

AGENDA
PLANNING COMMISSION
November 5, 2020
6:30 PM
VIRTUAL PUBLIC HEARING



In an effort to curtail the spread of the COVID-19 virus, the Planning Commission meeting will take place online, and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online via the Algona, WA Police Department Facebook page: <https://www.facebook.com/AlgonaPD/>.

The Planning Commission is providing opportunities for public comment by submitting written comment to Jimmy Griess, Public Works Director, at jimmyg@algonawa.gov or at 200 Washington Blvd., Algona, WA 98001 until 4:00 p.m. on November 5, 2020 prior to the meeting. Or there is the option to write in comments during the meeting via the Facebook stream's comment thread.

I. CALL TO ORDER

II. ROLL CALL

- A. Erik Madsen, Rupinderpal Singh, Wayne Lindy, Gordon Cook, Steven Bramson

III. APPROVAL OF THE AGENDA

- A. November 5, 2020

IV. APPROVAL OF MINUTES

- A. October 1, 2020

V. PUBLIC HEARING ITEMS

- A. Proposed Amendments to Title 19 – Land Divisions and Title 22 – Zoning
- B. Proposed Amendments to Title 10 – Vehicles and Traffic and Chapter 22.40 – Off-Street Parking and Loading
- C. Proposed Amendments to add Chapter 19.22 – Binding Site Plans and Unit Lot Subdivisions

PUBLIC TESTIMONY

VI. OLD BUSINESS

- A. N/A

VII. NEW BUSINESS

A. N/A

VIII. OTHER

A. None

IX. ADJOURNMENT

The City of Algona Planning Commission is appointed by and is advisory to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. The Planning Commission also reviews and makes recommendations on certain permit applications such as preliminary plats. Planning commissioners are selected to represent all areas of the City and as many 'walks of life' as possible.

The actions tonight are not final decisions; they are in the form of recommendations to the City Council who must ultimately make the final decision.



STAFF REPORT & RECOMMENDATION

to the Planning Commission

To: City of Algona Planning Commission

From: Blueline
Chase Killebrew, Planner & Lee Ann Ryan, Planner

Date: November 5, 2020

Project: Proposed Amendments to AMC Title 10 – Vehicles and Traffic, Title 19 – Land Divisions, and Title 22 – Zoning – Public Hearing

A. INTRODUCTION

The proposed changes to Algona Municipal Code (AMC) Title 10 – Vehicles and Traffic, Title 19 – Land Divisions, and Title 22 – Zoning is a City-initiated project. Title 10 will be updated to clarify City regulations regarding parking of vehicles. Title 19 will be updated to create a city review process for Binding Site Plans and Unit Lot Subdivisions. Also, Title 19 along with Title 22 will be updated to reflect changes funded by a Growth Management grant from the Washington State Department of Commerce through Engrossed Second Substitute House Bill 1923 to increase residential building capacity and regulatory streamlining. The project will also introduce code changes for better consistency and clarity throughout the City's Zoning Code (Title 22).

B. GENERAL INFORMATION

Project Description:

The proposed code amendments affect the following Chapters of Title 10 AMC:

1. Chapter 10.28 – Parking
2. Chapter 10.29 – Parking on City Right-of-Way
3. Chapter 10.52 – Blocking Designated Bicycle Routes
4. Chapter 10.56 – Fire Lanes

The proposed code amendments affect the following Chapters of Title 19 AMC:

1. Chapter 19.04 – General
2. Chapter 19.16 – Short Subdivision
3. Chapter 19.20 – Subdivision

The amendments also affect the following Chapters of Title 22 AMC:



1. Chapter 22.08 – Definitions
2. Chapter 22.20 – R-L Low Density Residential District
3. Chapter 22.24 – R-M Median Density Residential District
4. Chapter 22.28 – C-1 Mixed Use commercial District
5. Chapter 22.29 – C-2 General Commercial District
6. Chapter 22.30 – C-3 Heavy Commercial District
7. Chapter 22.32 – M-1 Light Industrial District
8. Chapter 22.33 – Land Use Table
9. Chapter 22.34 – Manufactured Homes
10. Chapter 22.40 – Off-street Parking and Loading
11. Chapter 22.42 – Recreational Vehicles
12. Chapter 22.45 – Home Occupation Permits
13. Chapter 22.48 – Development Guidelines
14. Chapter 22.60 – Landscaping

Requested Action from Planning Commission:

Conduct a public hearing to receive comments on the draft amendments to the Zoning Code and Municipal Code. Following the public hearing, staff recommends that the Planning Commission (PC) deliberate at its next meeting on December 3rd. At that time, the PC should consider the comments and make a recommendation to City Council. The City Council is anticipated to consider and take action on the recommendation of the PC in early 2021.

Exhibit:

The following exhibit is included with this report:

1. Proposed amendments to Title 10, Title 19, and Title 22

C. BACKGROUND

E2SHB 1923 Updates

Passed in the 2019 state legislative session, E2SHB 1923 allowed cities to apply for funding to increase their residential building capacity or regulatory streamlining through the implementation of at least two eligible actions from a list of twelve or through adoption of a housing action plan. The City was successful in its application by committing to implement three of the eligible actions which are as follows:

- *Authorize at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences.*
- *Authorize a duplex on each corner lot within all zoning districts that permit single-family residences.*
- *Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW.*

These actions can be implemented through Municipal Code amendments as shown in the attached exhibit. The conditions of the grant mandate that funded actions be adopted by April 1, 2021. However, the Commerce-Algona contract outlines a more expedited schedule. The two deliverables to Commerce and their due dates are:



1. Deliverable 1 was the original version of this staff report and attached draft ordinance. It was delivered to Commerce on June 22, 2020.
2. Deliverable 2 is the adopted ordinance. Its original due date to Commerce was November 9, 2020. However, Commerce has been informed that the City will not meet this deadline. Due to COVID-19, Commerce is offering flexibility on deliverable due dates for all jurisdictions with E2SHB 1923 contracts. Deliverables must be submitted no later than April 1, 2021.

Communities across the state and the rest of the U.S. are experimenting with ways to increase housing affordability that reflects the differing needs and income levels of residents. Across the Puget Sound region, housing affordability challenges are intensified by the shortage and cost of buildable land. Traditional upzoning involves low-density residential areas being rezoned to allow for higher density, multifamily development. However, some communities are opting for an infill approach that is more neighborhood-compatible by encouraging small scale residential uses that appear and function similarly to single-family residential development.

The term “missing middle housing” (MMH) refers to a range of residential buildings with multiple units that are compatible in scale and form with detached single-family homes. These residential uses fill the gap between detached single-family homes and larger multifamily apartment buildings. Some common examples of MMH are duplexes, triplexes, townhomes, and courtyard apartments. Typically, due to their smaller size and need for less land, MMH units are more affordable than traditional single-family homes. They are also meant to contribute to a more walkable neighborhood located near local-serving commercial uses.

Encouraging these uses was a primary driver of the adoption of E2SHB 1923. While MMH units were already allowed in Algona, the proposed E2SHB 1923 amendments expand those allowances. We believe the demand for these units in our region supports these changes. Along with the amendments to the permitted use table, we would like to work with the Planning Commission and the City Council to enhance the development standards and design guidelines for these units to ensure their development is compatible with Algona’s existing uses.

General Zoning Code Updates

Beyond the E2SHB 1923 actions, the Zoning Code warrants updating. The current code has inconsistencies across chapters and a lack of definitions, both of which can make it difficult to execute fairly. The goal of the attached ordinance is to correct errors and eliminate text ambiguities for better consistency and more clarity within the City’s Zoning Code. We believe this enhancement to user-friendliness can lead to more efficient code enforcement and increased economic development.

Parking Regulations Updates

At the request of the Mayor and the Police Chief, updates to Algona’s parking regulations are proposed. This involves changes to Title 10, which generally regulates the movement and storing of vehicles within the City’s right-of-way. It also contains enforcement provisions. The general aim of the updates is more clarity regarding permitted and prohibited parking practices. This will allow for more efficient and fair enforcement.

A related issue is the City’s regulation of off-street parking. These provisions are found in Chapter 22.40 of the City’s Zoning Title. The off-street parking regulations provide the minimum off-street parking

requirements regarding the number of spaces that must be provided and where they must be located. It also governs parking lot design. These regulations are mostly applicable to new development and redevelopment, as compliance must be shown during the building permit review process. Similar to the other updates, the current code lacks clarity. The proposed updates should allow the City to ensure sufficient off-street parking will be required within future development proposals, which should alleviate some of the current on-street parking issues.

Subdivision Code Updates

Recently, the City realized the code has no procedure for the division of attached units for separate ownership, particularly in the case of townhouses, which have been an allowed use in Algona for years. The current subdivision code, Title 19, only allows for the division of land into separate lots if each lot meet the minimum area and setback standards of the underlying zone, which would preclude townhouses. The proposed amendments create a new chapter within the subdivision code that allows the unit-lot subdivision process to address this oversight. Through a unit-lot subdivision, only the parent parcel has to meet the site development standards of the underlying zone found in the Zoning Title.

In addition to the unit lot subdivision process, a binding site plan process is proposed. Under the Revised Code of Washington, binding site plans may be used for the division of land for industrial or commercial use, condominiums, and the lease of manufactured homes only if the local government adopts procedures for their review and approval. The binding site plan review process is very typical among other jurisdictions.

These updates are timely as the proposed E2SHB 1923 amendments expand the allowances of residential uses that would be allowed separation under these procedural additions. However, they should serve useful to other use types, including existing developments.

Planning Commission September & October Study Sessions

The two most recent planning commission meetings on September 10, 2020 and October 1, 2020 focused on a review of the proposed E2SHB 1923 and general zoning code amendments. The Planning Commission is generally in favor of all proposed amendments, with only a few minor requests for revisions.

In the October 1, 2020 meeting, the New Business of the parking regulation and subdivision code updates was introduced as something they would be asked to review at the November 5, 2020 meeting. Within Section E – Proposed Amendments of this staff report, all items which have been newly added/changed since the October 1, 2020 meeting have been highlighted in blue for ease of recognition.

D. POLICY SUPPORT

The Algona Comprehensive Plan is a planning and visioning document that ensures growth and development in the urban area is consistent with the goals of the Washington State Growth Management Act (RCW 36.70A). The plan was updated in 2015 to reflect the growth of the community, the development patterns, and the changing environment. The plan includes numerous goals and policies that support the effort to review and update the development regulations. Taken directly from the plan, the following goals and policies support the zoning code revisions:

Applicable Policies from the Land Use Element

- LU-1.2: *Implement ordinances to achieve compatible and attractive new residential, commercial and industrial uses.*
- LU-1.4: *Review and amend zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts may occur.*
- LU-2.1: *Review development regulations to remove unnecessary requirements and to balance development goals for housing and economic development, with public opinion, public participation and environmental protection.*
- LU-3.1: *Provide for innovative design options that support residential neighborhoods and provide for more efficient use of single-family residential lands.*
- LU-4.1: *Identify a diversity of zoning designations within this plan that permit a full range of residential dwelling types within Algona, with minimum densities of four dwellings per acre.*
- LU-5.2: *Encourage a variety of affordable housing types in addition to single-family homes.*
- LU-5.3: *Encourage and support efforts to increase home ownership.*
- LU-6.3: *Consider refinements to commercial off-site parking requirements to allow joint use, common access or other innovative design for commercial uses.*

Applicable Policies from the Housing Element

- HU-1.1: *Encourage the use of affordable housing techniques and incentives to assure housing opportunities for people of all incomes, ages, and assistance needs. This could include siting of manufactured housing.*
- HU-2.1: *Encourage the development of a wide range of housing types to meet the needs of all citizens of Algona.*
- HU-2.2: *Balance the housing needs of the entire community when determining development regulations.*
- HU-2.4: *Encourage the development of townhomes or other housing types in appropriate zones to promote affordable housing.*
- HU-2.5: *Allow manufactured housing in all residential zones, subject to City development regulations.*
- HU-2.6: *Support opportunities to accommodate home buyers and renters with varying income levels.*
- HU-2.7: *Maintain a balance of percentages of housing availability for low, moderate and high income residents.*
- HU-3.1: *Continue to allow home occupations.*
- HU-3.2: *Promote flexibility and creativity in the layout and design of new residential development.*
- HU-3.3: *Design guidelines should be developed and added to the Algona Municipal Code to implement this strategy.*



E. PROPOSED AMENDMENTS

The City’s goals in amending AMC Title 10, Title 19, and Title 22 are summarized below:

1. Through funding receiving from Commerce from the passing of E2SHB 1923, adopt regulations that:
 - a. Increase Algona’s residential building capacity by allowing more “missing middle” residential uses throughout the City.
 - b. Reduce a regulatory barrier for development by increasing the short subdivision threshold to the maximum number of lots allowed in the RCW.
2. Adopt amendments that make the code clearer and more concise through the addition of components such as tables and diagrams. Also, adopt amendments that remove ambiguities and inconsistencies, so the code can be administered by the City in a more consistent and predictable manner. The amendments can also make the code more responsive to the needs of the development community, the market, and the public.

The draft amendments include revisions and additions to the various sections of the code including:

- Chapter 10.28 – Parking:
 - Repealed and replaced with the addition of Chapter 10.30
 - *Note: Most of the sections in Chapter 10.28 have been carried over to Chapter 10.30. The new Chapter 10.30 presents a new format, and it makes more sense to consolidate most of Chapter 10.28, which was formerly the main chapter for that regulated parking in the right-of-way, here. Chapter 10.30 is further described below.*
- Chapter 10.29 – Parking on City Right of Way:
 - Repealed and replaced with the addition of Chapter 10.30
 - *Note: Chapter 10.29 has been consolidated into the new Chapter 10.30, since it pertains to all parking regulations with the city right-of-way. Chapter 10.30 is further described below.*
- Chapter 10.30 – Stopping, Standing and Parking:
 - Added Chapter 10.30 as new
 - *Note: Chapter 10.30 will now regulates all parking within the city right-of-way. It has been expanded to add clarity to more situations where parking regulations may be enforced.*
- Chapter 10.52 – Blocking Designated Bicycle Routes:
 - Repealed since now covered under Chapter 10.30
 - *Note: It makes more sense to consolidate into Chapter 10.30.*
- Chapter 10.56 – Fire Lanes:
 - Replaced reference to Auburn fire chief in Enforcement Section with Valley Regional Fire Authority fire marshal
 - *Note: This is a minor part of the overall clean-up of Title 10.*
- Chapter 19.04 – General:
 - Amended “Short subdivision” definition to read “nine or fewer lots” instead of “four”

- Amended “Subdivision” definition to read “ten or more lots” instead of “five”
 - *Note: This has been done to fulfill the E2SHB 1923 eligible action: “Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW.” This action meets the intent of the bill to increase regulatory streamlining.*
- Amended Scope Section to remove exemptions relating to binding site plans
 - *Note: With the addition of new Chapter 19.22, the title applies to binding site plans, so this is to be consistent.*
- Added “binding site plan” to the list in the City engineer – Permanent control monuments Section
 - *Note: This is added to be consistent with the new binding site plan process set in Chapter 19.22.*
- Chapter 19.16 – Short Subdivision:
 - Amended Application of short plat code and Purpose Sections to read nine lots instead of four
 - *Note: This has been done to fulfill the E2SHB 1923 eligible action: “Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW.” This action meets the intent of the bill to increase regulatory streamlining.*
- Chapter 19.20 – Subdivision:
 - Amended Application of Algona subdivision code, Purpose, and Subdivision divided into five or more lots Sections to read ten lots instead of five
 - *Note: This has been done to fulfill the E2SHB 1923 eligible action: “Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW.” This action meets the intent of the bill to increase regulatory streamlining.*
- Chapter 19.22 – Binding Site Plans and Unit Lot Subdivisions:
 - Added Chapter 19.22 as new
 - *Note: This creates a city review process for binding site plans and unit lot subdivisions.*
 - *Binding site plans can be used for:*
 - *(a) Any division of land for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed upon the land.*
 - *(b) A division of land occurring in the commercial, including the mixed-use commercial zoning district, or industrial zoning districts.*
 - *(c) A division made pursuant to Chapter 64.32 RCW (Horizontal Regimes Act) or Chapter 64.34 RCW (Condominium Act)”*
 - *Adopting a binding site plan review process allows for the property division for these uses and ensures infrastructure, certification, and other requirements typical of residential subdivisions will still be met.*

- *Unit lot subdivisions can be used for the subdivision of land for the duplexes, townhouses, and courtyard apartments housing development. Both duplexes and townhouses were allowed uses in Algona, but there wasn't a process to segregate them for separate ownership. With the HB 1923 amendments that expand the allowances of these uses, this is an ideal time to establish a city review process that makes this possible.*

- Chapter 22.08 – Definitions:
 - Added the following definitions:
 - “Accessory building or structure”
 - “Adult cabaret”
 - “Affordable housing”
 - “Auction house”
 - “Cafeteria or limited service restaurant”
 - “Carport”
 - “Community park”
 - “Courtyard apartment”
 - “Duplex”
 - “Essential public facilities”
 - “Frontage”
 - “Gambling premises”
 - “General service establishment”
 - “Heavy commercial planned unit development”
 - “Heavy retail”
 - “Home-based day care”
 - “Lot coverage”
 - “Low-income household”
 - “Low-income household, extremely”
 - “Low-income household, very”
 - “Marijuana processor”
 - “Marijuana producer”
 - “Marijuana retailer”
 - “Neighborhood park”
 - “Office, business or professional”
 - “Permanent supportive housing”
 - “Public agency or utility yard”
 - “Public facilities”
 - “Public safety facilities”
 - “Public service facilities”
 - “Recreation – indoor commercial”
 - “Recreation – outdoor commercial”
 - “Regional park”
 - “Religious institution”
 - “Secure community transition facility”
 - “Self-serve storage facility”
 - “Setback”

- “Social service facility”
 - “Solid waste transfer station”
 - “Specified anatomical areas”
 - “Specified sexual activities”
 - “Townhouse”
 - “Transportation facility”
 - “Utility facility”
 - “Yard”
- Removed the following definitions:
 - “Accessory building or use”
 - “Active space”
 - “Antiques and antique shop”
 - “Breezeway”
 - “Church”
 - “Convenience store”
 - “Dwelling, two-family”
 - “Garage, public automotive repair”
 - “Grocery store”
 - “Motel”
 - “Multiple building complex”
 - “Multiple tenant building”
 - “Nursery school”
 - “Public utility facility”
 - “Retail services”
 - “School”
 - “School, vocational”
 - “Service station, automobile”
 - “Supermarket”
 - “Veterinary clinic”
- Amended the following definitions:
 - “Accessory dwelling unit”
 - “Bed and breakfast facilities”
 - “Day care center, nursery school, preschool”
 - “Density”
 - “Dwelling, multiple-family”
 - “Live/work unit”
 - “Lot lines”
 - “Lot types”
 - “Personal service”
 - “Story”
 - “Vehicle repair, major”
 - “Vehicle repair, minor”
 - “Yard, front”
 - “Yard, rear”
 - “Yard, side”
- Added a diagram after the side yard definition.



