five (5) acres the height may be raised one (1) additional story for each additional two and one-half (2-1/2) acres within the site area boundaries when specifically approved by the City Council upon recommendation of the Planning Commission in accordance with the following standards:
 - (a) Approval by the Civil Aeronautical Administration.
 - (b) Adequate provision for ultimate off-street parking needs.
2. Outdoor storage facilities shall not exceed twenty (20) feet in height.

14.04 BUILDING SITE AREA REQUIREMENTS:

No requirement except conformance to plot and building plan on file with the Planning Commission.

14.05 YARD REQUIREMENTS:

1. The minimum setback from all rights-of-way shall be seventy-five (75) feet with a minimum side and rear yard setback of fifty (50) feet, the same to be clearly set out in the plot and building plan and upon the building permit application when filed.
2. Parking for employees may be provided in the side and rear yard setbacks as specified in Section 11, Business Parking, with customer parking permitted in the front yard area but in no case shall the customer parking dominate the front yard landscaping.

14.06 PROHIBITED USES:

1. Lighted signs or commercial advertising signs are prohibited but such prohibition shall not extend to reasonable signs relating to the use of the site stating the name and type of business of the occupant. The sign must be designed as a part of the architecture of the building.
2. Any residential use is prohibited in this zone.

- (d) On interior lots a fence not exceeding seventy-two (72) inches in height may be located anywhere on the lot to the rear of the rear line of the required front yard.
- (e) On corner lots a fence not exceeding seventy-two (72) inches in height may be located anywhere on the lot to the rear of the rear line of the required front yard except that a fence shall not exceed forty-two (42) inches in height when located within the required side yard which abuts and runs parallel to a public street or within that portion of the required rear yard which abuts the front yard of an interior lot.
- (f) Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots or parcels, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed.
- (g) Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence provided that in any event a protective fence not more than forty-two (42) inches in height may be erected at the top of the retaining wall, and any portion of such fence more than seventy-two (72) inches above the foot of the wall be an openwork fence. An openwork fence is a fence in which the component solid portions are evenly distributed and constitute no more than fifty (50) per cent of the total surface area of the face of the fence.
- (h) The height of a fence other than a masonry wall shall be measured vertically from the top board, rail or wire to the ground directly below the fence, or to the top of the retaining wall, when the fence is mounted on a retaining wall. The height of a masonry wall used as a fence shall be measured vertically from the top surface of the wall to the lowest natural grade on either side of the wall.
- (i) Electric fences and barbed wire fences are not allowed.
- (j) No fence shall be located in any public right-of-way.
- (k) These provisions do not apply to fences required by state law to enclose public utilities, or to chain link fences enclosing school grounds or public playgrounds.

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5. Signs:

- (a) Directional or other official signs or notices that are required by law.
- (b) Flags, pennants, or insignia of any nations, state, city or other political subdivision.
- (c) Signs identifying a single family dwelling unit.
- (d) Private directional signs.
- (e) Unlighted signs no larger in area than six (6) square feet advertising the sale or lease of the property upon which they are located.
- (f) Signs advertising the sale or lease of property within the subdivision within which the signs are located, when authorized by the issuance of a sign permit as hereinafter provided.
- (g) Signs advertising a political, educational, charitable, philanthropic, civil, professional, religious or like campaign, drive, movement or like event, when authorized by the issuance of a sign permit as hereinafter provided.
- (h) Sign permits shall be issued by or under the direction of the City Manager with notice of such action to the Planning Commission. Renewal permits may be issued without charge. Each permit shall specifically describe the sign or signs permitted, require that the sign or signs be maintained in a safe and sightly condition during the life of the permit, and require that the sign or signs be removed at the expense of the applicant at the expiration of the permit or if the signs become unsafe or unsightly. The life of the permit shall be three months with right of renewal for signs, authorized by clause (g), one year with right of renewal for signs authorized by clause (f), an indefinite term for other signs.

16.02 BUILDING HEIGHT LIMIT REQUIREMENTS:

1. Towers, gables, spires, scenery lofts, cupolas, water tanks, silos, artificial windbreaks, barns, windmills and similar structures and necessary mechanical appurtenances may be built and used and natural growth may be allowed to grow to a greater height than the limit established for the zone in which structures are located; provided, however, that no structure in excess of the allowable building height shall be used for sleeping or eating quarters or for any commercial purpose other than such use as may be incidental to the permitted uses of the main building.