- *Note: This diagram is an illustration of the “yard, front”, “yard, rear”, “yard, side”, “through lot”, and “corner lot” definitions. This adds clarity.*
- **Notes:**
 - *There were a few questions used to guide our proposed amendments to the Definitions chapter:*
 - *Is there a current use in the Land Use Table that is undefined?*
 - *Is there a proposed addition to the Land Use Table that needs to be defined?*
 - *Is this term used elsewhere in the code?*
 - *Is there a term used elsewhere in the code that should be defined?*
 - *Is this definition redundant?*
 - *Is this definition unclear or confusing?*
 - *Many of the added definitions have been taken from other municipal codes. A major source is the Ellensburg City Code, which won a Governor’s Smart Communities Award in 2014. Other sources include the codes of King County and the Cities of Duvall, Kirkland, Redmond, Seattle, Olympia, Carnation, East Wenatchee, Tacoma, Kenmore, and Everett.*
- **Chapter 22.20 – R-L Low Density Residential District:**
 - Consolidated all the development standards (lot area, lot dimensions, lot coverage, yards, and building height) into a Development Standards table and removed the corresponding Sections
 - *Note: The development standards can be presented more clearly and efficiently in a table, so this is one way the code has been made more user-friendly.*
 - **Removed the dwelling unit floor area standard for duplexes**
 - *Note: Setting a minimum floor area for residential units is uncommon. Typically, this is only done for accessory dwelling units (the AMC has a minimum floor area for ADUs of 300 square feet).*
 - **Added a minimum lot area requirement for duplexes of 10,890 square feet**
 - *Note: This would be the minimum lot area necessary so that a duplex development doesn’t exceed the maximum density standard.*
 - Removed all listed permitted, conditional, and prohibited uses and replaced them with a reference to Chapter 22.33, Land Use Table
 - *Note: One of the major issues preventing proper enforcement of the current code is the inconsistencies between uses listed in the District Chapters and the uses listed in the Land Use Table. Dedicating the Land Use Table as the single source for determining which uses are allowed in which zone removes these inconsistencies.*
 - Removed Temporary buildings for use during construction from the Permitted uses Section and placed in it in Chapter 22.48 which has been renamed Supplementary Use Regulations as described below.
 - *Note: Instead of placing it in the Land Use Table, this makes the most sense for this use.*
 - Removed the Supplemental standards Section for Community Residential Facilities from this Chapter and placed it in Chapter 22.48 which has been renamed Supplementary Use Regulations as described below

- *Note: The standards for Community Residential Facilities are repeated across multiple District chapters. The code becomes more concise by moving them to one place in a new Supplementary Use Regulations chapter.*
- Chapter 22.24 – R-M Medium Density Residential District:
 - Simplified the existing Development Standards table that has standards organized by various uses by replacing it with two tables: one for multiple-family dwellings; one for all other uses
 - *Note: Most of the standards for the different uses were already very similar and what differences did exist seemed arbitrary. Also, some of the uses listed in the current table have been removed from the code entirely because they were never properly defined. The table specific to multiple-family dwellings was created from the standards listed in the Conditional uses Section for Apartments.*
 - Added a minimum lot area requirement for duplexes of 7,260 square feet
 - *Note: This would be the minimum lot area necessary so that a duplex development doesn't exceed the maximum density standard.*
 - Added a maximum lot coverage standard of 65%
 - *Note: The R-M zone doesn't currently have a maximum lot coverage standard, which is uncommon for medium density residential zones. Sixty-five percent seems to be appropriate compared to the 45% max of the R-L zone.*
 - Added two diagrams: one that shows the condition that allows a duplex or townhouse to reach an alternative maximum height when stacked above a garage; one that allows the minimum street frontage to be reduced for flag lots
 - *Note: The diagrams add clarity.*
 - Removed the Standards for the Following Conditional Uses subsection that was after current Development Standards table and placed it in a new chapter called Design Guidelines which is described below.
 - *Note: These standards are incompatible with the proposed amendments since some of these uses have been removed from the code entirely because they were never properly defined. Additionally, these standards are confusing, and it is hard to determine their original intent. We believe it may be possible to incorporate them into the design guidelines for the new uses that have been introduced with the proposed amendments, if the Planning Commission determines design guidelines should be created.*
 - Removed all listed permitted, conditional, and prohibited uses and replaced them with a reference to Chapter 22.33, Land Use Table
 - *Note: One of the major issues preventing proper enforcement of the current code is the inconsistencies between uses listed in the District Chapters and the uses listed in the Land Use Table. Dedicating the Land Use Table as the single source for determining which uses are allowed in which zone removes these inconsistencies.*
 - Removed the Performance standards Section and placed it in a new chapter called Additional Development Standards which is described below
 - *Note: These standards are applicable for all uses, not just uses within the R-M zone. They should be in a location outside of the R-M District Chapter to make that clear.*



- Removed the Supplemental standards Section for Community Residential Facilities from this Chapter and placed it in Chapter 22.48 which has been renamed Supplementary Use Regulations as described below
 - *Note: The standards for Community Residential Facilities are repeated across multiple District chapters. The code becomes more concise by moving them to one place in a new Supplementary Use Regulations chapter.*
- Chapter 22.28 – C-1 Mixed Use Commercial District:
 - Simplified the existing Development Standards table that has standards organized by various use types by replacing a table that standards for all C-1 uses
 - *Note: The way the standards were broken into different uses types seems arbitrary. Also, those use types aren't defined elsewhere in the code. The simplified table provides more clarity.*
 - Added a minimum lot area requirement for duplexes of 7,260 square feet
 - *Note: This would be the minimum lot area necessary so that a duplex development doesn't exceed the maximum density standard.*
 - Added a maximum lot coverage standard of 75%
 - *Note: The C-1 zone doesn't currently have a maximum lot coverage standard, which is uncommon for mixed-use zones. Seventy-five percent seems to be appropriate compared to the 45% max of the R-L zone and the proposed 65% max for the R-M zone.*
 - Changed the maximum height standard from 25 feet to 35 feet
 - *Note: The maximum height for a duplex or townhouse was already 36' if the living space was stacked above the garage. As the mixed-use commercial district, it makes sense for the C-1 zone to have a greater maximum height than the R-L or R-M zone. Also, a maximum height of 35 feet matches the maximum height in the C-2 zone.*
 - Added two diagrams: one that shows the condition that allows a duplex or townhouse to reach an alternative maximum height when stacked above a garage; one that allows the minimum street frontage to be reduced for flag lots
 - *Note: The diagrams add clarity.*
 - Removed the Standards for the Following Conditional Uses subsection that was after current Development Standards table and placed it in a new chapter called Design Guidelines which is described below.
 - *Note: These standards are incompatible with the proposed amendments since some of these uses have been removed from the code entirely because they were never properly defined. Additionally, these standards are confusing, and it is hard to determine their original intent. We believe it may be possible to incorporate them into the design guidelines for the new uses that have been introduced with the proposed amendments, if the Planning Commission determines design guidelines should be created.*
 - Removed all listed permitted, conditional, and prohibited uses and replaced them with a reference to Chapter 22.33, Land Use Table
 - *Note: One of the major issues preventing proper enforcement of the current code is the inconsistencies between uses listed in the District Chapters and the uses listed in the Land Use Table. Dedicating the Land Use Table as the single*

- source for determining which uses are allowed in which zone removes these inconsistencies.*
- Removed the Performance standards section and placed it in a new chapter called Additional Development Standards which is described below
 - *Note: These standards are applicable for all uses, not just uses within the R-M zone. They should be in a location outside of the R-M District Chapter to make that clear.*
 - Removed the Supplemental standards Section for Community Residential Facilities from this Chapter and placed it in Chapter 22.48 which has been renamed Supplementary Use Regulations as described below
 - *Note: The standards for Community Residential Facilities are repeated across multiple District chapters. The code becomes more concise by moving them to one place in a new Supplementary Use Regulations chapter.*
 - Chapter 22.29 – C-2 General Commercial District:
 - Consolidated all the development standards (yards, building height, and lot area and width) into a Development Standards table and removed the corresponding Sections
 - *Note: The development standards can be presented more clearly and efficiently in a table, so this is one way the code has been made more user-friendly.*
 - Removed all listed permitted, conditional, and prohibited uses and replaced them with a reference to Chapter 22.33, Land Use Table
 - *Note: One of the major issues preventing proper enforcement of the current code is the inconsistencies between uses listed in the District Chapters and the uses listed in the Land Use Table. Dedicating the Land Use Table as the single source for determining which uses are allowed in which zone removes these inconsistencies.*
 - Chapter 22.30 – C-3 Heavy Commercial District:
 - Consolidated all the development standards (yards, building height, and lot area and width) into a Development Standards table and removed the corresponding Sections
 - *Note: The development standards can be presented more clearly and efficiently in a table, so this is one way the code has been made more user-friendly.*
 - Added a maximum density of 25 dwelling units per acre
 - *Note: A “heavy commercial planned unit development” (HCPUD) is not something allowed by other cities, in the sense that no other cities use that term and there aren’t even many cities that have a similar provision in their code. Typically, “heavy commercial” zones are reserved solely for commercial and light industrial uses. It is hard to determine the intent of the HCPUD provision as it was written into the code, but since it specifies that residential uses are allowed “as a supplement to retail commercial uses where steep grade does not permit commercial uses,” “above a commercial use or terraced int grade,” or “which complement the retail commercial use,” it appears the fact that all C-3 zoned parcels are located west of West Valley Hwy and encumbered by steep slopes played a role. It is important to note that a HCPUD is mixed-use in nature and that the residential use should be supplementary to the retail/commercial use. Nevertheless, if residential uses are going to be allowed in C-3 through a HCPUD,*

the question of whether there should be a maximum residential density should be considered. There are two options:

- *Leave the code as is with no maximum density for the C-3 zone. This means the density can be restricted by other development standards in the C-3 zone such as the maximum height (50'), parking requirements, and critical area encumbrances. Additionally, because the HCPUD must go through the conditional use permit, there's also the possibility of specifying a maximum density as a condition on the CUP. This would allow maximum density to be set on a site-specific basis, but it may become problematic if administered unfairly.*
- *Specify a maximum density of 25 dwelling units per acre for HCPUDs in the C-3 zone. In the case that someone wants to pursue an HCPUD, this will set an explicit limitation on the density of the residential use. The maximum density for residential uses in the R-M and C-1 zones is 12 dwelling units per acre, and in these zones, residential uses are outright allowed. Twenty-five dwelling units per acre may be fitting.*

Lastly, an expansion of the HCPUD provisions is recommended to provide more specific requirements and guidance to potential applicants. This will better ensure the City can promote the particular developments it desires for the C-3 zone.

- Removed all listed permitted, conditional, and prohibited uses and replaced them with a reference to Chapter 22.33, Land Use Table
 - *Note: One of the major issues preventing proper enforcement of the current code is the inconsistencies between uses listed in the District Chapters and the uses listed in the Land Use Table. Dedicating the Land Use Table as the single source for determining which uses are allowed in which zone removes these inconsistencies.*
- Chapter 22.32 – M-1 Light Industrial District:
 - Consolidated all the development standards (yard requirements, maximum lot coverage, and permitted height) into a Development Standards table and removed the corresponding Sections
 - *Note: The development standards can be presented more clearly and efficiently in a table, so this is one way the code has been made more user-friendly.*
 - Removed all listed permitted, conditional, and prohibited uses and replaced them with a reference to Chapter 22.33, Land Use Table
 - *Note: One of the major issues preventing proper enforcement of the current code is the inconsistencies between uses listed in the District Chapters and the uses listed in the Land Use Table. Dedicating the Land Use Table as the single source for determining which uses are allowed in which zone removes these inconsistencies.*
- Chapter 22.33 – Land Use Table:
 - Added a Section titled Clarification of Uses and Special Conditions
 - *Note: This new Section explains the user-friendly touches that have been added to the Land Use Table: All uses that are defined in Chapter 22.08 are followed by an asterisk; Special standards for certain uses that are contained in other*

Chapters are referenced after the use; Development conditions for certain uses have been added as superscripts that correspond to conditions following the table.

- Added the following uses (listed in order of their appearance in the table):
 - “Boarding (lodging or rooming) house”
 - *Note on Permissions: The permissions mirror “Bed and breakfast facility” since they are somewhat similar uses.*
 - “Courtyard apartment”
 - *Note: This use has been added as part of the E2SHB 1923 amendments.*
 - *Note on Permissions: The permissions mirror the former “Triplex, townhome” use since this is also a medium-density residential use. Also, making this use permitted in the C-1 zone fulfills the E2SHB 1923 eligible action: “Authorize at least one duplex, triplex, or courtyard apartment on each parcel in one or more zoning districts that permit single-family residences.” The C-1 zone already permitted single-family residences, duplexes, and triplexes.*
 - “Dwelling, multiple-family”
 - *Note on Permissions: Because this is intended to be a more intense use than “Courtyard apartment,” it is proposed as a conditional use in the R-M zone but a permitted use in the C-1 zone. It is a conditional use in the C-3 zone with the condition that it must be a “Heavy commercial planned unit development.”*
 - “Manufactured home”
 - *Note on Permissions: The permissions are based on the R-L and R-M District Chapters which currently list this as a permitted use. Since the other District Chapters make no mention of this use, it is not permitted in those zones.*
 - “Mobile home”
 - *Note on Permissions: This use is not allowed in any zone per AMC 22.34.030.*
 - “Permanent supportive housing”
 - *Note: This use has been added since E2SHB 1923 requires permanent supportive housing to be an allowed use in all zones where multifamily housing is permitted.*
 - *Note on Permissions: To comply with the above note, the permissions mirror the permissions for “dwelling, multiple-family” except the use is prohibited in the R-M and C-3 zones since “dwelling, multiple-family” is a conditional use in those zones and not outright permitted.*
 - “Secure community transition facility”
 - *Note: This use was already listed in the District Chapters but not in the table.*
 - *Note on Permissions: This use is listed as a conditional use in the C-3 District Chapter. Since the other District Chapter make no mention of this use, it is not permitted in those zones.*
 - “Charitable or welfare institution”

- *Note on Permissions: This use is listed as a conditional use in the R-M District Chapter. The amendments propose for it also to be a conditional use in the R-L, C-1, and C-2 Chapters but not permitted in the C-3 or M-1 Chapters.*
 - “Pet shop”
 - *Note on Permissions: The permissions mirror “Animal clinic/hospital” since they are similar uses.*
 - “Public parking area”
 - *Note on Permissions: This use is listed as a conditional use in the R-L and R-M District Chapters. Because it is conditional in the residential zones, it is proposed as conditional in the other zones. A condition has also been added that says Public parking areas in the R-L zone must be on a lot adjoining commercial or light industrial districts and must have a 20-foot landscaped area adjacent to residential districts or uses. This was a condition in the R-L District Chapter.*
 - “Retail trade, medium scale (2,000 – 20,000 sf floor area)”
 - *Note: Three tiers of Retail trade have been added as uses to the table; the other two (small scale and large scale) are described below since they replace previous uses. This tier was added to fill the gap between them.*
 - *Note on Permissions: The permissions seek to strike a balance between the small scale and large scale tiers, which are described below.*
 - *Note: “Boarding (lodging or rooming) house”, “Dwelling, multiple-family”, “Manufactured home”, “Mobile home”, “Charitable or welfare institution”, “Pet shop”, and “Public parking area” were terms already in the Definitions Chapter but were not listed as uses in the table.*
- Added the following uses to replace a previous use (listed in order of their appearance in the table):
 - “Accessory dwelling unit”
 - Replaces “Attached bungalow or cottage”
 - *Note: This use was already regulated in the Development Guidelines chapter, and it is commonly listed in the land use table of other municipal codes.*
 - *Note on Permissions: The permissions are based on 22.48.010 which says ADUs are permitted in all residential zoning districts. It is also permitted in the C-1 zone since it should be permitted in all zones where single-family dwellings are permitted.*
 - “Duplex”
 - Replaces “Duplex, townhome”
 - *Note on Permissions: The permissions mirror the former “duplex, townhome” use. However, instead of being a conditional use in the R-L zone, it is now permitted with a condition that states the use will be permitted on corner lots where building entries are provided on separate streets. This fulfills the E2SHB 1923 eligible action: “Authorize a duplex on each corner lot within all zoning districts that permit single-family*

residences.” The condition also says duplexes are a conditional use on all other lots in the R-L zone since that was already the case.

- “Dwelling, single-family”
 - Replaces “Single-family detached homes”
 - *Note: The term was revised in the Definitions chapter to read “Dwelling, single-family” instead of “Dwelling, one-family” since the former is the more common term, so the use was added to the table to match the term.*
- “Home-based day care”
 - Replaces “Home-based day care as regulated by Chapter 35.63 RCW and through receipt of an approved city business license”
 - *Note: The language after “care” was removed since this is now covered within the term’s definition and in a Development Condition.*
- “Home occupation”
 - Replaces “Bed and breakfast facility”
 - *Note: This term was already in the Definitions Chapter but was not listed as a use in the table.*
 - *Note on Permissions: This use is permitted in all zones that permit single-family dwellings since single-family dwellings are where home occupations occur.*
- “Nursing home/convalescent home”
 - Replaces “Nursing home”
- “Townhouse”
 - Replaces “Triplex, townhome”
- “Day care center”
 - Replaces “Day care center, limited to large day care center, nursery school, preschool, small day care center”
 - *Note: The language after “center” was removed since all the limitations are already clear in the definition.*
 - *Note on Permissions: Permissions are taken from the District Chapters. A condition is added for the R-L zone since only small day care centers are allowed.*
- “Educational institution”
 - Replaces “Schools”
- “Public agency or utility yard”
 - Replaces “Utility yard”
- “Public safety facilities”
 - Replaces “Emergency services”
- “Public service facilities”
 - Replaces “Post office”; “Public libraries”
 - *Note: This term was also added because “Publicly owned buildings” was listed in a couple of the RL and RM District Chapters.*
 - *Note on Permissions: Publicly-owned buildings are listed as permitted uses in the District Chapters. Making Public service facilities a conditional use in all other zones feels appropriate.*
- “Social service facilities”

- Replaces “Human services”
- “Utility facility”
 - Replaces “Basic utilities”; “Major utility facility”
 - *Note on Permissions: Utility facilities should be allowed in all zones. A condition has been added that says wireless communication facilities are subject to provisions of the Chapter that regulates them (the exact chapter will be added once it’s adopted).*
- “Animal clinic/hospitals”
 - Replaces “Animal hospitals”
- “Boat sales and repair”
 - Replaces “Boat sales”; “Boat repair”
- “Cafeteria or limited service restaurant”
 - Replaces “Café/diner”
- “Gambling premises”
 - Replaces “Casinos/card rooms”
- “General service establishment”
 - Replaces "Rental, heavy equipment"; "Rental, small equipment"; "Laundromats"; "Drycleaners"; "Appliance equipment repair"; "Gas stations including car washes"; "Light equipment sales and repair"
 - *Note on Permissions: Permissions are based on comparison of the permissions of the uses this use has replaced. A condition has been added which says the use should be enclosed entirely within a building since Gas stations and Light equipment sales and repair were conditional and the rental equipment uses were prohibited. This still prohibits any rental uses that would have outside storage, and it also excludes gas stations since there are currently none in the C-1 zone and probably should not exist in the mixed-use zone (one of the stated intentions of the zone in the District Chapter is to be less reliant on automobiles). This use is conditional in the M-1 zone because "Laundromats", "Drycleaners", and "Gas stations" were previously prohibited and the other uses were permitted, so conditional is a compromise.*
- “Heavy retail”
 - Replaces “Lumberyards, retail”; “Building materials and storage”
 - *Note on Permissions: Permissions are based on comparisons of permissions of the uses this use has replaced. Lumberyards, retail was conditional in the C-1 zone, but "Heavy retail" seems inappropriate for the C-1 zone. Lumberyards, retail was permitted in the C-2 and C-3 zones, but Building materials was prohibited. Therefore, having the use be conditional in these zones is a compromise. Both uses were permitted in the M-1 zone.*
- “Kennel”
 - Replaces “Animal shelters”
- “Marijuana retailer”
 - Replaces “Recreational marijuana retail stores/sales”
- “Medical or dental clinic”

- Replaces “Medical office/clinic”
- “Office, business or professional”
 - Replaces “General office”; “Professional services”
 - *Note on Permissions: Permissions are based on comparison of the permissions of the uses this use has replaced. The exception is for the C-3 and M-1 zones. General office was a conditional use and Professional services was prohibited in both zones, so making this a conditional use in these zones seems appropriate. This use is permitted in the R-M zone with an added condition that it must be within a live/work unit.*
- “Personal service establishment”
 - Replaces “Beauty salons and barber shops”
 - *Note on Permissions: Permissions are taken from Beauty salons and barber shops, the but use is also now permitted in the R-M zone with an added condition that it must be within a live/work unit.*
- “Recreation – indoor commercial”
 - Replaces "Theaters and other enclosed commercial recreational establishments such as bowling alleys and arcades"; "Athletic facilities"
 - *Note on Permissions: Permissions mirror Theaters. Athletic facilities was a conditional use in the commercial zones, but it seems appropriate to make indoor commercial recreation permitted in these zones. The use is also conditional in the M-1 zone since it is a conditional use in the M-1 District Chapter.*
- “Recreation – outdoor commercial”
 - Replaces "Unenclosed commercial recreational establishments such as driving ranges and miniature golf"
 - *Note on Permissions: Unenclosed commercial recreational establishments was only a conditional use in the C-1 zone and prohibited elsewhere, which seems illogical. The proposed amendments make it a conditional use in all commercial zones and the M-1 zone. Making it a conditional use in the M-1 zone is consistent with the M-1 District Chapter.*
- “Restaurant, full-service”
 - Replaces "Restaurants with no bar or lounge selling alcoholic beverages"
 - *Note on Permissions: The permissions mirror the use this use has replaced. The exception is that is now a conditional use in the M-1 zone instead of a permitted use since this is consistent with the M-1 District Chapter and seems more appropriate.*
- “Retail trade, small scale (<2,000 sf floor area)”
 - Replaces “Bakery, retail”; “Convenience store”
 - *Note on Permissions: Permissions are based on comparison of the permissions of the uses this use has replaced. The exception is for the M-1 zone where Bakery and Convenience store differ. Prohibiting small scale retail in the M-1 zone seems appropriate. The use is also permitted in the R-M zone with an added condition that it must be within a live/work unit.*

- “Retail trade, large scale (>20,000 sf floor area)”
 - Replaces “Big box regional retail center greater than twenty thousand square feet”; “Grocery store greater than twenty thousand square feet”
- “Tavern”
 - Replaces “Restaurants with bar and/or lounge/tavern”
- “Heavy duty equipment sales and repair”
 - Replaces “Heavy machinery equipment sales and repair”
- “Manufacturing, processing or assembly of heavy duty equipment”
 - Replaces “Manufacturing, processing or assembly of heavy equipment or vehicles”
- “Marijuana processor”
 - Replaces “Processing of marijuana”
- “Marijuana producer”
 - Replaces “Producing of marijuana”
- “Self-serve storage facility”
 - Replaces “Self service storage”
- “Solid waste transfer station”
 - Replaces “Recycling collection station”
- *Note on Permissions: The permissions for these uses primarily mirror the uses they have replaced. The exceptions have been noted above.*
- Removed the following uses (listed in order of their appearance in the table):
 - “Row house”
 - “Semi-attached single-family”
 - “Single-family detached on small lots”
 - “Medical centers”
 - “Transportation facility”
 - “Artist studio and workshop having a retail component”
 - “Civic center”
 - “Public facilities”
 - “Veterinary clinics, excluding outdoor boarding kennels”
 - “Wholesale/retail food processing facilities”
 - “Food manufacturing, processing, or package plant”
 - “Medical equipment manufacturing plant”
 - “Printing and reprographic businesses”
 - “Truck terminals and distribution facilities”
 - *Note: In general, these uses are proposed for removal because they are either too specific, redundant, or not properly defined.*
- Moved these uses from use category to another (listed in order of their appearance in the table):
 - “Essential public facilities”
 - Moved to “Public and Institutional” from “Commercial”
 - “Bakery, wholesale”
 - Moved from “Commercial” to “Light Industrial”
 - “Commercial nurseries/greenhouses”
 - Moved from “Commercial” to “Light Industrial”
- Renamed the use category “Civic (Institutional)” to “Public and Institutional”

- *Note: This adds clarity.*
 - *Notes:*
 - *One of the major issues preventing proper enforcement of the current code is the inconsistencies between uses listed in the District Chapters and the uses listed in the Land Use Table. Dedicating the Land Use Table as the single source for determining which uses are allowed in which zone removes these inconsistencies.*
 - *Another issue is the lack of definitions for certain uses. While land use tables should list umbrella-term uses that capture multiple, more specific uses, these terms need to be defined. Even some of the more specific use types should be defined for consistent clarity. The proposed amendments to the table and the Definitions Chapter seek to accomplish this.*
 - *The current table relies on overly detailed lists of allowed uses. For example, instead of broadly defining “Retail trade” and separating the uses by size, the current code lists several specific types of stores with little logic about why one is permitted and another is not permitted in certain zones. The same is true of service uses and other business types. The proposed amendments attempt to simplify the table into a more logical, well-defined system. By having uses that are not so specific, the City can better respond to economic and technological changes over time.*
- Chapter 22.34 – Manufactured Homes:
 - Removed this Chapter and placed it a new Supplementary Use Regulations Chapter
 - *Note: This seems more logical since these are regulations related to a specific use. This is part of cleaning up the code by grouping similar Sections of the code into one place.*
- Chapter 22.40 – Off-Street Parking and Loading:
 - Added a provision in the Required off-street parking – Minimum standards Section that defines areas that aren’t included in “gross floor area” and that specifies that parking calculations that result in a fraction should be rounded up or down
 - *Note: This adds clarity.*
 - Added the minimum required parking spaces standards to a table
 - *Note: The standards can be presented more clearly and efficiently in a table, so this is one way the code has been made more user-friendly.*
 - Added another provision in the Required off-street parking – Minimum standards Section that defines how the city should review required parking in the case of a “shell building permit”
 - *Note: This adds clarity.*
 - Amended the Drive-in businesses section by adding specific dimensions and the required number of stacking spaces for a specific use
 - *Note: This adds clarity.*
 - Added a provision to the Off-street parking area development and maintenance Section that specifies surfacing requirements for off-street parking areas as well as specifies parking area design for single-family dwellings, duplexes, and townhouses.



- *Note: These requirements are consistent with what is already required per the Algona Public Works Standards; they have been added here for better consolidation of standards.*
 - Added a table to the Parking space dimensional requirements Section that lay out minimum space dimensions for standard spaces versus compact spaces and the minimum width for drive aisles
 - *Note: These requirements weren't entirely clear before, and there was no distinction between a one-way aisle versus a two-way aisle.*
 - Added Section 22.40.090 – Shared parking standards as new which gives provisions for uses to be able to share parking
 - *Note: This is in direct response to Land Use Policy 6.3 in the comprehensive plan that says the City should consider refinements to commercial off-site parking requirements to allow joint use, common access, or other innovative design for commercial uses. Previously, the City had no provisions in the code for shared parking.*
- Chapter 22.42 – Recreational Vehicles:
 - Removed this Chapter and placed it a new Supplementary Use Regulations Chapter
 - *Note: This seems more logical since these are regulations related to a specific use. This is part of cleaning up the code by grouping similar Sections of the code into one place.*
- Chapter 22.45 – Home Occupation Permits:
 - Removed this Chapter and placed it a new Supplementary Use Regulations Chapter
 - *Note: This seems more logical since these are regulations related to a specific use. This is part of cleaning up the code by grouping similar Sections of the code into one place.*
- Chapter 22.48 – Development Guidelines:
 - Renamed Chapter “Supplementary Use Regulations”
 - *Note: This title is more logical for what is contained in this Chapter.*
 - Removed Multiple resident and high density buildings, Commercial street frontage, and Flood protection Sections and placed them in a new Design Guidelines Chapter
 - *Note: These regulations pertain to the design of these uses rather than how they are permitted, so they should be placed in a separate Chapter.*
 - Renamed “Bed and breakfast inns” to “Bed and breakfast facilities” and “Churches” to “Religious institutions”
 - *Note: This is to match their term name in the Definitions Chapter.*
 - Added Community residential facilities, Live/work units, Home occupations, Manufactured homes, Recreational vehicles, and Temporary buildings for use during construction Sections
 - *Note: These Sections were taken from other areas of the Code. It makes more sense for these regulations that pertain to how these specific uses are permitted to be consolidated into this Chapter. For the uses that are defined in the Definitions or listed in the Land Use Table, a reference to this Chapter has been added in those places.*
- Chapter 22.60 – Landscaping:
 - Amended Areas of application Section to remove “(R-L zone)”

- *Note: This makes it clearer that the landscaping chapter doesn't apply to any single-family dwelling development in all zones.*
 - Added a Section for R-L low density residential
 - *Note: In the Landscaping Section of the R-L District Chapter, it states minimum landscaping requirements in the R-L zone shall be as provided in Chapter 22.60 for conditional use permits. However, the Landscaping Chapter had no mention of this. Based on the current standards for the other zones adjacent to the R-L zone, it makes most sense for the standard to be 5 feet of site screening for conditional uses in the R-L zone adjacent to all zones.*
 - *Note: This Chapter should probably be updated in future proposed amendments to the AMC. Like the other Chapters of the AMC, it could also be clearer and more concise.*
- Chapter 22.XX – Design Guidelines:
 - Added this new Chapter
 - *Note: There were design guidelines listed in other areas of the code, but it makes sense to consolidate them all into one Chapter.*
 - Added Duplexes and townhouses Section (these were standards from the R-M and C-1 chapters), Multiple unit residential development (previously named 'Multiple resident and high density buildings' in Chapter 22.48), Commercial street frontage, and Flood protection Sections
 - *Note: These are all from other areas of the code. This Chapter needs further development, but this offers a starting point. The miscellaneous standards from the R-M and C-1 Chapters can be salvaged for the Duplex and Townhouse design guidelines, if the Commission wants those to be developed.*
 - Added "duplex," "townhouse," and "courtyard apartment" to Multiple family dwellings Section
 - *Note: This gives these uses some design guidelines before we decide others. It will likely be better to split each use type into a separate section.*
 - Added a Courtyard apartments Section
 - *Note: These requirements are taken from the Olympia Municipal Code which is where the definition for Courtyard apartments also came from. It's important to add these requirements to better define the use.*
- Chapter 22.XX – Additional Development Standards:
 - Added this new Chapter
 - *Note: There were development standards listed in other areas of the code that should be applicable to all uses. In their current locations, this was not clear, so they have been consolidated here. This Chapter likely needs further development, but this offers a starting point.*
 - Added Screening for exterior mechanical devices, Yard projections and permitted intrusions into required yards, and Screening of trash receptacles
 - *Note: These are all from other areas of the code, but it wasn't clear they should be applicable to all uses.*
 - Added new Section: Density calculations
 - *Note: The code currently doesn't explain how density should be calculated; this should be added for clarity.*

- Added new Section: Lot coverage calculations,
 - *Note: The code currently doesn't define lot coverage nor explain how it should be calculated; this should be added for clarity.*

F. REGULATORY REQUIREMENTS

1. SEPA COMPLIANCE:
The amendments to the City's Zoning Code will be subject to the provisions of the State Environmental Policy Act (SEPA) and AMC Chapter 16.04. A SEPA determination and comment period are forthcoming.
2. PUBLIC NOTIFICATION/INVOLVEMENT:
 - a. Presentations and/or updates on the proposed code changes to the Planning Commission occurred on September 10, 2020 and October 1, 2020.
 - b. Notice of the November 5, 2020 Public Hearing before the Planning Commission was posted in the News Tribune and at City Hall.
3. WASHINGTON STATE DEPARTMENT OF COMMERCE COMPLIANCE:
 - a. Per the City's contract with Commerce for the E2SHB 1923 funded amendments, two deliverables must be submitted to Commerce for the City to receive its funding:
 - i. Deliverable 1 was the original version of this staff report and attached draft ordinance. It was delivered to Commerce on June 22, 2020.
 - ii. Deliverable 2 is the adopted ordinance. It is due to Commerce on November 9, 2020. However, Commerce has been informed that the City will not meet this deadline. Due to COVID-19, Commerce is offering flexibility on deliverable due dates for all jurisdictions with E2SHB 1923 contracts. Deliverables must be submitted no later than April 1, 2021.
 - b. Prior to adoption, the Proposed Changes to AMC Title 22 – Zoning will be submitted to Commerce, and Commerce will notify the City if it is in procedural compliance with RCW 36.70A.106.

G. NEXT STEPS

Following the public hearing, the Planning Commission will deliberate at its next regular meeting in December and forward a recommendation to City Council. The City Council is anticipated to consider and take action on the recommendation of the PC in early 2021.

NOTE:

Removals are ~~crossed through~~.

Additions are underlined and in red.

Title 10

VEHICLES AND TRAFFIC¹

Chapters:

- 10.01 Model Traffic Ordinance
- 10.04 *Repealed*
- 10.08 *Repealed*
- 10.12 *Repealed*
- 10.15 Traffic Safety School
- 10.16 Vehicle Weight Limits and Regulation of Large Motor Vehicles
- 10.18 *Repealed*
- 10.20 Hazardous Streets
- 10.24 Horses
- ~~10.28 Parking~~
- ~~10.29 Parking on City Right-of-Way~~
- 10.30 Stopping, Standing and Parking
- 10.32 *Repealed*
- 10.36 Arterial Highway
- 10.40 Speed Limits
- 10.44 Restricted Motor Vehicle Use in Park and Trail Areas
- 10.48 Junk Vehicles
- 10.52 Blocking Designated Bicycle Routes
- 10.56 Fire Lanes
- 10.60 Inattentive Driving
- 10.64 Compression Brakes

¹ For statutory provisions pertaining to: motor vehicles, see RCW Title 46; motor vehicle regulations in code cities, see RCW Ch. 35A.46.

Chapter 10.01

MODEL TRAFFIC ORDINANCE

Sections:

10.01.010 Adoption by reference.

10.01.010 Adoption by reference.

The “Washington Model Traffic Ordinance,” Chapter 308-330 WAC, is adopted by reference within the city of Algona as if set forth in full. (Ord. 773 § 1, 1994).

Chapter 10.04

STATE TRAFFIC STATUTES ADOPTED

(Repealed by Ord. 773)

Chapter 10.08

DRIVING WHILE INTOXICATED

(Repealed by Ord. 773)

Chapter 10.12

ABANDONED VEHICLES

(Repealed by Ord. 773)

Chapter 10.15

TRAFFIC SAFETY SCHOOL

Sections:

- 10.15.010 Traffic safety school authorized.
- 10.15.020 Purpose.
- 10.15.030 Fee.
- 10.15.040 Construction – Administration.

10.15.010 Traffic safety school authorized.

The traffic safety school is hereby established in accordance with Chapter 46.83 RCW. The traffic safety school shall be administered and operated by the police department, which may promulgate appropriate rules and procedures therefor. (Ord. 1157-18 § 1 (Exh. A) (part)).

10.15.020 Purpose.

The purpose of the traffic safety school is to create a foundation for safe driving habits by educating participants in the proper, lawful, and safe operation of motor vehicles upon the roadway, the rules of the road, and the challenges of driving safely among bicyclists and pedestrians, and the consequences of unsafe driving practices. (Ord. 1157-18 § 1 (Exh. A) (part)).

10.15.030 Fee.

The police department shall charge a fee to attend the traffic safety school. The amount of the fee shall be established or amended by city council resolution. Fees collected to attend the traffic safety school may be used to:

- A. Reimburse the city for the costs of administering the traffic safety school;
- B. Provide for safe driver education materials, programs, promotions and advertising; and/or
- C. Provide for the training of law enforcement officers. (Ord. 1157-18 § 1 (Exh. A) (part)).

10.15.040 Construction – Administration.

This chapter shall be construed and administered in a manner that implements and is consistent with Chapter 46.83 RCW. (Ord. 1157-18 § 1 (Exh. A) (part)).

Chapter 10.16

VEHICLE WEIGHT LIMITS

AND REGULATION OF LARGE MOTOR VEHICLES

Sections:

- 10.16.010 Overload permit – Required.
- 10.16.020 Overload permit – Application.
- 10.16.030 Overload permit – Time limitation.
- 10.16.040 Overload permit – Restrictions.
- 10.16.050 Overload permit – Fees.
- 10.16.060 Overload permit – Exemptions.
- 10.16.070 Approved routes for overweight vehicles.
- 10.16.080 Temporary restrictions.
- 10.16.090 Overweight vehicle parking restrictions.
- 10.16.100 Violation – Penalty.

10.16.010 Overload permit – Required.

It is unlawful, without a valid permit, to operate any vehicle on a street or alley of the city with a licensed gross vehicle weight in excess of fourteen thousand pounds. (Ord. 923-02 § 2 (part)).

10.16.020 Overload permit – Application.

Permits to operate an overloaded vehicle may be obtained from the city. Application for overload permit shall be in the form prescribed by the city. Said permit shall require the following information:

- A. Name, address and telephone number of the applicant.
- B. Nature of load (type of material and/or equipment to be transported).
- C. Location by name and address of job site or place of delivery.
- D. Vehicle type, year and license number.
- E. Estimate of time in days that the permit will be required.
- F. Gross licensed weight of the vehicle.
- G. Proposed route to be approved by the city setting forth the streets upon which said vehicle will be driven.
- H. Proof of liability insurance as required by state law. (Ord. 923-02 § 2 (part)).

10.16.030 Overload permit – Time limitation.

Permits will be valid only for the length of time necessary to complete a particular job or delivery and in no case shall be for longer than one year. (Ord. 923-02 § 2 (part)).

10.16.040 Overload permit – Restrictions.

The city shall, following those standards used in RCW 46.44.093, issue or withhold overload permits at its discretion or make reasonable requirements for the operation of said vehicles when necessary to assure against damage to road or street foundation or surfaces, safety of other traffic and may require such measures to protect the city's roads, streets and roadbeds. (Ord. 923-02 § 2 (part)).

10.16.050 Overload permit – Fees.

Permit fees shall be established by the city council as set forth in Section 2.50.040(E). Applicants may pay for a permit on an annual basis under terms set forth in said section of the Algona Municipal Code. (Ord. 923-02 § 2 (part)).

10.16.060 Overload permit – Exemptions.

The following vehicles shall be exempt from the permit process described in this chapter.

- A. All vehicles owned and operated by governmental agencies.
- B. Emergency vehicles, and solid waste disposal vehicles.
- C. Vehicles transporting perishable goods or commodities to locations within the city for local delivery.
- D. Recreational vehicles including motor homes, campers, and travel trailers.
- E. Tractors of combination vehicles belonging to or operated by persons permanently residing within the city limits and used for commuting to work places located outside of the city limits. Drivers of said vehicles shall register them with the city including the name and address of the owner and/or driver, vehicle license number, and shall obtain from the public works director an approved route into and out of the city. A condition of the issuance of such exemption is that said vehicle will not be allowed to run at idle within the city limits for more than ten minutes and said vehicles shall not park on any city right-of-way, and shall park on hard surfaces such as concrete, asphalt and gravel. (Ord. 967-05 § 1; Ord. 923-02 § 2 (part)).

10.16.070 Approved routes for overweight vehicles.

Overweight vehicles and those vehicles in excess of eight feet in width, those vehicles in excess of thirty feet including tractor and trailer, and all vehicles transporting radioactive or hazardous cargo, may operate on the following city streets without permit:

- A. West Valley Highway;
- B. Ellingson Road;
- C. Boundary Boulevard west to “O” Street; and
- D. Those streets within the industrial area (Auburn 400 Corporate Park) located in the northeast portion of the city. (Ord. 923-02 § 2 (part)).

10.16.080 Temporary restrictions.

The public works director or his designee may temporarily prohibit the operation of any vehicles or may impose weight limits different than those set forth herein when the public streets due to temporary conditions will be damaged by use by any vehicles unless said use or vehicle weight is restricted. Signs setting forth the temporary conditions shall be erected stating that the use of the street or right-of-way is restricted. (Ord. 923-02 § 2 (part)).

10.16.090 Overweight vehicle parking restrictions.

No overweight vehicle shall be parked within the city except for those vehicles registered with the city pursuant to Section 10.16.060(E). (Ord. 923-02 § 2 (part)).

10.16.100 Violation – Penalty.

Any person found to be in violation of this chapter or who misrepresents the facts in application for a permit or registration as set forth herein shall be guilty of a misdemeanor. (Ord. 923-02 § 2 (part)).

Chapter 10.18

VEHICLE WEIGHT LIMITS

(Repealed by Ord. 923-02)

Chapter 10.20

HAZARDOUS STREETS

Sections:

- 10.20.010 Designation of hazardous streets.
- 10.20.020 Designation and posting of reduced speeds.
- 10.20.030 Violation – Penalty.

10.20.010 Designation of hazardous streets.

For purposes of safety, the chief of police is authorized to designate certain dangerous portions of any street or an entire street within the city as unsafe to travel at the present legal speed of such street. (Ord. 241 § 1, 1972).

10.20.020 Designation and posting of reduced speeds.

The chief of police shall designate the reduced speed of such street or portion thereof and after proper posting by the street department, the new speed limit for that street or portion thereof shall be as posted. (Ord. 241 § 2, 1972).

10.20.030 Violation – Penalty.

Unless another penalty is expressly provided by law, any person convicted of violating the posted speed limit shall be punished by a fine of not more than five hundred dollars or be imprisoned for not more than ninety days or by both such fine and imprisonment. (Ord. 241 § 3, 1972).

Chapter 10.24

HORSES

Sections:

- 10.24.010 Pace restriction.
- 10.24.020 Riding after dark.
- 10.24.030 Parental responsibility for minor violators.
- 10.24.040 Violation – Penalty.

10.24.010 Pace restriction.

It is unlawful for any person or persons to use, ride or drive any horse upon any street, alley, etc. of the city at any pace other than a walk. (Ord. 225 § 1, 1971).

10.24.020 Riding after dark.

It is unlawful for any person or persons to use, ride or drive any horse upon any street, road, alleyway or other public place during the hours of darkness without a permit from the city. Such permit shall be obtained from the police department with city council approval and shall state times, date and routes of intended operation and shall be subject to police department specifications. The hours of darkness shall be defined as that period between sunset and sunrise. (Ord. 450 § 1, 1981; Ord. 225 § 2, 1971).

10.24.030 Parental responsibility for minor violators.

The parents or guardians of any minor person who is found using, riding or driving a horse within the city in violation of Sections 10.24.010 and 10.24.020 shall be charged with the aforesaid violation or violations. (Ord. 225 § 3, 1971).

10.24.040 Violation – Penalty.

The person or persons who are found to have violated any section of this chapter shall be guilty of a misdemeanor and fined a sum not exceeding five hundred dollars or imprisoned for a period not exceeding ninety days or subjected to both fine and imprisonment. (Ord. 225 § 4, 1971).