SECTION 18. VARIANCES.

18.01 AUTHORITY TO GRANT VARIANCE:

The City Council, on the recommendation of the Planning Commission, shall have the authority to grant a variance from the provisions of this Ordinance when the conditions set forth in sub-section 18.02 herein have been found to exist.

18.02 REQUIRED SHOWING FOR VARIANCE.

Before any variance may be granted, it shall be shown:

- (a) That there are special circumstances applicable to the particular lot or tract, such as shape, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone;
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by or available to other property in the same vicinity and zone but which because of special circumstances is denied to the particular lot or tract;
- (c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity of the particular lot or tract;
- (d) That the granting of such variance will not adversely affect the comprehensive plan.

SECTION 19. CONDITIONAL USE PERMITS.

19.01 AUTHORITY TO GRANT CONDITIONAL USE PERMIT:

The City Council, on the recommendation of the Planning Commission, shall have the authority to grant a conditional use permit for any use for which this Ordinance requires such permit.

19.02 REQUIRED SHOWING FOR CONDITIONAL USE PERMIT:

Before any conditional use permit may be granted, it shall be shown:

- (a) That such permit is authorized by the restrictions applicable to the zone in which the lot or tract is located for which the permit is sought; and
- (b) That conditions shall be attached to such permit which will assure that such particular use on such particular site will be compatible with other existing and potential uses within the same general area, and shall not constitute a nuisance in fact, recognizing and compensating for variations and degrees of noise, smoke, dust, fumes, vibration, odors, hazard, or public need, together with available technological processes and equipment for control of such factors; and
- (c) That such permit shall be subject to revocation or amendment by the City Council, on recommendation of the Planning Commission.

SECTION 22. ENFORCEMENT.

22.01 Violation of any of the provisions of this Ordinance shall be a misdemeanor and any person found guilty thereof shall be punished by a fine of not to exceed \$100.00 or by imprisonment for not to exceed 30 days, or both. It shall be a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted.

22.02 Any building or structure hereafter set up, erected, built, moved or maintained or any use of property contrary to the provisions of this Ordinance shall be a public nuisance; and the City shall immediately commence action to abate such nuisance, in the superior court or in some other court of competent jurisdiction. If the City shall fail or refuse to bring such action, on demand, then such action may be brought by any person who owns or resides on property within 300 feet of the structure or use complained of, or who owns or resides on property the use and enjoyment of which in its existing state is impaired by the structure or use complained of, or who owns or resides on property the value of which for any purpose is impaired by the structure or use complained of.

SECTION 23. INTERPRETATION, PURPOSE AND CONFLICT.

In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public safety, health, morals and general welfare. It is not intended by the Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings or requires larger space than is imposed or required by other resolutions, rules or regulations or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

It is to be noted, however, that where private restrictions are greater than those imposed by this Ordinance, they are not superseded by the provisions of this Ordinance.

SECTION 24. VALIDITY.

If any section, paragraph, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that they would have passed this Ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases be unconstitutional or invalid.

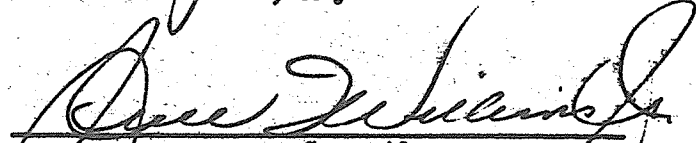
SECTION 25. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage, signing and publication.

PASSED by the City Council on the 26th day of September 1960, and signed in authentication of its passage this 26th day of September 1960.



Harold J. Oliver, Mayor

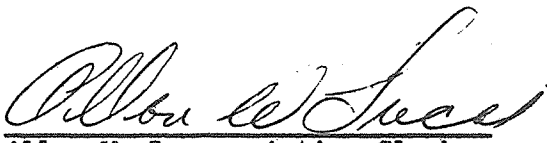


Councilman



Councilman

SEAL

Attest: 

Allan W. Lucas, Acting Clerk

Date of publication: September 28th, 1960.

ORDINANCE NO. 15