Chapter 10.28

PARKING

Sections:

~~10.28.010 Repealed.~~

~~10.28.020 Parking streets.~~

~~10.28.030 Repealed.~~

~~10.28.040 Repealed.~~

~~10.28.050 Repealed.~~

~~10.28.055 City parks — Parking prohibited during certain hours.~~

~~10.28.060 Leaving key in ignition in parked car.~~

~~10.28.070 Loading zones.~~

~~10.28.075 Parking unlicensed vehicle.~~

~~10.28.080 Parking disabled vehicle.~~

~~10.28.085 Blocking mailbox.~~

~~10.28.090 Applicability.~~

~~10.28.100 Repealed.~~

~~10.28.105 Evidence of violation.~~

~~10.28.110 Violation — Penalty.~~

~~10.28.120 Parking violation — Failure to post bail or answer charge — Penalty.~~

~~10.28.010 Parking on roadways.~~

~~Repealed by Ord. 849. (Ord. 243 § 1, 1972).~~

~~10.28.020 Parking streets.~~

~~It is lawful to park, stand, or stop on the following streets unless otherwise designated:~~

~~A. First Avenue;~~

~~B. Pacific Avenue (Frontage Street). (Ord. 243 § 2, 1972).~~

~~10.28.030 Parking restrictions.~~

~~Repealed by Ord. 849. (Ord. 243 § 3, 1972).~~

~~10.28.040 Parking near curb and facing traffic.~~

~~Repealed by Ord. 849. (Ord. 243 § 4, 1972).~~

~~10.28.050 Parking over twenty-four hours.~~

~~Repealed by Ord. 849. (Ord. 243 § 5, 1972).~~

~~10.28.055 City parks — Parking prohibited during certain hours.~~

~~It is unlawful to park a vehicle between one a.m. and five a.m. at the parking lots provided for the city parks (John Matchett and Dick Waffle Memorial Parks) located at the south side of Warde Street, west of the Algona City Hall and adjacent to Matchett City Park, and on the east portion of the Second Avenue right of way adjacent to the Matchett City Park and the parking lot adjacent and south of Waffle City Park. The lots included in this section shall be posted with signs reading “No Parking Between 1:00 a.m. and 5:00 a.m.” (Ord. 849 § 3, 1998; Ord. 651 § 1, 1990).~~

~~10.28.060 Leaving key in ignition in parked car.~~

~~It is unlawful to leave the ignition key in an unattended vehicle parked on any street, city right of way, avenue, arterial street or alley within the city. (Ord. 243 § 6, 1972).~~

~~10.28.070 Loading zones.~~

~~A. The mayor shall have the authority to designate temporary loading zones.~~

~~B. Permanent loading zones shall be granted by the mayor with the consent of the council. (Ord. 243 § 7, 1972).~~

~~**10.28.075 — Parking unlicensed vehicle.**~~

~~No person shall stop, stand or park a vehicle on a street, highway, alley or public property within the city limits of the city unless such vehicle possesses a proper and current vehicle license plate or plates, and such plate or plates are properly mounted thereon in accordance with the State of Washington Department of Licensing rules and regulations. (Ord. 849 § 5, 1998).~~

~~**10.28.080 — Parking disabled vehicle.**~~

~~It is unlawful to park a disabled vehicle on any city right of way, even though such vehicle is otherwise parked legally, for more than thirty-six hours. (Ord. 243 § 8, 1972).~~

~~**10.28.085 — Blocking mailbox.**~~

~~No person shall park a vehicle so as to block access to a mailbox. (Ord. 849 § 6, 1998).~~

~~**10.28.090 — Applicability.**~~

~~This chapter shall not apply to streets that are not open, being maintained by, or used by the city. (Ord. 243 § 9, 1972).~~

~~**10.28.100 — Repairing vehicle in street.**~~

~~Repealed by Ord. 849. (Ord. 243 § 10, 1972).~~

~~**10.28.105 — Evidence of violation.**~~

~~In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of a law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked the vehicle to a point where and for the time during which the violation occurred. (Ord. 651 § 2, 1990).~~

~~**10.28.110 — Violation — Penalty.**~~

~~Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of thirty five dollars (Ord. 849 § 4, 1998; Ord. 243 § 11, 1972).~~

~~**10.28.120 — Parking violation — Failure to post bail or answer charge — Penalty.**~~

~~If no person posts bail or answers the charge set forth in the notice of parking violation, the amount of bail for said charge shall be doubled. (Ord. 866 § 1, 1999).~~

Chapter 10.29

PARKING ON CITY RIGHT OF WAY

(Repealed by Ord. XXXX)

Sections:

10.29.010 Citation.

10.29.020 Definition.

10.29.030 Parking limitations.

10.29.040 Inoperable vehicles and storage restrictions.

10.29.050 Violation Penalty.

10.29.010 Citation.

The ordinance codified in this chapter may be cited as the right of way parking ordinance. (Ord. 666 § 1, 1991).

10.29.020 Definition.

For the purpose of this chapter, the city right of way is defined as the entire street, including the roadway, sidewalk or shoulder area extending from the abutting lot line from either side of the right of way. (Ord. 666 § 2, 1991).

10.29.030 Parking limitations.

A. Except as provided in subsection B or C of this section, no person shall park or stop or stand any vehicle upon any city right of way for a period in excess of seventy two hours.

B. Except as provided in subsection C of this section, parking or stopping any semi truck or tractor trailer on city right of way is prohibited. Dump trucks, dump truck trailers, and semi trucks loading or unloading articles or materials in the city of Algona may temporarily park in city right of way for a period not to exceed two hours.

C. The city council may, from time to time, by resolution authorize the extended use of certain designated city right of way for vehicular parking by the owner or occupant of the adjacent property in accordance with the standards and procedures of this subsection.

1. Any such authorization shall be at the city council's sole discretion, based upon the following considerations:

- a. The size and location of the designated right of way area;
- b. The number and size of vehicles that would be parked within the designated right of way area;
- c. The anticipated impact upon the surrounding neighborhood;
- d. The anticipated impact upon vehicular, nonmotorized and pedestrian travel by the public; and
- e. The anticipated impact upon the public health, safety and welfare.

2. As a condition of authorizing extended use of city right of way for vehicular parking under this subsection C, the requester shall execute a written agreement, in a form approved by the city attorney, containing the following provisions:

- a. The duration of the use period, which shall not exceed an initial term of five years;
- b. Authority for the city to terminate the agreement upon thirty days' written notification that use of the designated city right of way is required, in the city's sole discretion, for a public purpose;
- c. Payment to the city of fair market value for the use of the designated city right of way;

d. Reimbursement of the city's legal, staff and other expenses incurred in preparing the agreement;

e. Indemnification and insurance provisions protecting the city from liability for property damage and personal injury arising out of the use of the designated city right of way; and

f. Any other provisions and/or conditions deemed necessary and appropriate by the city. (Ord. 1173 20 § 1; Ord. 1033 10 § 1 (part); Ord. 666 § 3, 1991).

10.29.040 — Inoperable vehicles and storage restrictions.

No person shall park any inoperable vehicle, or other vehicle, except a private passenger vehicle, nor store equipment, recreational vehicles, trash, rubbish, or other similar accumulations except garbage cans on the designated garbage pickup day, within the city right of way. (Ord. 666 § 4, 1991).

10.29.050 — Violation — Penalty.

A. Any violation of the provisions of this chapter shall be a civil traffic infraction as set forth in Chapter 46.63 RCW, as it now exists or is hereafter amended. Violations shall be punishable by a civil penalty of seventy five dollars for the first offense, one hundred twenty five dollars for the second offense and two hundred fifty dollars for each subsequent offense, not including additional statutory assessments for traffic infractions as required by Chapter 46.63 RCW. Each day that the violation continues shall be deemed a separate and distinct violation.

B. An additional penalty of twenty five dollars shall be assessed for failure to respond to notice of traffic infraction relating to parking as authorized by RCW 46.63.110(4). (Ord. 1033 10 § 1 (part); Ord. 666 § 5, 1991).

Chapter 10.30

STOPPING, STANDING AND PARKING

Article I. General Provisions

- 10.30.010 Short title.
- 10.30.020 Definitions.
- 10.30.030 Exercise of police power.
- 10.30.040 Chapter application.
- 10.30.050 Regulations not exclusive.
- 10.30.060 Authority to designate parking restrictions.
- 10.30.070 Leaving children unattended in standing vehicle with key in the ignition – Penalty.

Article II. General Restrictions and Regulations

- 10.30.100 Parking method generally.
- 10.30.110 Fire lanes.
- 10.30.120 Vehicle weight limits and regulation of large motor vehicles.
- 10.30.130 Recreational vehicle parking.
- 10.30.140 Trailers.
- 10.30.150 Inoperable vehicles and storage restrictions.
- 10.30.160 Leaving unattended vehicle.
- 10.30.170 Leaving key in ignition in parked car.
- 10.30.180 Parking disabled vehicle.
- 10.30.190 Parked vehicle obstructing roadway.
- 10.30.200 Responsibility and duty to maintain, repair and construct landscape strips where parking is permitted.
- 10.30.210 Parked vehicle obstructing other vehicles.
- 10.30.220 Parked vehicle obstructing enforcement.
- 10.30.230 Parking in alleys.
- 10.30.240 Obstructing driveways.
- 10.30.250 Obstructing post office boxes prohibited.
- 10.30.260 Seventy-two-hour parking limit.
- 10.30.270 Parking an unlicensed vehicle.
- 10.30.280 Removal of parking enforcement tire markings – Penalty.
- 10.30.290 Chain parking unlawful.
- 10.30.300 Continuous parking – Multiple violations.
- 10.30.310 Violation.
- 10.30.320 Disabled parking – Violation.

Article III. Prohibited Parking Places and Areas

- 10.30.400 Prohibited parking places.

10.30.410 No parking areas – Identification.

10.30.420 Violation – Penalty.

Article IV. Loading Zones

10.30.450 No parking areas – Identification.

10.30.460 Violation – Penalty.

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Article V. Parking at City Parks

10.30.500 City parks – Parking prohibited during certain hours.

10.30.510 Violation – Penalty.

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Article VI. Miscellaneous

10.30.550 Evidence of violation.

10.30.560 Potential exception to parking limitations.

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For statutory provisions authorizing cities to limit or restrict parking and standing, see RCW 46.61.570(2); for provisions authorizing cities to permit angle parking, see RCW 46.61.575; for provisions applying RCW Title 46 to code cities, see RCW 35A.46.010.

Article I. General Provisions

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10.30.010 Short title.

This chapter may be known and cited as the parking ordinance.

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10.30.020 Definitions.

A. The definition of words and phrases contained in RCW 46.04.010 through 46.04.700, adopted by reference in Chapter 10.01 AMC, shall, for the purpose of this chapter, have the same meanings ascribed to the words and phrases therein.

B. The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, unless where used the context thereof clearly indicates to the contrary:

1. “Bicycle lane” means the portion of the travel way for the movement of bicycles.

2. “Commercial loading zone” means a designated portion of the street along the curb reserved for use in loading and unloading commodities, merchandise, produce, freight or animals by commercial vehicles only.

3. “Individual parking space” means a portion of the paved section of the street, of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked, as shall be specified and marked off by the street division of the city.

4. "Landscape strip" means that portion of street lying between the constructed curb and edge of the right-of-way, exclusive of any sidewalk or pedestrian path.

5. "Median lane" means a speed change lane within the median to accommodate left turning vehicles.

6. "Mountable curb" is a curb designed so vehicles can cross them readily when the need arises. Mountable curbs are low with sloping faces and are typically combined with a gutter.

7. "Parking" means the standing of a vehicle upon a street, whether such vehicle is occupied or not, and whether such vehicle is accompanied or not by an operator, for a period of time in excess of two minutes.

8. "Passenger loading zone" means a designated portion of the street along the curb reserved for use in loading and unloading passengers by passenger vehicles only.

9. "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or recreational travel use that (a) has its own motive power, or (b) is mounted on, or (c) is towed by another vehicle, whether attached or unattached to a towing vehicle.

10. "Shoulder" means that portion of the roadway contiguous with the traveled way for accommodating stopped vehicles, for emergency use, and for lateral support of base and surface courses.

11. "Street" means and includes streets, avenues, ways, boulevards, drives, highways and all places, except private alleys, open to the public for the use of vehicles. "Street" also means unpaved areas within the right-of-way.

12. "Traffic island" shall mean a curbed area in a roadway from which traffic is excluded.

13. "Traffic lane" means the portion of the traveled way for the movement of a single line of vehicles.

14. "Traveled way" means the portion of roadway for the movement of vehicles, exclusive of shoulder.

15. "Vertical or barrier curb" shall mean a curb with a vertical or nearly vertical face intended to discourage vehicles from leaving the roadway.

10.30.030 Exercise of police power.

This chapter shall be deemed and construed as an exercise of the police power of the state, and is deemed expedient to maintain the peace, good government and welfare of the city and its trade, commerce and manufactures.

10.30.040 Chapter application.

The provisions of this chapter prohibiting the standing or parking of vehicles shall apply at all times or at those times specified in this chapter or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device; provided, however, the Auburn police chief is herewith granted, subject to the approval of the mayor, authority to declare parking moratoriums where they finds such moratoriums in the best interest of the citizens of the city.

10.30.050 Regulations not exclusive.

The provisions of this chapter imposing time limits on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

10.30.060 Authority to designate parking restrictions.

The mayor or the mayor's designee has the authority to establish parking restrictions on public streets and in municipal parking lots. Such restrictions include, without limitation, loading zones, one-hour parking, two-hour parking, three-hour parking, no parking anytime, disabled parking, restricted parking by vehicle type, weight, or length, and similar designations. No such parking restrictions shall apply to law enforcement or other emergency and city vehicles when in service.

10.30.070 Leaving children unattended in standing vehicle with key in the ignition – Penalty.

It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its ignition key in the ignition, leaving a minor child or children under the age of 11 years unattended in the vehicle.

Any person violating the provisions of this section is guilty of a misdemeanor.

Article II. General Restrictions and Regulations

10.30.100 Parallel parking Requirement generally Exceptions.

All vehicles within the city shall park parallel as defined in this chapter, except as follows: on...and on all other streets and highways where angle parking is indicated by white lines drawn on the pavement or signs posted at the curb, where all vehicles shall park on an angle as defined in this chapter.

10.30.100 Parking method generally.

A. Unless other parking requirements are specifically set forth elsewhere in the Auburn City Code, the following shall apply to all vehicle parking within the city. A vehicle parked on a street shall be headed in the direction of travel of the adjacent lane, or in the direction of travel designated by traffic signs for such street, and when parked parallel shall be parked with the vehicle wheels parallel to and within 12 inches of the curb or edge of the roadway.

B. Any person found to have committed a violation of this section shall pay a fine of \$40.00 within 15 days from the date of the issuance of such notice, or in the sum of \$50.00 if paid after the fifteenth day from the issuance of said notice, by paying the same directly with the city of Algona.

10.30.110 Fire lanes.

See Chapter 10.56 AMC for regulations pertaining to parking and fire lanes.

10.30.120 Vehicle weight limits and regulation of large motor vehicles.

See Chapter 10.16 AMC for all regulations concerning vehicle weight limits and regulation of large motor vehicles.

10.30.130 Recreational vehicle parking.

A. No person shall park any recreational vehicle on any street, alley or public right-of-way in the city for more than 24 hours.

B. Any violation of the provisions of this chapter shall be a civil traffic infraction as set forth in Chapter 46.63 RCW, as it now exists or is hereafter amended. Violations shall be punishable by a civil penalty of \$75.00 dollars for the first offense, \$125.00 dollars for the second offense and \$250.00 for each subsequent offense, not including additional statutory assessments for traffic infractions as required by Chapter 46.63 RCW. Each day that the violation continues shall be deemed a separate and distinct violation.

C. This section does not permit or authorize anyone to park any recreational vehicle on any street within the city that does not have adequate space for parking or where parking is otherwise prohibited.

10.30.140 Trailers.

A. Parking or stopping any semi-truck or tractor-trailer on city right-of-way is prohibited. Dump trucks, dump truck trailers, and semi-trucks loading or unloading articles or materials in the city of Algona may temporarily park in city right-of-way for a period not to exceed two hours.

B. Any violation of the provisions of this chapter shall be a civil traffic infraction as set forth in Chapter 46.63 RCW, as it now exists or is hereafter amended. Violations shall be punishable by a civil penalty of \$75.00 dollars for the first offense, \$125.00 dollars for the second offense and \$250.00 for each subsequent offense, not including additional statutory assessments for traffic infractions as required by Chapter 46.63 RCW. Each day that the violation continues shall be deemed a separate and distinct violation.

C. This section does not permit or authorize anyone to park any trailer on any street within the city that does not have adequate space for parking or where parking is otherwise prohibited.

10.30.150 Inoperable vehicles and storage restrictions.

No person shall park any inoperable vehicle, or other vehicle, except a private passenger vehicle, nor store equipment, trash, rubbish, or other similar accumulations except garbage cans on the designated garbage pickup day, within the city right-of-way.

10.30.160 Leaving unattended vehicle.

No person having control or charge of a motor vehicle shall park or angle park such vehicle on any street unattended without first setting the brakes and stopping the motor of the vehicle and, when parked upon a perceptible grade, without turning the wheels of such vehicle to the curb or the side of the street or highway, so that in the event of release of the brakes such vehicle will not move.

10.30.170 Leaving key in ignition in parked car.

It is unlawful to leave the ignition key in an unattended vehicle parked on any street, city right-of-way, avenue, arterial street or alley within the city.

10.30.180 Parking disabled vehicle.

It is unlawful to park a disabled vehicle on any city right-of-way, even though such vehicle is otherwise parked legally, for more than thirty-six hours.

10.30.190 Parked vehicle obstructing roadway.

It is unlawful for any person to stop, park or angle park any vehicle upon a street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except temporarily during the actual loading or unloading of passengers, or when necessary to avoid traffic conflict, or in obedience to traffic regulations or traffic signs or signals or a police officer.

10.30.200 Responsibility and duty to maintain, repair and construct landscape strips where parking is permitted.

A. It shall be the responsibility and duty of the abutting property owner to maintain, repair and construct adjacent landscape strips in an attractive and safe manner when utilized for parking motorized vehicles as follows:

1. When any landscape strip permitted under ACC 10.30.400(A)(10) is permitted to be utilized for parking, the duty, burden, and expense of the maintenance and general upkeep of such landscape strip shall be the responsibility of the owner of the private property directly abutting the landscape strip.

2. The parking area associated with a landscape strip shall be free of conflicts with utilities, fire hydrants, and landscaping as determined by the public works director, and notwithstanding and in addition to any other provisions, no parking shall be permitted on any landscape strip within 15 feet of a fire hydrant, street tree or driveway cut.

3. A parked vehicle shall not obstruct the traveled way of the street, the sidewalk, or any other pedestrian pathways and be located in a way that does not impede sight distance for other vehicles or pedestrians from exiting or entering driveways or side streets.

4. The owner shall not allow any material to be tracked onto the city street, such as mud, gravel, or other debris.

5. For construction of any new landscape strips, or reconstruction of existing landscape strips allowed for parking, the owner of the private property directly abutting the landscape strip shall utilize a surface material that allows stormwater to be absorbed, filtered, and cleaned before discharging to the groundwater. As determined by the public works director, materials such as brick, interlocking pavers, grassblock, turfblock, gravel, or porous concrete/asphalt/pavement are acceptable materials.

6. The provisions hereof may be enforced by the city's police department for parking violations or other criminal violations or traffic infractions, or by the city's code enforcement officers for compliance with maintenance and repair requirements, or either the police and code enforcement departments, jointly or separately, where appropriate.

B. The above duties and responsibilities shall continue so long as the landscape strip is able to be used for parking in compliance with city standards; provided, that the property owner may request in writing of the public works director that the landscape strip abutting their property no longer be used for parking. The public works director shall evaluate any such request and determine what measures the property owner must take to restore the landscape strip to a functional landscape area to remove it from availability for parking. The public works director shall also be authorized to evaluate any other steps appropriate for such transition.

10.30.210 Parked vehicle obstructing other vehicles.

It is unlawful for any person to stop, park, or angle park any vehicle upon a roadway in such a manner or under such conditions as to block another vehicle in or prevent access to or movement of another vehicle. Evidence that a driver of a vehicle has parked or positioned their vehicle within two feet of a previously parked vehicle is prima facie evidence of a violation of this section. It is provided, however, that before a citation is issued or a vehicle is towed for violation of this section, the city shall receive a complaint from the owner or operator of a vehicle whose access or movement is prevented.

10.30.220 Parked vehicle obstructing enforcement.

It is unlawful for any person to stop, park, or angle park any vehicle upon a roadway in such a manner or under such conditions as to prevent, hinder, obstruct, or delay law enforcement officers from taking or being able to take any lawful action to enforce any traffic or parking laws or regulations of the state of Washington or the city of Algona.

10.30.230 Parking in alleys.

When, under the provisions of this chapter, it is unlawful to park in an alley, it is unlawful for any person to stop or park in such alley any noncommercial vehicle, except for loading or unloading purposes, for periods in excess of five minutes, unless a written permit first is secured from the chief of police. Commercial vehicles may stop or park in such restricted areas for loading or unloading purposes only.

10.30.240 Obstructing driveways.

No owner, driver or other person having charge of any vehicle shall permit such vehicle to stand or to be parked alongside of or in front of any portion of any sidewalk on any street in the city where such portion of the sidewalk has been sloped from the street property line down to the level of the outer edge of the adjacent pavement for the purpose of permitting vehicles to cross such portion of the sidewalk in going to or from the street and any oil station, garage or other place of business, or alongside of or in front of any portion of any sidewalk in the city where other provision has been made with the consent of the city for the vehicular crossing across such sidewalk, or in front of any private driveway in the city, which driveway has been established with the consent of the city.

10.30.250 Obstructing post office boxes prohibited.

It shall be a violation of the ordinances of the city to stop, stand or park a motor vehicle at any time upon the public highways or public places of the city directly in front of or adjacent to clearly visible mail boxes, and between the hours of 8:00 a.m. and 6:30 p.m., Monday through Saturday, it shall be a violation of the ordinances of the city to stop, stand or park a motor vehicle at any time upon the public highways or public places of the city within 15 feet of clearly visible mail boxes, or in any other manner that impedes access thereto; provided, that these parking restrictions shall not apply when vehicles are temporarily stopped, standing or parked in front of or adjacent to mail boxes for the purpose of depositing or picking up mail and only for such brief period of time that mail is actually being picked up or deposited.

10.30.260 Seventy-two-hour parking limit.

No owner, driver or other person having charge of any vehicle shall permit such vehicle to stand or to be parked in any street in the city for more than 72 hours consecutively.

10.30.270 Parking an unlicensed vehicle.

A. It is a violation of this section to stop, stand or park a vehicle on a street, highway, alley or public property within the city limits of the city unless such vehicle possesses a proper and current vehicle license plate or plates, and such plate or plates are properly mounted thereon in accordance with the State of Washington Department of Licensing rules and regulations.

B. It is a violation of this section to stop, stand or park a vehicle on a street, highway, alley or public property within the city limits of the city with switched license plates or switched license plate tabs (license plates/tabs belonging on another vehicle).

C. It is a violation of this section to stop, stand or park a vehicle on a street, highway, alley or public property within the city limits of the city without current, properly displayed month and year license tabs.

D. *Penalty.* Any violation of this section shall be an infraction and punishable as follows:

1. For violations of subsections A and B of this section, by a monetary penalty of \$86.00.

2. For violation of subsection C of this section, when the license tabs have been expired up to 45 days, by a monetary penalty of \$86.00.

3. For violation of subsection C of this section, when the license tabs have been expired more than 45 days, by a monetary penalty of \$101.00.

Provided, that any vehicle with license tabs expired more than 45 days is also subject to immediate impoundment by a law enforcement officer in accordance with RCW 46.55.113(2).

10.30.280 Removal of parking enforcement tire markings – Penalty.

A. In checking for overtime parking, police officers, police department volunteers and parking enforcement officers are authorized to use chalk marks on the tires of parked vehicles, or any other identifying mark that does not deface the vehicle.

B. It shall be an infraction for any person to erase, eradicate or otherwise remove a mark placed upon any automobile, truck or other vehicle pursuant to this section while any such automobile, truck or other vehicle remains parked in the same place in which it was located at the time the mark was placed upon the automobile, truck or other vehicle.

C. Any person who commits a violation of this section shall be subject to a penalty in the amount of \$75.00.

10.30.290 Chain parking unlawful.

A. It shall be an infraction for any person to move and re-park a vehicle parked on the street within one block of the original parking space in order to avoid a parking time limit.

B. It shall be an infraction for any person to move and re-park a vehicle parked in a parking lot to another space within the same parking lot in order to avoid a parking time limit.

C. For the purposes of this section, a “block” shall be defined as a city street or alley section located between consecutive intersections.

D. A violation of this section shall be an infraction punishable by a fine of \$50.00.

10.30.300 Continuous parking – Multiple violations.

Any person in continuous violation of the parking time limit provisions of this title within a single 24-hour period, or any person who commits multiple violations of the parking time limit provisions of this title, within the same 24-hour period, may be additionally cited as a multiple offender and such act shall be an infraction which shall be punishable by a fine of \$50.00.

10.30.310 Violation.

Any person found to have committed a violation of AMC 10.30.150 through 10.30.260 shall pay a fine of \$30.00 within 15 days from the date of the issuance of such notice, or in the sum of \$40.00 if paid after the fifteenth day from the issuance of said notice, by paying the same directly with the Auburn municipal court. It shall be a separate violation, subject to the fines and penalties provided herein, chargeable independently and successively, for each instance of overtime parking when the same vehicle is parked for consecutive periods longer than the parking time limit. The monetary penalty provided for by this section may be forfeited, or a contested or mitigation hearing may be requested as authorized by law.

10.30.320 Disabled parking – Violation.

A. A parking space or stall for a physically disabled person shall be indicated by a vertical sign, between 48 and 60 inches off the ground, with the international symbol of access described under RCW 70.92.120 displaying the notice “State disabled parking permit required” and a warning that other vehicles without permits are subject to impound.

B. Any person who meets the criteria for special parking privileges under Chapter 46.16 RCW shall be allowed free of charge to park a vehicle being used to transport that person in parking zones or areas that are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special card, decal, or license plate under Chapter 46.16 RCW to be eligible for the privileges set forth in this section. The display card must be hung from the rearview mirror and be visible through the windshield, or placed in a clearly visible location, face up on the dashboard.

C. No person shall stop, stand or park a vehicle in a properly posted and marked parking space or stall indicated for a physically disabled person as provided in subsection A of this section for any purpose or length of time unless such vehicle displays a special license plate, card or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW.

D. No person shall stop, stand, or park a vehicle in any crosshatched area immediately adjacent to a properly posted and marked parking space or stall indicated for a physically disabled person as provided in subsection A of this section.

E. A vehicle may be impounded with a parking citation to its owner when a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person as defined under Chapter 46.16 RCW is parked in a stall or space clearly and conspicuously marked therefor whether the space is provided on private property without charge or on public property, as signed and marked as set forth in subsection A of this section. The issuance of a previous parking citation to said vehicle for violation of the terms of this section shall constitute said prior notice.

F. No person shall stop, stand or park a vehicle in front of or within 20 feet of a wheelchair ramp on a public street, except for marked, disabled parking stalls.

G. Any violation of this section shall be an infraction and punishable by a monetary penalty of \$300.00.

Article III. Prohibited Parking Places and Areas

10.30.400 Prohibited parking places.

A. Except when necessary to avoid conflict with other traffic or to comply with other provisions of this code or with the direction of a police officer or traffic-control sign or signal, it is unlawful for the operator of a vehicle to stop, stand, park or angle park such vehicle in or on any of the following places:

1. Within an intersection area;
2. Within 20 feet of an uncontrolled intersection;
3. Within 30 feet of an intersection controlled by a stop sign, yield sign, or traffic-control signal;
4. On a crosswalk or within 20 feet of a crosswalk, whether marked or unmarked;
5. In front of or within 50 feet of the driveway entrance to any fire or police station or within any marked area contiguous to such driveway, when properly signed;
6. In front of or within a fire or emergency service access or an area signed for other safety access purposes;
7. In front of or within 15 feet of a fire hydrant;
8. Within any space marked as a fire lane;
9. In front of a public or private driveway, or within five feet of the end of the curb radius leading thereto;

10. On a sidewalk, pedestrian path, or landscape strip. However, parking shall be permitted on landscape strips subject to the maintenance requirements contained in AMC 10.30.200, and where the landscape strip is eight feet or greater in width between the curb and the sidewalk or the edge of right-of-way if there is no sidewalk, the adjacent curb is mountable, and the parked vehicle does not obstruct the use of the traveled way or sidewalk;
11. Alongside or opposite any street excavation or obstruction when such stopping, parking or angle parking would obstruct traffic;
12. In any alley, except that trucks or delivery vehicles may park or angle park in alleys for such time, not in excess of 30 minutes, as may be necessary for the expeditious loading or unloading of such vehicles or the delivery or pickup of articles or materials, unless otherwise restricted by this chapter;
13. Upon any bridge, overpass, underpass, trestle, or approaches thereto;
14. On that portion of any street contiguous to and opposite any outside court, corridor, passage, fire escape, exit or entrance door or any other place adjacent to, or any door opening in any outer wall of any building containing, in whole or in part, any theater, public auditorium, church, dance hall or other place of public assembly through which the public must pass to leave such building, while such building is being utilized for public gatherings; and it shall be incumbent upon and the duty of the owner or agent of the property used for the purpose herein specified to designate such prohibited areas by the placement of stanchions or signs or curb markings of the form and type satisfactory to the public works director;
15. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
16. At any place where official traffic signs have been erected at the direction of the public works director prohibiting parking and/or angle parking, either at all times or at such times as are indicated upon signage giving notice thereof;
17. Outside of the limits of the individual parking spaces (stalls) designated for vehicular on-street parking;
18. Within 30 feet of the nearest rail of a railroad crossing;
19. At any place where all official signs prohibit stopping;
20. Within traffic lanes that are less than 18 feet wide on arterial and collector roadways, as designated in the comprehensive transportation plan, except when authorized by sign;
21. Within median lanes in the traveled way;
22. Within roadway shoulders that are less than eight feet wide;
23. Within marked bicycle lanes;
24. Upon any street or public way for the principal purposes of displaying the vehicles for sale or for advertising services for vehicles;

25. Upon any street or public way for the purpose of doing any work on, maintaining or repairing any vehicle except for repairs necessitated by an emergency;

26. Within any street-side drainage ditch or drainage swale;

27. Where prohibited by signage;

28. Adjacent to a traffic island; or

29. Any overtime parking or other parking restrictions designated in accordance with AMC 10.30.060.

B. No person shall move a vehicle not owned by them into any such prohibited area or away from a curb such distance as is unlawful.

C. If any person wishes a different parking restriction sign placement or a different time parameter for any parking restrictions under this section, said person may forward such request to the public works director. For review, the public works director shall consult with community development and police.

D. *Violation – Penalty.* Any person who violates this section has committed an infraction and, except for those subsections set forth in Table 10.30.400, shall pay a fine of \$30.00 within 15 days from the date of issuance of a notice of violation or of \$40.00 if paid after the fifteenth day from issuance of the notice.

Any person who violates any of the subsections listed in Table 10.30.400 shall pay a fine as set forth in that table.

Table 10.30.400

Subsection	If paid within 15 days	If paid after 15th day
10.30.400(A)(1)	\$40.00	\$50.00
10.30.400(A)(2)	\$40.00	\$50.00
10.30.400(A)(3)	\$40.00	\$50.00
10.30.400(A)(7)	\$50.00	\$60.00
10.30.400(A)(8)	\$50.00	\$60.00
10.30.400(A)(10)	\$40.00	\$50.00
10.30.400(A)(16)	\$50.00	\$60.00
10.30.400(A)(17)	\$50.00	\$60.00

10.30.410 No parking areas – Identification.

The public works director may paint the curb adjoining all no parking and prohibited parking areas yellow or may post signs prohibiting parking on the curb adjoining no parking and prohibited parking areas in order to identify such restricted zones. It is unlawful for any other person to paint the curbs or post no parking signs in such restricted zones unless the person is given authority to do so by the city council.

10.30.420 Violation – Penalty.

Any vehicle parked in violation of AMC 10.30.120 through 10.30.460 may be impounded by the chief of police or designee, and the cost of such impounding shall be paid by the owner or operator of such vehicle before the same is released. Any motor vehicle owner or operator who violates any of the terms of AMC 10.30.240 through 10.30.450, except AMC 10.30.270 and 10.30.310, has committed an infraction and shall pay a fine of \$30.00 within 15 days from the date of issuance of such notice, or in the sum of \$40.00 if paid after the fifteenth day from the issuance of such notice. Fines shall be paid directly to the city of Algona.

Article IV. Loading Zones

10.30.450 No parking areas – Identification.

The public works director shall paint the curbs adjoining all commercial and passenger loading zones white in order to identify such loading zones; provided however, the public works director shall have the authority to designate such loading zones by signs alone in the central business district. The public works director shall also be authorized to designate bus loading zones by marking the curbs alternately with five feet of yellow and five feet of red for the length of the zone, starting and ending with yellow; and further, the bus loading zones shall be additionally designated by posted signs designating the area as a bus loading zone and further designated by a sign which shall read “No Parking Any Time.”

10.30.460 Violation – Penalty.

Any person who leaves or parks a vehicle in a loading zone in violation of AMC 10.30.450 has committed an infraction and as such shall be subject to a parking violation fine of \$30.00.

Article V. Parking at City Parks

10.30.500 City parks – Parking prohibited during certain hours.

It is unlawful to park a vehicle between one a.m. and five a.m. at the parking lots provided for the city parks (John Matchett and Dick Waffle Memorial Parks) located at the south side of Warde Street, west of the Algona City Hall and adjacent to Matchett City Park, and on the east portion of the Second Avenue right-of-way adjacent to the Matchett City Park and the parking lot adjacent and south of Waffle City Park. The lots included in this section shall be posted with signs reading “No Parking Between 1:00 a.m. and 5:00 a.m.”

10.30.510 Violation – Penalty.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine of thirty-five dollars.

Article V. Miscellaneous

10.30.550 Evidence of violation.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of a law or regulation, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked the vehicle to a point where and for the time during which the violation occurred.

10.30.560 Potential exception to parking limitations.

The city council may, from time to time, by resolution authorize the extended use of certain designated city right-of-way for vehicular parking by the owner or occupant of the adjacent property in accordance with the standards and procedures of this subsection.

A. Any such authorization shall be at the city council's sole discretion, based upon the following considerations:

- 1. The size and location of the designated right-of-way area;**
- 2. The number and size of vehicles that would be parked within the designated right-of-way area;**
- 3. The anticipated impact upon the surrounding neighborhood;**
- 4. The anticipated impact upon vehicular, nonmotorized and pedestrian travel by the public; and**
- 5. The anticipated impact upon the public health, safety and welfare.**

B. As a condition of authorizing extended use of city right-of-way for vehicular parking under this section, the requester shall execute a written agreement, in a form approved by the city attorney, containing the following provisions:

- 1. The duration of the use period, which shall not exceed an initial term of five years;**
- 2. Authority for the city to terminate the agreement upon thirty days' written notification that use of the designated city right-of-way is required, in the city's sole discretion, for a public purpose;**
- 3. Payment to the city of fair market value for the use of the designated city right-of-way;**
- 4. Reimbursement of the city's legal, staff and other expenses incurred in preparing the agreement;**
- 5. Indemnification and insurance provisions protecting the city from liability for property damage and personal injury arising out of the use of the designated city right-of-way; and**
- 6. Any other provisions and/or conditions deemed necessary and appropriate by the city.**

Chapter 10.32

DISPOSITION OF TRAFFIC INFRACTIONS

(Repealed by Ord. 773)

Chapter 10.36

ARTERIAL HIGHWAY

Sections:

10.36.010 Arterial highways designated.

10.36.010 Arterial highways designated.

The following streets in the city shall be designated as arterial highways:

A. Seattle Boulevard;

B. Milwaukee Boulevard;

C. First Avenue;

D. Celery Avenue;

E. Boyd Road (West Valley Highway to Celery Avenue);

F. Tacoma Boulevard;

G. Main Street;

H. West Valley Highway;

I. Pacific Avenue;

J. Ellingson Road. (Ord. 159 § 1, 1967; Ord. 107 § 1, 1961; Ord. 11 § 1, 1955).

Chapter 10.40

SPEED LIMITS

Sections:

10.40.010 Generally.

10.40.020 Increases and decreases on certain streets.

10.40.010 Generally.

The speed limit on all streets within the incorporated limits of the city shall be twenty-five miles per hour, except as this chapter or Chapter 10.20 of this code, declares and determines upon the basis of engineering and traffic investigation that certain speed limits shall be applicable on specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof. (Ord. 610 § 2, 1988)

10.40.020 Increases and decreases on certain streets.

It is determined that the speed limits of twenty-five miles per hour permitted by this chapter, upon the following streets, are less and/or more than is necessary for the safe operation of vehicles thereon and it is declared that the speed limit shall be as set forth in this section on those streets or parts of streets designated in this section when signs are erected giving notice thereof:

- A. That portion of 1st Avenue lying east of the railroad tracks: thirty-five miles per hour;
- B. Ellingson Avenue: thirty-five miles per hour;
- C. Algona Boulevard: thirty-five miles per hour;
- D. Pacific Avenue: thirty-five miles per hour;
- E. Boundary Boulevard: thirty miles per hour;
- F. Seattle Boulevard: twenty miles per hour;
- G. Warde Street: fifteen miles per hour;
- H. Washington Boulevard: fifteen miles per hour;
- I. Chicago Boulevard: fifteen miles per hour;
- J. West Valley Highway: forty miles per hour. (Ord. 1152-17 § 2: Ord. 1060-12 § 2: Ord. 610 § 3, 1988).

Chapter 10.44

RESTRICTED MOTOR VEHICLE USE IN PARK AND TRAIL AREAS

Sections:

- 10.44.010 Designated.
- 10.44.020 Permitted where.
- 10.44.030 Exemption.

10.44.010 Designated.

No person shall operate any motor vehicle on the King County-City of Algona Bicycle-Pedestrian Trail or in any park area of the city unless such trail or park area has been specifically designated and posted for such use. (Ord. 504 § 1, 1983).

10.44.020 Permitted where.

Subject to the provisions of Section 10.44.010, no person shall operate a motor vehicle within the boundaries of a city park area except on roads, streets, highways, parking lots or parking areas; provided, that traveling upon such streets, highways, parking lots or parking areas has not been prohibited by proper posting. (Ord. 504 § 2, 1983).

10.44.030 Exemption.

Maintenance vehicles of the city, county and/or Puget Sound Power and Light Company are exempt from the provisions of Sections 10.44.010 and 10.44.020. (Ord. 504 § 3, 1983).

Chapter 10.48
JUNK VEHICLES¹

Sections:

- 10.48.010 Purpose.
- 10.48.020 Definitions.
- 10.48.030 Enforcement authority.
- 10.48.040 Abatement of junk vehicles.
- 10.48.050 Determination of responsibility.
- 10.48.060 Abatement.
- 10.48.070 Costs of abatement.
- 10.48.080 Exceptions.

10.48.010 Purpose.

It is the purpose of this chapter to:

- A. Establish procedures for the abatement and removal of junk vehicles and parts thereof as public nuisances pursuant to RCW 46.55.240;
- B. Decrease the likelihood of criminal conduct associated with junk vehicles;
- C. Enhance the aesthetic qualities of Algona;
- D. Conserve and stabilize property values;
- E. Reduce the inherent public health and safety problems associated with junk vehicles;
- F. Prevent overcrowding of land; and
- G. Secure safety from fire and provide adequate open spaces for light and air. (Ord. 792 § 1 (part), 1995).

10.48.020 Definitions.

For purposes of this chapter, the following definitions shall be applicable:

A. "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

- 1. Is three years old or older;
- 2. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission;
- 3. Is apparently inoperable; and
- 4. Has a fair market value equal only to the value of the scrap in it.

B. "Vehicle" means every device capable of being moved upon a roadway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes, without limitation, automobiles, trucks, trailers, motorcycles and tractors, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. (Ord. 792 § 1 (part), 1995).

10.48.030 Enforcement authority.

The Algona police department shall enforce this chapter and shall be responsible for the abatement and removal of any junk vehicle or part thereof as a public nuisance. (Ord. 792 § 1 (part), 1995).

10.48.040 Abatement of junk vehicles.

A. Any Algona police officer may inspect and certify that a vehicle meets the requirements of a junk vehicle. The officer making the certification shall record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the vehicle is equivalent only to the value of scrap in it.

B. If the officer determines that a vehicle is a junk vehicle, the officer shall provide notice to the last registered owner of record of the vehicle shown on the records of the Washington State Department of Licensing and the property owner of record of the property upon which the vehicle is located, by certified mail, with a five-day return receipt requested, that a hearing on the abatement of the junk vehicle as a public nuisance may be requested and that if no hearing is requested within 15 days of the date of the mailing of the notice, the vehicle will be removed.

C. If a written request for a hearing is received within 15 days, a notice, giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof, as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested to the owner of the land as shown on the last equalized assessment roll and the last registered and legal owner of record unless a vehicle is in such condition that identification number are not available to determine ownership.

D. The hearing shall be conducted at a hearing before a duly appointed hearing examiner at least two weeks after the date of mailing the notice of hearing. (Ord. 792 § 1 (part), 1995).

10.48.050 Determination of responsibility.

The owner of the property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced in its presence, the cost of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located, nor can the costs be collected from the property owner. (Ord. 792 § 1 (part), 1995).

10.48.060 Abatement.

After notice has been given of the city's intent to abate, remove, or dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of the Algona chief of police or his departmental designee and disposed of by a licensed vehicle wrecker, hulk hauler, or scrap processor with notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been wrecked. (Ord. 792 § 1 (part), 1995).

10.48.070 Costs of abatement.

Subject to the provisions of Section 10.48.050, the cost of abatement and removal of the vehicle or part thereof under this chapter including the costs of administration and hearing shall be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle had complied with RCW 46.12.101, or the cost may be assessed against the owner of the property on which the vehicle is stored. (Ord. 792 § 1 (part), 1995).

10.48.080 Exceptions.

This chapter shall not apply to:

A. Any vehicle or hulk or part thereof which is completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property; or

B. Any vehicle or hulk or part thereof stored or parked in the lawful manner on private property in connection with the legal business of a licensed dismantler, motor vehicle wrecker, junk salvage/wrecking yard or licensed vehicle dealer, located on appropriately zoned property and fenced in accordance with the provisions of RCW 46.80.130. (Ord. 792 § 1 (part), 1995).

¹ Prior legislation: Ord. 555.

Chapter 10.52

BLOCKING DESIGNATED BICYCLE ROUTES

Sections:

10.52.010 Prohibited.

10.52.020 Infraction – Penalty.

10.52.010 Prohibited.

It shall be unlawful for any person within the city limits of the city to park their vehicle in such a manner that it blocks a designated bicycle route. (Ord. 544 § 1, 1985).

10.52.020 Infraction – Penalty.

Any vehicle parked as described in Section 10.52.010 shall be unlawfully parked and the registered owner of said vehicle shall be deemed to have committed a parking infraction and shall be fined a minimum of fifteen dollars or as set forth by the court, and may be subject to impounding of said vehicle should the chief executive officer of the city so designate, and shall be liable for any fees of said impound. (Ord. 544 § 2, 1985).

Chapter 10.56

FIRE LANES

Sections:

- 10.56.010 Definitions.
- 10.56.020 Requirements – Standards.
- 10.56.030 Use of driveways or private thoroughfares.
- 10.56.040 Parking prohibited.
- 10.56.050 Identification.
- 10.56.060 Existing buildings.
- 10.56.070 Enforcement.
- 10.56.080 Violation – Penalty.

10.56.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- A. “Fire lane” means that area within any public right-of-way, easement, or private property designated for the purpose of permitting fire trucks and other fire fighting or emergency equipment to use, travel upon and park.
- B. “Park,” “parking,” “stop,” “stand” or “standing” means the halting of a vehicle, other than an emergency vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or fire official or traffic control sign or signal.
- C. “Vehicle” means a machine propelled by power other than human power, designed to travel along the ground or rail by use of wheels, treads, runners or slides, and transport persons or property, or pull machinery, and shall include, without limitations, automobile, truck, trailer, motorcycle, tractor, buggy, wagon and locomotive. (Ord. 850 § 1, 1998).

10.56.020 Requirements – Standards.

When required by the fire department, hard surfaced driving lanes shall be provided around facilities which by their size, location, design or contents warrant access which exceeds that normally provided by the proximity of city streets.

- A. Lanes shall provide a minimum, unobstructed continuous width of twenty feet and a minimum vertical clearance of thirteen feet, six inches.
- B. Fire lanes shall be either asphalt or reinforced concrete, or, when specifically authorized by the fire department, compacted crushed rock may be used.
- C. Where fire lanes connect to city streets or parking lots, adequate clearances and turning radii shall be provided. All proposed plans must have fire department approval. (Ord. 850 § 2, 1998).

10.56.030 Use of driveways or private thoroughfares.

The fire department may require that areas specified for use as driveways or private thoroughfares shall not be used for parking. These areas, when specified, shall be marked or identified by one of the two means detailed in Section 10.56.050. (Ord. 850 § 3, 1998).

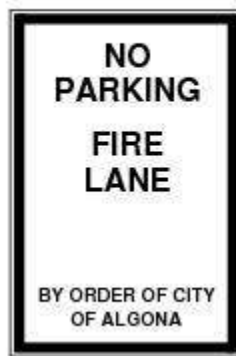
10.56.040 Parking prohibited.

Except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or fire official or traffic-control sign, signal or device, no person shall stop, stand or park a vehicle, whether occupied or not, in a designated fire zone, except momentarily to pick up or discharge a passenger or passengers, or temporarily for the purpose of and while actually engaged in loading or unloading property. Vehicles parked in a fire zone are subject to immediate impoundment, in addition to other penalties. (Ord. 850 § 4, 1998).

10.56.050 Identification.

Lanes shall be identified by a four-inch-wide line or by painting of the curb in bright yellow color. Marking shall be by one of the following methods:

A. Fire lane signs (in accordance with the Washington State Highway Commission Sign Fabrication Manual M24-70 HT and the Manual of Uniform Traffic Control Devices issued by the Federal Highway Administration), per illustration:



Lettering Specifications

- 3" – Class C width
- 3" – Class B width
- 2" – Class C width
- 1/2" – Class C width

1. Reflective in nature;
2. Red letters on white background;
3. Signs to be spaced fifty feet apart and posted on or immediately next to the curb, or on the building;
4. Signs to be no less than four feet from the ground.

B. Fire lane painting (where signs cannot be safely or securely posted, or where required additional to signs).

1. Block letters twenty-four inches high, twelve inches wide and four-inch stroke stating "FIRE LANE – NO PARKING" shall be painted on the lane at fifty-foot intervals in bright yellow color using paint that shall be suited for traffic markings.

C. Alternate Materials and Methods. The chief may modify any of the provisions herein where there are practical difficulties in the way of carrying out the strict letter of the standard; provided, that the spirit of the code shall be complied with, public safety secured and substantial justice done. The particulars of such modification shall be granted or allowed and the decision of the chief shall be entered upon the records of the department. (Ord. 850 § 5, 1998).

10.56.060 Existing buildings.

When the fire department determines that a hazard due to inaccessibility of fire apparatus exists around existing buildings, they may require fire lanes to be constructed and maintained as detailed in Sections 10.56.020 and 10.56.030. (Ord. 850 § 6, 1998).

10.56.070 Enforcement.

It shall be the joint duty of the Algona police chief and the ~~Valley Regional Fire Authority fire marshal Auburn fire chief~~ and/or their authorized designee(s) to enforce this chapter as related to Section 10.56.040. It shall be the duty of the ~~Valley Regional Fire Authority fire marshal Auburn fire chief or his authorized designee(s)~~ to enforce the other sections of this chapter. (Ord. 850 § 7, 1998).

10.56.080 Violation – Penalty.

A. It is a violation of this section for any person, firm or individual to sign or to attempt to designate an unauthorized fire zone.

B. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, which upon conviction shall result in a fine of seventy dollars. (Ord. 850 §§ 8, 9, 1998).

Chapter 10.60

INATTENTIVE DRIVING

Sections:

- 10.60.010 Definition.
- 10.60.020 Inattentive driving prohibited.
- 10.60.030 Violation – Penalty.

10.60.010 Definition.

For the purpose of this chapter, “inattentive” means with a lack of attentiveness to conditions, circumstances, and one’s duties required to safely operate the vehicle. Conditions include, but are not limited to, the nature and condition of the roadway, presence of other traffic, presence of pedestrians, and weather conditions. (Ord. 1035-10 § 1 (part)).

10.60.020 Inattentive driving prohibited.

It is unlawful for any person to operate a motor vehicle in an inattentive manner. (Ord. 1035-10 § 1 (part)).

10.60.030 Violation – Penalty.

The offense of inattentive driving shall be considered to be a lesser offense than, but included in, the offense of operating a motor vehicle in a negligent manner. Any person convicted of inattentive driving shall be guilty of an infraction, and shall be subject to a penalty of one hundred twenty-five dollars. (Ord. 1035-10 § 1 (part)).

Chapter 10.64

COMPRESSION BRAKES

Sections:

- 10.64.010 Prohibition of compression brakes.
- 10.64.020 Definition.
- 10.64.030 Posting of signs.
- 10.64.040 Violation – Penalty.

10.64.010 Prohibition of compression brakes.

No person shall use motor vehicle compression brakes within the city limits of the city of Algona, including on State Route 167. It shall be an affirmative defense that the compression brakes were used in an emergency to protect persons and/or property. (Ord. 1127-16 § 1 (part)).

10.64.020 Definition.

As used in this section, the term “compression brake” means any device that uses the engine and transmission to impede the forward motion of a motor vehicle by compression of the engine. A “compression brake” is also referred to as a “jake brake.” (Ord. 1127-16 § 1 (part)).

10.64.030 Posting of signs.

The public works director shall post at reasonable locations within the city limits, including on State Route 167, signs indicating “compression brakes prohibited” or substantially similar wording. (Ord. 1127-16 § 1 (part)).

10.64.040 Violation – Penalty.

Violation of this chapter shall constitute a traffic infraction and shall be punishable by a maximum penalty of two hundred fifty dollars per violation. (Ord. 1127-16 § 1 (part)).

Chapter 19.04

GENERAL

Sections:

- 19.04.010 Short title.
- 19.04.020 Purpose.
- 19.04.030 Definitions.
- 19.04.040 Scope.
- 19.04.050 Interpretation.
- 19.04.060 Permit – Requirement – Compliance.
- 19.04.070 City engineer – Permanent control monuments – Survey monuments – Performance authority.
- 19.04.080 General survey requirements.

19.04.010 Short title.

This title, together with any amendments thereto, shall be known and may be cited as the “land division code” of the city of Algona. (Ord. 1016-08 § 2 (part)).

19.04.020 Purpose.

The purpose of this title is to regulate the subdivision and short platting of land and the adjustment of boundary lines and to promote the public health, safety and general welfare in accordance with standards established under state law, city ordinances, the city comprehensive plan, and the policies of the council to:

- A. Prevent the overcrowding of land and undue congestion of population;
- B. Promote effective use of land and the safe and convenient travel by the public on streets and highways;
- C. Provide the most beneficial relationship between uses of land and buildings and the circulation of traffic throughout the community, with particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to various uses of land and buildings, and provide for the proper location and width of streets and building lines, and provide for proper ingress and egress;
- D. Prevent the pollution of air, streams, ponds and wetlands, assure the adequacy of drainage facilities, safeguard the water table, and encourage the wise use and management of natural resources throughout the community in order to preserve the integrity, stability, and beauty of the community and value of the land;
- E. Provide for adequate light and air and privacy, secure safety from fire, flood and other dangers;
- F. Facilitate adequate provision for water, sewerage, parks and recreation areas, sites for schools and school grounds and other public requirements;
- G. Provide for the expeditious review and approval of proposed subdivisions, short subdivisions and lot line adjustments, which conform to zoning standards and local plans and policies;
- H. Adequately provide for the housing and commercial needs of the citizens of the city and encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development and promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities;
- I. Require uniform monumenting of land subdivisions and conveyancing by accurate legal description;
- J. Assure proper urban form and open space separation of urban areas;
- K. Protect environmentally critical areas and areas premature for urban development;

L. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize the conflicts among the uses of land and buildings;

M. Establish reasonable standards of design and procedures for subdivision and redivision in order to further the orderly layout and use of land;

N. Ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing facilities and services, through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development; and

O. Preserve the natural beauty and topography of the community and ensure appropriate development with regard to these natural features. (Ord. 1016-08 § 2 (part)).

19.04.030 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

“Adjacent landowners” shall mean and refer to the owners of real property, as shown by the records of the county assessor, located within five hundred feet of any portion of the boundary of a proposed subdivision; provided, that if the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie(s) adjacent to the real property proposed to be subdivided, “adjacent landowner” shall also mean owners of real property located within five hundred feet of any portion of the boundaries of such adjacently located parcels of real property.

“Alley” means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

“AMC” shall mean and refer to the official code of the city of Algona.

“Applicant” means the owner or owners of record of the property subject to an application for land division or boundary line adjustment, or authorized representative of such owner or owners.

“Application” means all of the application forms, plans and accompanying documents required by this title for any particular land division, boundary line adjustment or lot combination request.

“As-builts” are the engineering drawings which show the exact location, size and dimension of streets and utilities and related improvements that have been installed.

“Binding site plan” means a drawing to a scale specified by local ordinance which: (A) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (B) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the local government body having authority to approve the site plan; and (C) contains provisions making any development be in conformity with the site plan.

“Block” is a group of lots, tracts, or parcels within well-defined and fixed boundaries.

“Bond” refers to a form of security, provided in an amount found satisfactory to the city attorney, intended to insure that required improvements are installed and provide warranty against defects in material and/or workmanship.

“Boundary line adjustment” means division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements under the Algona Municipal Code for width and area for a building site. This term shall also mean and include the term “lot line adjustment” as that term is used in Chapter 14.04, Permit Processing.

“City” refers to the city of Algona unless the context indicates some other meaning.

“City clerk” is the individual designated by the mayor and confirmed by the city council to be city clerk, or his or her designee, or the office or person otherwise assigned such duties, or his or her designee.

“City engineer” is the individual designated by the mayor and confirmed by the city council to be city engineer, or his or her designee, or the office or person otherwise assigned such duties, or his or her designee, or a consulting engineer retained by the city to provide on-call engineering services to the city.

“City planner” is the individual so designated by the mayor and confirmed by the city council to be city planner, or his or her designee, or the office or person otherwise assigned such duties, or his or her designee.

“Comprehensive plan” is the plan adopted as the city’s comprehensive plan pursuant to Chapter 36.70A RCW as now or hereafter amended.

“County auditor” shall be as defined in Chapter 36.22 RCW or the office or person assigned such duties under a county charter.

“Critical areas” refer to those lands identified on the comprehensive plan and/or city zoning code, which have unique characteristics which require special regulations in order to ensure proper use with intense development.

“Dedication” is the deliberate appropriation of land by an owner for any general and public use reserving to herself or himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. Acceptance by the city shall be indicated by the approval of the city council, as evidenced by the presence of the mayor’s (or designee’s) signature on the face of the final plat.

“Development guidelines and public works standards” shall mean and refer to the development guidelines and public works standards adopted by the city pursuant to Algona city ordinance No. 829, as now or hereafter amended, revised, reconstituted, retitled, renumbered, or reenacted.

“Development permit” means any permit issued by the city of Algona allowing the physical alteration of real property including, but not limited to, property development, building construction, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, boundary line adjustment or lot consolidation is not considered a “development permit” for the purposes of this title.

“Easement” means a grant by the property owner to the public, a corporation, or persons of the use of a strip of land for a specific purpose and on or over which the owner will not erect any permanent improvements which serve to interfere with the free exercise of that right.

“EIS” or “environmental impact statement” means a document prepared to assess the environmental impacts of a proposal which has been judged to have, or to likely have, a significant adverse effect upon the quality of the environment pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW), as now constituted or hereafter amended.

“Engineering drawings” are diagrams that provide plans, profiles and cross-sections of utilities and roads to be installed, prepared by a licensed civil engineer.

“Final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in state law and in this title.

“Half street” means a street with improvements built only from the centerline to one edge of the ultimate right-of-way, but otherwise designed and built in accordance with all applicable ordinances, standards and requirements; provided, that appropriate measures shall be taken to protect the structural integrity of the exposed edge of pavement at the ultimate centerline, as determined by the city engineer.

“Homeowners’ association” means an incorporated, nonprofit organization operating under recorded land agreements through which:

1. Each lot owner is automatically a member;
2. Each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property; and
3. A charge, if unpaid, becomes a lien against the property.

"Improvements" means the landscaping, streets, sidewalks, streetlights, fire hydrants, storm water facilities, sanitary sewer facilities, domestic water facilities, and other utilities and facilities required by this title to be constructed in conjunction with any particular land division.

"Land division" or the "division of land" means the creation of any new lot or lots for the purpose of sale, lease or transfer of ownership, whether such lot or lots is created by subdivision, short subdivision, or binding site plan.

"Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

"Lot area" means the total horizontal area within the boundary lines of a lot; however, the area contained in access easements, tracts, or panhandles shall not be included in the lot area or any other lot size computation.

"Lot combination" means the process by which contiguous parcels may be combined or consolidated into larger parcels for ownership, development or redevelopment.

"Lot of record" means a lot as shown on an officially recorded plat or short plat or a parcel of land officially recorded or registered as a unit of property, and described by metes and bounds, and lawfully established on the date of recording of the instrument first referencing the lot.

"Lot, through" means a lot that has both ends fronting on a street; both ends will be considered front.

"Panhandle" means an irregular extension or protrusion of a lot, created for the purpose of providing such lot with frontage on a public or private street or access way.

"Planning commission" means that body as defined in Chapter 36.70, 35.63, or 35A.63 RCW and as created by the city pursuant to Chapter 2.12 to perform planning functions.

"Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

"Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

"Private road" refers to an established easement which created access from private property to the city street, with maintenance of the road being the responsibility of the private property owners.

"Roadway" means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

"SEPA" refers to the State Environmental Policy Act of 1971, Chapter 43.21C RCW, as the same may be amended and supplemented from time to time.

"Short plat" is the map or representation of a short subdivision. For purposes of this code, "short plat" may also refer to the land use review process required before a short plat may be approved. See "Short subdivision."

"Short subdivision" is the division or redivision of land into nine ~~four~~ or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

“Subdivision” is the division or redivision of land into ~~ten~~ **five** or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as otherwise provided in this chapter.

“Surety” refers to any form of security involving a cash deposit, bond, collateral, property, or other instrument of credit which is used to insure that required improvements are installed and/or provided warranty against defects in material and/or workmanship.

“Utility” means a public or private entity that provides services to the public and includes those agencies which distribute services such as telephone, gas, electric power, television cable, water and sanitary and storm sewers. (Ord. 1016-08 § 2 (part)).

19.04.040 Scope.

A. This title applies to the division of land into up to ~~nine~~ **four** parcels for short subdivisions and into ~~ten~~ **five** or more parcels for subdivisions.

B. Property boundary lines separating two or more lots of record may be adjusted only under the specific provisions as set forth in this title. Contiguous parcels may be combined or consolidated into larger parcels for ownership, development or redevelopment only in accordance with this title.

C. Where this title imposes greater restrictions or higher standards upon the development of land than other laws, ordinances or restrictive covenants, the provisions of this title shall prevail; provided, that wherever conflicts may arise between this title and Chapter 58.17 RCW, the latter shall prevail.

D. No development permit shall be issued for any lot, tract or parcel of land divided in violation of this title or Chapter 58.17 RCW unless the authority authorized to issue such development permit finds that the public interest will not be adversely affected thereby.

E. This title does not apply to the division of lots which results in tracts of twenty or more acres.

F. This title does not apply to cemeteries and other burial plots while used for that purpose, divisions made by testamentary provisions or the laws of descent, ~~divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land in accordance with local regulations, a division for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed upon the land when the city has approved a binding site plan for the use of the land in accordance with local regulations, or a division subject to the conditions of a binding site plan as approved by the city.~~

G. This title does not apply to divisions of land due to condemnation, or sale under threat thereof, by an agency or division of government vested with the power of condemnation, or to any division of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are consistent with applicable zoning and land use plans.

H. This title does not apply to a division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. “Personal wireless services” means any federally licensed personal wireless service. “Facilities” means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures.

I. No person, firm, or corporation, proposing to make, or having made, a subdivision or short subdivision, shall enter into any contract for sale any lot, tract, parcel, or any part thereof, until the city has approved the final plat or short plat in accordance with the rules and regulations contained in the title. (Ord. 1016-08 § 2 (part)).

19.04.050 Interpretation.

Except as may be otherwise provided for in this title, the city planner or designee shall have the authority to interpret the meaning, words, phrases and sentences set forth in this title and the determination of how specific situations are regulated by this title. Whenever, in the course of administration and enforcement of this title, it is necessary or desirable to make any administrative decision, then, unless other standards are in this title provided, the decision

shall be made so that the result will not be contrary to the spirit and purpose of this title, or injurious to the surrounding neighborhood. Whenever regulations imposed by this title are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations which are more restrictive shall apply. Regardless of any other provision of this title, no land shall be divided in violation of any city, state or federal law or regulation. Appeals of an administrative interpretation may be appealed in accordance with Chapter 14.04. (Ord. 1016-08 § 2 (part)).

19.04.060 Permit – Requirement – Compliance.

No development permit shall be issued for any lot, tract or parcel of land divided in violation of this title or created as a result of a boundary line adjustment or lot combination unless the public official authorized to issue such permit finds that the public interest will not be adversely affected thereby. In determining whether or not the public interest will be adversely affected, the public official shall consider whether or not: the purposes of this title will be served; there has been substantial compliance with the requirements of this title; there will be adverse effects upon the public resulting from issuance of the development permit; there are any mitigating factors that may excuse compliance, and lawful conditions can be imposed that would mitigate the adverse effects to the public interest. This prohibition shall not apply to an innocent purchaser for value without actual notice. (Ord. 1016-08 § 2 (part)).

19.04.070 City engineer – Permanent control monuments – Survey monuments – Performance authority.

The city engineer shall determine the number and location of permanent control monuments, if any, required under this title for any plat, short plat, [binding site plan](#), boundary line adjustment or lot combination. The city consulting engineer may waive the requirement for permanent markers at individual lot angle points. The city consulting engineer is further authorized to:

- A. Set up standards of accuracy and methods of procedures;
- B. Compile and publish maps and records from surveys performed under the provisions of this title, and maintain suitable indexes of surveys to prevent duplication of effort and cooperate with all agencies of local, state and federal government to this end;
- C. Compile and maintain records of all surveys performed under the provisions of this title, and assemble and maintain records of all reliable survey monuments and benchmarks within the city;
- D. Supervise the sale of maps and such publications as may come into the possession of the city. Revenue derived from the sale thereof shall revert to the general fund;
- E. Permit the temporary removal or destruction of any section corner or any other land boundary marker monument by any person, corporation, association, department or subdivision of the state, county or municipality as may be necessary or desirable to accommodate construction or other development of any land; provided, that such section corner or other land boundary mark or monument shall be referenced to the Washington Coordinate System by a land surveyor prior to such removal or destruction, and shall be replaced by a suitable reference monument established by a land surveyor within a reasonable time after completion of such construction, or other developments. (Ord. 1016-08 § 2 (part)).

19.04.080 General survey requirements.

- A. All surveying and monumentation shall be performed in accordance with Chapter 58.09 RCW and city requirements.
- B. Permanent Control Monuments. Permanent control monuments shall be established at:
 - 1. All controlling corners on the boundaries of the subdivision or short subdivision;
 - 2. The intersections of centerlines of roads within and adjacent to the subdivisions or short subdivisions;
 - 3. At the angle points and the beginning and ends of curves on centerlines;
 - 4. All block corners; and

5. The city may also require the boundaries of any delineated critical area to be surveyed and permanently marked in accordance with the city's monumentation standards.

Areas subject to flooding shall include the elevation of the top of the monument.

C. Registered Land Surveyor. All surveys and the preparation of a plat shall be made by or under the supervision of a registered land surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed.

D. Computations – Notes. The surveyor shall furnish the city engineer with a full set of survey notes, which notes shall clearly show:

1. The ties to each permanent monument;
2. At least three durable, distinctive reference points or monuments;
3. Sufficient data to determine readily the bearing and length of each line;
4. The base meridian referred to.

E. A traverse of the boundaries of a subdivision and all lots and blocks shall close within one foot in five thousand feet, as required by Chapter 332-130 WAC.

F. Primary survey control points shall be referenced to section corners and monuments, and corners of adjoining subdivisions, or portions of subdivisions, shall be identified and ties shown.

G. Permanent control monuments may be placed on the offset lines. The position and type of every permanent monument shall be noted on all plats of the subdivision. Permanent control monuments shall be of a type approved by the city engineer.

H. Permanent control monuments within the streets shall be set after the streets are graded. In the event a final plat is approved before streets are graded, the bond or other surety provided to provide for grading shall be sufficient to pay the costs of setting the monuments estimated by the city engineer.

I. Each lot corner shall be marked by a three-quarter-inch galvanized iron pipe, twenty-four inches in length, or approved equivalent, driven into the ground and set with C cap per the requirements of RCW 58.19.120.

J. Property Contiguous to Water. If any land in a subdivision is contiguous to a body of water, a meander line shall be established or re-established along the shore at a safe distance back from the ordinary high water mark. The line shall be shown on the face of the drawing and permanently marked in accordance with the city's monumentation standards. Property lying below and beyond the meander line shall be defined by distance along the side property lines extended from the meander line. If the thread of a stream lies within a subdivision or forms the boundary of a subdivision, such thread shall be defined by bearings and distances as they exist at the time of the survey.

K. Surveying and Monumentation. In order to ensure the establishment and preservation of land surveys, and ensure accurate and consistent standards and procedures for surveying and monumentation, the following requirement shall apply: Any monument or other permanent survey markers disturbed by construction or other activities shall be re-established in accordance with the requirements contained in this section. (Ord. 1016-08 § 2 (part)).

Chapter 19.16
SHORT SUBDIVISION¹

Sections:

- 19.16.010 Title.
- 19.16.020 Application of short plat code.
- 19.16.030 Purpose.
- 19.16.040 Preliminary consideration of application.
- 19.16.050 Survey of a short subdivision and preparation of plat.
- 19.16.060 On-site identification posting.
- 19.16.070 Application of environmental analysis and impact statement.
- 19.16.080 Departmental review.
- 19.16.090 Approval criteria.
- 19.16.100 Roads and rights-of-way.
- 19.16.110 Administrative approval.
- 19.16.120 Filing with county.
- 19.16.130 Resubdivision.
- 19.16.140 Vacation or alteration.

19.16.010 Title.

This chapter shall be known as the city of Algona “short plat code.” (Ord. 1016-08 § 2 (part)).

19.16.020 Application of short plat code.

Every division of land, for the purpose of lease or sale, into at least two but not more than ~~four~~ **nine** lots, parcels or tracts within the city shall proceed in compliance with this chapter. No approval shall be issued for contiguous short plats of land owned by the same person. Such contiguous platting of land falls in the category of a full subdivision and must comply with the provisions of Chapter 19.20. (Ord. 1016-08 § 2 (part)).

19.16.030 Purpose.

The purpose of this chapter is to regulate the division of land into ~~four~~ **nine** or less lots, tracts, parcels, sites or subdivisions; establish regulations and procedures for the administrative summary approval of short plats and short subdivisions or revisions thereof; and require filing of a short plat for record in the office of the county auditor. (Ord. 1016-08 § 2 (part)).

19.16.040 Preliminary consideration of application.

Any person considering the short subdivision of land is strongly encouraged but not required to participate in a pre-application meeting with the city planner or appropriate city staff before any plans are drawn. The pre-application meeting shall be an informal review of the proposed short plat where recommendations can be offered to the extent of advising the applicant of the criteria relative to conformance with the city comprehensive plan, such as proper arrangement of planned streets and roads, planned physical development and improvement of the city; and to ensure and provide adequate and convenient open spaces for traffic, utilities, emergency access, recreation, light and air, and for the avoidance of congestion of the population. (Ord. 1016-08 § 2 (part)).

19.16.050 Survey of a short subdivision and preparation of plat.

A. Applications for short subdivision shall be submitted on forms provided by the city planner. The completed application shall be submitted to the city planner, and shall include the information specified in this chapter, the fees required pursuant to Chapter 2.50, and any other information as may be required by King County as a condition of recording. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application; provided, that a pre-existing, unplatted adjacent parcel may also be excluded if it is five acres or greater in size. The application shall include the following information:

1. The name, address, telephone number, and signature of the applicant. If the applicant is not the property owner, each property owner must also sign the application. The application shall designate a single person or entity to receive determinations and notices required by this chapter or Chapter 14.04;

2. A certification by the applicant showing the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names and addresses and telephone numbers of all such persons, firms or corporations; and

3. The zoning of the property and contiguous parcels.

B. Applicant shall submit to the city planner the original signed and completed application form, together with five copies of folded prints of the short plat on eighteen-inch by twenty-four-inch paper, one eight-and-one-half-inch by eleven-inch copy, current title report or plat certificate, lot closure report (two copies), CC&Rs (conditions, covenants and restrictions tied to property), free consent statement signed by all owners of the property and other information required as identified by the city planner. The site plan(s) must clearly show the following information:

1. Stamp and signature of a Washington State-licensed surveyor;

2. North arrow, scale and date;

3. Name and address of the owner(s) of the property;

4. Parcel numbers for all affected parcels;

5. An original legal description of all existing parcels contained in the short plat;

6. Proposed new legal descriptions for the modified lots/parcels;

7. All dimensions and bearings of the exterior boundaries of the short plat and proposed lots with ties to at least two known monuments. If necessary, an alternate system may be used with prior approval of the city of Algona engineering department;

8. Names of adjacent subdivisions adjoining property owners;

9. All section lines within and adjacent to the short plat;

10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot. Where any lot affected by a proposed short plat is served or is likely to be served in the future by an on-site sewage disposal system, a percolation test for each such lot may be required by the city engineer when the city engineer finds that the proposed short plat could adversely affect the ability of such lot to be adequately served by such on-site system;

11. Declaration blocks shall be provided for the lot owner(s), surveyor, approving governmental agencies and recording certification in a manner as prescribed by the city planner;

12. Existing lots, including their layout, exterior dimensions, size and lot numbers. The line(s) to be adjusted should be dashed and marked as such ("existing line");

13. Revised lots, including their layout, exterior dimensions, size, and lot numbers. The adjusted line(s) should be solid and noted as such ("revised line");

14. The total area of the short plat and rebar and caps set at new lot/boundary corners;

15. Location of all existing structures and their distances to the adjusted line(s). If these structures are to be removed or moved, please note them as such;

16. Main building setbacks required on each revised lot;

17. Location of all existing fences, walls and other improvements in close proximity to the adjusted line(s), including encroachments, and their distances from the adjusted line(s);

18. All existing and proposed easements within and adjacent to the short plat. Easements should be labeled (i.e., "Proposed private access and public utility easement to benefit Lot 1") and existing easements should also include their recording numbers;
 19. Location of private utility lines (sewer, water, power, gas, etc.) serving existing structures on the property if those existing structures are to remain;
 20. Existing contour lines of the site, as well as proposed new contours, if the proposal involved re-grading, are required. Contours shall be at a minimum of five-foot intervals;
 21. Location of any wetland or surface water body (stream, pond, lake) on or within three hundred feet of property;
 22. Location of any other critical area(s) on the site (geologically hazardous areas, fish and/or wildlife habitat, flood zones or aquifer recharge areas);
 23. The location and dimensions of any existing roads, drainfields, easements, or rights-of-way existing within any affected lot and other important features adjacent to the proposed short plat;
 24. The area and dimensions of each lot following the proposed short plat. The square footage computation of each proposed lot or parcel shall be sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum zoning requirements;
 25. When a short plat is designed with lot sizes large enough to be capable of further subdivision, the applicant will be required to submit a future development plan depicting that adequate provisions have been made in the proposed short plat for the future needs for access, utilities, drainage, sewerage, transportation, and compliance with environmental regulations, the comprehensive plan of the city and other criteria as set forth in other ordinances of the city;
 26. Roads not dedicated to the public must be clearly marked as such on the face of the plat. Any dedication, donation or grant, as shown on the face of the plat, shall be considered to all intents and purposes as a quit claim deed to the grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid; and
 27. A space for approval by the administrator.
- C. Short subdivision applications shall be submitted to the city planner with a title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be submitted no more than thirty days prior to the application date. The city at its discretion may request an updated title report prior to approval.
- D. The final Mylar for recording shall contain all survey information required for a record of survey under Chapter 58.09 RCW and Chapter 332-130 WAC.
- E. All newly established lot corners shall be permanently marked with the land surveyor's registration number.
- F. When the legal description of the short subdivision utilizes partial or incomplete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.
- G. All reference monuments used in the establishment of the short subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.
- H. When the short subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.

I. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the Mylar that reads:

“THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE “SURVEY RECORDING ACT,” CHAPTER 58.09 RCW AND CHAPTER 332-130 WAC.” (Ord. 1016-08 § 2 (part)).

19.16.060 On-site identification posting.

A. Identification Marker Posting. The applicant shall, for identification purposes only, cause markers of a type approved by the city to be placed upon each of the road frontage corners of the subject land and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed short plat.

B. Posting of Other Data and Markers. Where other data or where identification markers are found necessary by any relevant agency to assist it in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies.

C. Consent to Access. The applicant shall permit or cause to be permitted free access to the land being subdivided to all agencies considering the short subdivision for the period of time extending from the time of application to the time of final action. (Ord. 1016-08 § 2 (part)).

19.16.070 Application of environmental analysis and impact statement.

All actions by the city in approving a short plat shall be exempt from any environmental analysis or environmental impact statement, unless the responsible SEPA official determines that said short plat is located wholly or partially within a “sensitive area” authorized by WAC 197-11-908. The city planner may require additional information from the applicant to determine whether the project must be reviewed under SEPA. Preliminary approval of the short subdivision shall not be given until all applicable requirements of SEPA are fulfilled. If a stream or natural drainage way exists in the proposed short subdivision, it shall not be altered until an assessment is made of potential environmental effects and, if required, mitigation or modifications implemented.

“Sensitive area” is defined as any area which:

A. Contains significant threats to the environment, arising from earth slides or flooding from a flood of a frequency expected to recur on the average of once every one hundred years of a flood magnitude which has a one percent chance of occurring in any given year; or

B. Contains any special natural values such as a marshland or habitation place of substantial concentrations of flora or fauna or of rare or endangered species of flora or fauna; or

C. Is being given special attention because of a problem of critically low or declining resource supply or quality; or

D. Contains elements having significant aesthetic, recreational or historical value; or

E. Is within “shorelines of the state” as defined in the Shoreline Management Act of 1971 as now or hereafter amended. (Ord. 1016-08 § 2 (part)).

19.16.080 Departmental review.

A. The city engineer shall review a short plat for adequacy of access, storm drainage facilities, water supply, sewer system, survey accuracy and feasibility for building sites.

B. The city planner shall review the proposed short plat for conformance with this title, zoning laws, comprehensive plan and environmental regulations.

C. The Seattle-King County health department shall review the proposed short plat for adequacy of septic tank conditions, if applicable.

D. The Valley Regional Fire Authority shall review the proposed short plat for adequacy of emergency vehicle access and fire protection water system, if applicable. (Ord. 1016-08 § 2 (part)).

19.16.090 Approval criteria.

Upon receipt of a complete application, the city planner shall distribute copies of the information to the city engineer, public works supervisor and other involved public officials, parties or agencies as necessary for review. The city planner with the assistance of the city engineer and other reviewing public officials, parties, and agencies shall determine whether the application and proposed short plat comply with the requirements of this chapter.

Short plats shall comply with the design principles, standards and specifications set forth in Chapter 19.24, the comprehensive plan, and the zoning regulations of the city, and:

- A. Shall not result in a lot, tract, parcel, site or division which contains insufficient area or dimensions to meet the minimum requirements for area and dimension as set forth in the land use and health codes and regulations; except as permitted in accordance with the nonconforming lots of record provisions set forth in the zoning code of the city;
- B. Shall not diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site or division;
- C. Shall not diminish any easement or deprive any parcel of access or utilities, unless alternate easements, access or utilities can be satisfactorily provided;
- D. Shall not increase the nonconforming aspects of any existing nonconforming lot relative to the city's zoning and land use regulations;
- E. Shall not amend the conditions of approval for previously platted property, unless alternate conditions can be satisfactorily provided;
- F. Shall not include property currently not annexed to the city;
- G. Shall not extend or increase the use of city utilities previously granted under an approved pre-annexation utility extension agreement;
- H. Shall be served with adequate means of drainage, water supply, sewage disposal, and other necessary services;
- I. Shall have adequate means of ingress and egress;
- J. Shall serve the public use and interest;
- K. Shall not be approved if the land or any part thereof is situated in a flood control zone as provided in Chapter 86.16 RCW, without approval of the State Department of Natural Resources;
- L. Shall not be approved, if the land is unsuitable or inappropriate for short subdivision due to flooding, inundation, swamp conditions, steep slopes, rock formations, hazardous soil conditions or other features likely to be harmful to the safety, welfare and general health of the future residents or adjoining residents, until provision is made for construction of permanent protective improvements by the applicant and/or owner and the improvements are certified by a professional engineer licensed in the state of Washington, and approved by the city engineer;
- M. Shall not be approved, if the required improvements have not been made or a bond or other surety provided in conformance with this chapter;
- N. Shall not be approved if it does not contain required dedications of all streets and other areas to the public, an individual or individuals, a religious society or societies or any corporation, public or private, as shown on the plat, together with a waiver of all claims for damages binding upon all successor owners, against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the dedicated road; and
- O. Shall not be approved if it is not, as to any dedication filed for record, accompanied by a title report confirming that the title of the lands, as described on the plat, is in the name of the owners signing the certificate. (Ord. 1016-08 § 2 (part)).

19.16.100 Roads and rights-of-way.

A. The city engineer shall review each short subdivision to determine, in accordance with the purposes of this title, whether there is an existing or future need for public access through a proposed short subdivision. If such a need exists, the city engineer may recommend that the short subdivision be denied and the applicant be instructed to proceed with a full subdivision including construction of public roads. If it is determined the need for public roads does not exist, the city engineer may recommend to the city planner the approval of a short subdivision with lots served only by private access. In such a case the access shall be designed in accordance with Algona's Public Works Standards and recommendations of the mayor or his or her designee.

B. The dedication of right-of-way either along an existing road or to provide for a future road as a condition of approval may be required. (Ord. 1111-15 § 1; Ord. 1016-08 § 2 (part)).

19.16.110 Administrative approval.

A. City Review and Approval. Initial review of a proposed short plat application by the city shall be completed and either approved, approved with conditions, or disapproved within the timelines set forth in Chapter 14.04. Initial approval of a short plat by city officials shall be valid for one year from the date that formal notification is mailed to the applicant. Within said one-year timeframe, the applicant shall refile a final short plat with the city. The public officials approving the final short plat must sign the final short plat, and only after the recording of the final short plat with the county auditor shall the short plat be deemed approved.

B. Final approval of a short plat shall require the signature of the city engineer stating that all improvements specified as part of the preliminary approval have been satisfactorily completed.

C. In the alternative, final approval may be granted subject to applicant's filing of a performance bond or other suitable surety in an amount equal to one hundred fifty percent of the estimated cost of the improvements as determined by the city engineer. The city attorney shall approve the form, sufficiency, and manner of execution of the bond. The surety shall provide that the specified improvements must be completed within one year from the date of approval or that the city may, after ten days' written notice to the applicant, execute on the bond or surety. The city may also, but shall not be obligated to, complete all or any part of the specified improvements which are not completed within one year and may execute upon the bond or other surety in order to pay the cost of such completion. The applicant shall be liable for any cost of completion in excess of the bond or surety amount. The performance bond shall not be released until the city engineer is satisfied that all improvements have been satisfactorily completed and until the applicant files a maintenance bond or other suitable surety as provided herein.

D. A maintenance bond, or other acceptable surety, is required from the applicant warranting against defects in labor and materials and guaranteeing the repair or replacement of any improvements which prove defective or fail to survive within two years after final acceptance of the improvements. The surety/bond shall be submitted as a condition of acceptance, and shall be twenty percent of the actual construction cost of the improvements, as determined by the city engineer. The maintenance bond or surety is in addition to any warranty or surety provided to guarantee the installation of required improvements. The city attorney shall approve the form, sufficiency, and manner of execution of the maintenance bond, or other surety, prior to the approval of the final plat. Upon the termination of any warranty period, the city engineer shall authorize the release of the maintenance bond by written notice to the city council, applicant, and the surety.

E. The applicant shall be liable for the costs of installation and construction of the improvements or the repair costs in excess of the performance or maintenance bond or other surety provided.

F. Notice of Return to Applicant for Cause. If a short plat or short plat application is not complete or cannot be approved in its then-present form, a letter shall be sent to the applicant within the timelines and meeting the requirements set forth in Chapter 14.04 to notify the applicant why approval cannot be given in its present form.

G. Effect of Approval. The approval of a short plat shall not be a guarantee that future permits will be granted for any structures or development within said area, and a notation to this effect shall be stated on the face of the short plat.

H. Certificates. The following declarations and certificates must be obtained prior to final approval of a short plat:

1. A declaration of short plat;
2. A certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the short plat has been made with the free consent and in accordance with the desires of the owner or owners;
3. Certification of approval by the city planner and city engineer when they find, within their municipal function, that the short plat serves the intent of this title and complies with all adopted recommendations for approval;
4. County and city clerk/treasurer's certificates indicating all taxes and assessments due and owing have been paid; and
5. The city planner shall require any other certificates that may be deemed appropriate.

The certificates shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

I. Appeal, if Aggrieved. Any person aggrieved by the decision (i.e., denial, approval, or any conditions of said approval) of the city planner or the city engineer may file an appeal of that decision pursuant to the provisions of Chapter 14.04. (Ord. 1016-08 § 2 (part)).

19.16.120 Filing with county.

After the date of the final approval and cessation of all appeal periods, the applicant shall obtain signatures on the short plat Mylar from the King County Assessor-Treasurer. The applicant will then deliver the signed Mylar from the King County Assessor-Treasurer to the city planner and a pre-filled check for recording with the King County Auditor. The city planner will obtain necessary signatures and deliver the Mylar and the check to the King County Auditor for final recording. The short plat shall not be deemed "approved" until so filed by King County. (Ord. 1016-08 § 2 (part)).

19.16.130 Resubdivision.

Land within a short plat shall not be further divided in any manner within a period of five years from the effective date of the short plat without the filing for record of a final plat under the provisions of a subdivision or resubdivision as set forth in this title, all as provided in Chapter 58.17 RCW. (Ord. 1016-08 § 2 (part)).

19.16.140 Vacation or alteration.

Vacation or alteration of a short plat may be applied for and approved in the same manner as provided in this title for vacation or alteration of a subdivision. For purposes of this section, alteration shall mean the modification of a previously recorded short plat, or any portion thereof, which results in the revision of interior lot lines, the addition of new lots or more land, deletion of existing lots, or the removal or modification of plat or lot restrictions or dedications. (Ord. 1016-08 § 2 (part)).

¹ For statutory provisions pertaining to short subdivisions, see RCW 58.17.060.

Chapter 19.20

SUBDIVISION¹

Sections:

- 19.20.010 Title.
- 19.20.020 Application of Algona subdivision code.
- 19.20.030 Purpose.
- 19.20.040 Pre-application conference required.
- 19.20.050 Preliminary plat application – Survey of subdivision and preparation of plat.
- 19.20.060 Notice of application.
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- 19.20.140 Revision of preliminary plat.
- 19.20.150 Methods of completing required improvements.
- 19.20.160 On-site identification posting.
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- 19.20.180 Subdivision divided into ~~five~~ ten or more lots – Selling lot without final plat – Restraint – Assessment of cost.
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- 19.20.240 Submission to council.
- 19.20.250 Council determination.
- 19.20.260 Resubmission.
- 19.20.270 Vacation of subdivision.
- 19.20.280 Alteration of subdivision.

19.20.010 Title.

This chapter shall be known as the “city of Algona subdivision code.” (Ord. 1016-08 § 2 (part)).

19.20.020 Application of Algona subdivision code.

Every division or redivision of land within the city into ~~five~~ ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, except as otherwise provided in this title, shall proceed in compliance with this chapter. (Ord. 1016-08 § 2 (part)).

19.20.030 Purpose.

The purpose of this chapter is to regulate the division of land into ~~five~~ ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership; establish regulations and procedures for the approval of subdivisions or redivisions thereof; and require filing of a plat for record in the office of the county auditor. (Ord. 1016-08 § 2 (part)).

19.20.040 Pre-application conference required.

Any person considering the subdivision of land is required to schedule and attend a pre-application conference with the city planner, public works supervisor and other city staff as deemed necessary, before any plans are drawn. This shall be an informal review of the proposed plat where recommendations can be offered to the extent of advising the

applicant of the criteria relative to conformance with city requirements, such as proper arrangement of planned streets and roads, planned physical development and improvement of the city; and to ensure and provide adequate and convenient open spaces for traffic, utilities, emergency access, recreation, light and air, and for the avoidance of congestion of the population. (Ord. 1016-08 § 2 (part)).

19.20.050 Preliminary plat application – Survey of subdivision and preparation of plat.

A. Applications for a preliminary subdivision plat shall be submitted on forms provided by the city planner. The completed application shall include the information specified in this chapter, the fees required pursuant to Chapter 2.50, and any other information as may be required by King County as a condition of recording. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent simultaneous review is provided for pursuant to Chapter 14.04.

The preliminary plat and subdivision application shall include the following information:

1. The name, address, telephone number, and signature of the applicant. If the applicant is not the property owner, each person with an interest in the property must also sign the application. The application shall designate a single person or entity to receive determinations and notices required by this chapter and Chapter 14.04;
2. A certification by the applicant showing the entire contiguous land in which there is an interest by reason of ownership, contract for purchase, earnest money agreement or option by any person, firm or corporation in any manner connected with the development, and the names, addresses and telephone numbers of all such persons, firms or corporations;
3. The zoning of the property and contiguous parcels;
4. Six copies of an environmental checklist, one of which must have an original signature;
5. List of adjacent landowners (including names and addresses of all persons of record, as certified by a reputable title company, who own or who are contract purchasers of the real property located contiguous to the proposed subdivision site and outside of the developer's ownership or partial ownership); and
6. If applicant intends to seek a zoning amendment, variance, planned unit development, site plan approval, or similar quasi-judicial or administrative action, unless applicant requests otherwise, such applications shall be contemporaneously submitted, if appropriate, for simultaneous consideration.

B. Applicant shall submit for filing to the city clerk, during regular business hours, the original signed and completed application form, together with eight copies and one reproducible copy of the original Mylar for the subdivision in a format prescribed by the city planner, signed and stamped by a professional land surveyor, drawn to a scale not smaller than one inch equals fifty feet or other city-approved scale on a sheet size of eighteen inches by twenty-four inches, nothing smaller, clearly showing the following information:

1. Stamp and signature of a Washington State-licensed surveyor;
2. North arrow, scale and date;
3. Name and address of the owner(s) of the property;
4. Parcel numbers for all affected parcels;
5. An original legal description of all existing parcels contained in the boundary line adjustment;
6. Proposed new legal descriptions for the modified lots/parcels;
7. All dimensions and bearings of the exterior boundary lines and proposed lots with ties to at least two known monuments. If necessary, an alternate system may be used with prior approval of the city of Algona engineering department;

8. Names of adjacent subdivisions and adjoining property owners;
9. All section lines within and adjacent to the proposed subdivision;
10. The existing and, if applicable, proposed future method of sewage disposal for each affected lot. Where any lot affected by a subdivision is served or is likely to be served in the future by an on-site sewage disposal system, a percolation test for each such lot may be required by the city engineer when the city engineer finds that the proposed adjustment could adversely affect the ability of such lot to be adequately served by such on-site system;
11. Declaration blocks shall be provided for the lot owner(s), surveyor, approving governmental agencies, and recording certification in a manner as prescribed by the city planner;
12. Existing lots, including their layout, exterior dimensions, size and lot numbers. The line(s) to be adjusted should be dashed and marked as such (“existing line”);
13. Revised lots, including their layout, exterior dimensions, size, and lot numbers. The adjusted line(s) should be solid and noted as such (“revised line”);
14. The total area of the subdivision and rebar and caps set at new lot/boundary corners;
15. Location of all existing structures and their distances to the adjusted line(s). If these structures are to be removed or moved, please note them as such;
16. Main building setbacks required on each revised lot;
17. Location of all existing fences, walls, and other improvements in close proximity to the adjusted line(s), including encroachments, and their distances from the adjusted line(s);
18. All existing and proposed easements within and adjacent to a subdivision. Easements should be labeled (i.e., “Proposed private access and public utility easement to benefit Lot 1”) and existing easements should also include their recording numbers;
19. Location of private utility lines (sewer, water, power, gas, etc.) serving existing structures on the property if those existing structures are to remain;
20. Existing contour lines of the site, as well as proposed new contours, if the proposal involves re-grading, are required. Contours shall be at a minimum of five-foot intervals;
21. Location of any wetland or surface water body (stream, pond, lake) on or within three hundred feet of property;
22. Location of any other critical area(s) on the site (geologically hazardous areas, fish and/or wildlife habitat, flood zones or aquifer recharge areas);
23. The location and dimensions of any existing roads, drain fields, easements or rights-of-way existing within any affected lot and other important features adjacent to the proposed subdivision;
24. The area and dimensions of each lot following the proposed subdivision. The square footage computation of each proposed lot or parcel shall be sufficiently accurate to show that each such lot or parcel contains at least sufficient footage to meet minimum zoning requirements;
25. When a subdivision is designed with lot sizes large enough to be capable of further subdivision, the applicant will be required to submit a future development plan depicting that adequate provisions have been made in the proposed short plat for the future needs for access, utilities, drainage, sewerage, transportation, and compliance with environmental regulations and the comprehensive plan of the city and other criteria as set forth in other ordinances of the city;
26. Roads not dedicated to the public must be clearly marked as such on the face of the plat. Any dedication, donation or grant, as shown on the face of the plat, shall be considered to all intents and purposes as a quit claim

deed to the grantee or grantees for his, her or their use for the purpose intended by the donors or grantors as aforesaid; and

27. A space for approval by the administrator.

C. The city clerk shall, upon receipt of the application and preliminary subdivision plat, record the time and date of the receipt thereof, and deliver the application and subdivision plat to the city planner for a determination of completeness and filing. Upon determination that the application is complete in accordance with Section 14.04.140, the city planner shall affix the date of such determination and filing to the application and shall promptly forward one copy to each of the following individuals for preliminary review and comment:

1. City engineer;
2. City building inspector;
3. Planning commission chairman;
4. Supervisor of public works;
5. Valley Regional Fire Authority;
6. Any other governmental body if the subdivision is located within one mile of its jurisdiction; and
7. The Washington State Department of Transportation (WSDOT) if the subdivision is located adjacent to a state highway.

D. Subdivision applications shall be submitted with a title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be no more than thirty days prior to the application date. The city at its discretion may request an updated title report prior to approval of the final plat.

E. The final Mylar for recording shall contain all survey information required for a record of survey under Chapter 58.09 RCW and Chapter 332-130 WAC.

F. All newly established lot corners shall be permanently marked with the land surveyor's registration number. When the boundary lines follow a meandering line, the "corners" shall be set as directed by the city of Algona.

G. When the legal description of the subdivision utilizes partial or incomplete section subdivisional breakdown to establish the boundaries, section subdivision survey information shall be shown in accordance with the requirements of WAC 332-130-030.

H. All reference monuments used in the establishment of the subdivision corners shall be identified, described and noted as set or found. When appropriate, the survey shall reference previous surveys that served as the basis for the survey.

I. When the subdivision is adjacent to a constructed public right-of-way and the plat corners or its offset represent a quarter corner, section corner or donation land claim that is not of record or has been lost (or obliterated), a standard monument shall be placed.

J. All requirements of Chapter 58.09 RCW and Chapter 332-130 WAC governing minimum standards for land boundary surveys shall be met and a note shall be placed on the Mylar that reads:

"THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT," CHAPTER 58.09 RCW AND CHAPTER 332-130 WAC." (Ord. 1016-08 § 2 (part)).

19.20.060 Notice of application.

The city planner shall make a written determination that the application is complete in accordance with the time periods and procedures set forth in Section 14.04.140. The date of such determination shall be the date that the

completed application was filed. Upon such determination, the city planner shall cause a notice of application to be issued in accordance with Section 14.04.110. (Ord. 1016-08 § 2 (part)).

19.20.070 Departmental review.

Within thirty days from the date of filing of the completed application, all interested public officials shall have submitted their comments and recommendations to the city planner and the city planner shall issue a staff report with a recommendation as to whether or not the application and proposed subdivision plat comply with the requirements of this chapter and other applicable laws, rules and regulations, and what, if any, conditions should be imposed. In particular:

A. The city engineer shall review the subdivision for adequacy of access, storm drainage facilities, water supply, sewer system, survey accuracy, feasibility for building sites, and compliance with environmental regulations, and conduct environmental review required pursuant to Section 14.04.120;

B. The city planner shall review the proposed subdivision plat for conformance with this title, zoning laws, and the comprehensive plan;

C. The Seattle-King County health department shall review the proposed subdivision plat for adequacy of septic tank conditions, if applicable; and

D. Valley Regional Fire Authority (VRFA) shall review the proposed subdivision for adequacy of emergency vehicle access and fire protection water system, if applicable. (Ord. 1016-08 § 2 (part)).

19.20.080 Approval criteria.

In considering preliminary subdivision plats, the city shall inquire into the public use and interest proposed to be served by the establishment of the subdivision. The city shall approve a preliminary subdivision plat only if appropriate provisions are made in the subdivision for, but not limited to, the public health, safety, and general welfare, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary and/or septic sewer systems, fire protection, parks and recreation, playgrounds, schools, sidewalks, and other planning features that assure safe walking conditions for students who only walk to and from school, and shall consider all other relevant facts and requirements as set forth in this chapter.

Subdivisions shall comply with the design principles, standards and specifications set forth and referenced in the development guidelines and public works standards, Chapter 19.24, the comprehensive plan, and the zoning and development regulations of the city. More specifically, subdivisions:

A. Shall not result in a lot, tract, parcel, site or division which contains insufficient area or dimensions to meet the minimum requirements for area and dimension as set forth in the land use and health codes and regulations, except as permitted in accordance with the nonconforming lots of record provisions set forth in Title 22 of the city;

B. Shall not diminish or impair drainage, water supply, existing sanitary sewage disposal, and access or easement for vehicles, utilities, and fire protection for any lot, tract, parcel, site or division;

C. Shall not diminish any easement or deprive any parcel of access or utilities, unless alternate easements, access or utilities can be satisfactorily provided;

D. Shall not increase the nonconforming aspects of any existing nonconforming lot relative to the city's zoning and land use regulations;

E. Shall not amend the conditions of approval for previously platted property, unless alternate conditions can be satisfactorily provided;

F. Shall not include property currently not annexed to the city;

G. Shall not extend or increase the use of city utilities previously granted under an approved pre-annexation utility extension agreement;

H. Shall be served with adequate means of drainage, water supply, sewage disposal, and other necessary services;

I. Shall have adequate means of ingress and egress;

J. Shall serve the public use and interest;

K. Shall not be approved if the land or any part thereof is situated in a flood control zone as provided in Chapter 86.16 RCW, without approval of the State Department of Natural Resources; or

L. Shall not be approved if the land is unsuitable or inappropriate for subdivision due to flooding, inundation, swamp conditions, steep slopes, rock formations, hazardous soil conditions or other features likely to be harmful to the safety, welfare, and general health of the future residents or adjoining residents, until provision is made for construction of permanent protective improvements by the applicant and/or owner and the improvements are certified by a professional engineer licensed in the state of Washington, and approved by the city engineer. (Ord. 1016-08 § 2 (part)).

19.20.090 Staff report and recommendation.

Unless applicant grants an extension of time, or the time period for submitting preliminary approval or a denial is tolled, the city planner and city engineer shall have a maximum of thirty days from the date of filing to review the application and proposed preliminary subdivision plat and prepare and submit a written staff report to the city clerk, the applicant, and the planning commission in conformance with Section 14.04.070. The report shall include the effect of the proposed subdivision upon the public health, safety, and general welfare, and a recommendation for approval, approval with conditions or disapproval of the preliminary subdivision plat together with reasons given therefor. The report shall also include a recommendation as to the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the cost of these improvements. (Ord. 1016-08 § 2 (part)).

19.20.100 Public hearing – Planning commission.

The planning commission shall set a date for an open record public hearing to review the subdivision and take evidence and public testimony concerning this subdivision in accordance with Section 14.04.070 et seq. The planning commission shall: identify all persons wishing to be parties of record for purposes of the subdivision application; conduct and record the public hearing; take testimony and evidence as part of the record of the public hearing; review the preliminary subdivision plat for conformance with the minimum standards of this chapter; recommend approval as presented, approval with conditions, disapproval; or cause the public hearing to be continued to a date certain. The planning commission recommendation shall be based on written findings of fact. Dedication of land to the city, provision of public improvements to serve the subdivision, and/or impact fees imposed pursuant to state law and city ordinances may be required as a condition of approval. The final recommendation of the planning commission shall be forwarded to the city clerk and the city council. (Ord. 1016-08 § 2 (part)).

19.20.105 Public hearing – Notice.²

A. Notice for a public hearing shall be given by the city clerk/treasurer to a newspaper of general circulation, which shall be published not less than ten days prior to the hearing. The planning commission shall notify landowners within five hundred feet of the proposal by letter, properly addressed and postage prepaid and deposited in the U.S. mail, the persons who own or are contract purchasers of land contiguous to and outside the developer's ownership. The notice shall specify the time, date, and location of the hearing and the particulars of the initial hearing on the proposed subdivision and shall be mailed not less than ten days before the hearing. The cost of the newspaper publication and ownership notification shall be borne by the developer. In addition, such notice shall be mailed to:

1. A city if a proposed formal subdivision is adjacent to or within one mile of the city's boundary, or the proposed subdivision would use the utilities of the city.
2. The State Department of Highways if a proposed formal subdivision is adjacent to a state highway right-of-way.

B. In addition, the applicant shall post said proposed subdivision with one or two signs, the size of which shall be at least thirty inches by twenty-four inches but no larger than four feet by eight feet, identifying the particulars of the proposed subdivision and the hearing date.

1. The lettering on the sign shall be at a minimum a nine-inch dark-colored font against a light-colored background.

2. The sign shall contain the words “public hearing” readily visible, a graphic description of the proposal and the date, place, and time of public hearing. Its location shall be on or near the proposed subdivision (adjacent to the most traveled road) or, if abutting more than one road, on each and every road.

3. The sign must be posted at least two weeks prior to the public hearing and shall continue to be posted until final action on the preliminary plat is taken by the city council.

4. The applicant shall, by affidavit, give proof of compliance with this section prior to commencement of the initial public hearing. (Ord. 1016-08 § 2 (part)).

19.20.110 City council review/decision.

The city council shall, at its next regularly scheduled public meeting following receipt of the recommendations of the planning commission, set the date for the public meeting at which it may adopt or reject the recommendations of the planning commission. The city council shall thereupon consider the matter at a public meeting and approve, approve with conditions, disapprove, continue consideration of the preliminary plat or refer the matter back to the planning commission for reconsideration; provided, that if substantial revisions or additional evidence or testimony is required, the revised preliminary plat must first be subject to another public hearing either before the planning commission or the city council.

The city council’s decision shall clearly state any conditions of approval imposed, including dedications and the construction of protective improvements. If the preliminary plat is approved, the decision shall include a written finding of fact that the proposed subdivision is in conformity with the applicable provisions of this title. Dedication of land to the city, provision of public improvements to serve the subdivision, and/or impact fees imposed pursuant to state law and city ordinances may be required as a condition of approval.

Approval or disapproval of the preliminary plat will be given by letter from the city clerk/treasurer containing the results of the action of the city council to approve, approve with conditions or disapprove of the plat application.

The decision of the city council to approve or disapprove the preliminary plat shall be considered the final decision, unless a motion for reconsideration is timely filed pursuant to Section 14.04.080. (Ord. 1016-08 § 2 (part)).

19.20.120 Effect of preliminary approval.

A. Approval of a preliminary plat does not constitute a final acceptance of the subdivision.

B. Approval of the preliminary plat shall constitute authorization for the applicant to develop the subdivision facilities and improvements as required in the approved preliminary plat upon issuance of the final plat. Development shall be in strict accordance with the plans and specifications as prepared or approved by the city engineer and subject to any conditions imposed by the city council.

C. No subdivision requirements which become effective after the approval of a preliminary plat for a subdivision shall apply to such subdivision unless the city council determines that a change in conditions created a serious threat to the public health or safety. (Ord. 1016-08 § 2 (part)).

19.20.130 Effective period of preliminary plat approval.

The approval of the preliminary plat is effective for a period of five years, at or before the end of which time final plat application must be submitted to the city council for approval. Any subdivision not submitted for final plat approval within the period of time set forth in this subsection is null and void, and the applicant is required to resubmit a new preliminary plat for approval, subject to all then-current zoning and subdivision regulations. If an applicant files a written request with the city at least thirty days prior to the expiration of this five-year period, the city council may grant a one-year extension upon showing that the applicant has attempted, in good faith, to submit the final plat within the five-year period and that there is a reasonable likelihood of completing the required plat improvements within the one-year extension period. (Ord. 1016-08 § 2 (part)).

19.20.140 Revision of preliminary plat.

An approved preliminary plat may be revised in one of two ways, depending on the magnitude of the changes proposed.

A. Major Revision. A new preliminary plat hearing is required for major revisions, including changes in primary access points or increases in the number of peak hour vehicle trips, expansions of site area, increases in the number of lots, substantial expansions of environmental impacts or substantive changes to conditions of preliminary approval; provided, that easements established by a dedication cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

B. Minor Revision. An administrative amendment to the prior approval may be applied for if the city planner determines the changes are minor but still within the general scope of the original approval; provided, that easements established by a dedication cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement. Minor revisions, including phasing of an approved preliminary plat, may be reviewed as an administrative amendment in accordance with the process set forth in Section 14.04.040. The administrative amendment shall be approved only if all the following criteria are met:

1. The amendment maintains the design intent or purpose of the original proposal;
2. The amendment does not change primary vehicular access points or increase anticipated peak hour vehicle trips;
3. The site area is not expanded and the number of lots is not increased;
4. Circumstances render it impractical, unfeasible or detrimental to the public interests to accomplish the subject condition or requirement of preliminary plat approval;
5. The amendment results in no major adverse environmental or land use impacts on or beyond the site;
6. Portions of an approved preliminary plat may be processed separately for recording in divisions; provided, that all divisions are approved within the prescribed time limits for the preliminary plat; and provided, that the division does not violate the intent of the preliminary plat. When phasing a project, all off-site and on-site mitigation requirements must be completed or bonded commensurate with any impact caused by that particular division of the development. Prior to final approval of a division of the preliminary plat, the city planner shall require an assurance device be submitted for construction of improvements in subsequent divisions if such improvements are necessary for the continuity of transportation, utility, or other systems; and
7. The amendment will be in compliance with the comprehensive plan and applicable laws, ordinances, and regulations. (Ord. 1016-08 § 2 (part)).

19.20.150 Methods of completing required improvements.

A. An applicant may choose to install all infrastructure and other required improvements in accordance with the provisions of the Algona Municipal Code and the requirements of the approved preliminary plat, subject to inspection and approval by the city. As a condition of approval and acceptance by the city of the public improvements, applicant shall provide the city with a maintenance bond or other suitable surety, in a form approved by the city attorney and in an amount equal to twenty percent of the actual construction cost of the improvements, as determined by the city engineer, guaranteeing the repair or replacement of any improvements which prove defective or fail to survive within two years after final acceptance by the city of the required infrastructure or improvements.

B. In the alternative, if the applicant does not install all of the required infrastructure and improvements, a cost estimate of the amount required to install the infrastructure and improvements within one year of final plat approval shall be prepared. A performance bond or other surety may be accepted by the city in an amount equal to one hundred fifty percent of the estimated cost of installing any required improvements not installed prior to the approval of the final plat. The city attorney shall approve the form, sufficiency, and manner of execution of the performance bond, or other surety, prior to the approval of the final plat. The performance bond, surety, or approved local improvement district (L.I.D.) shall be submitted prior to final plat approval. The city reserves the authority to decide whether and to what degree bonding or other performance securities may be accepted in lieu of actual installation of improvements. This condition shall be stated on the final plat and shall be binding on all later owners of lots created by the subdivision.

C. The performance bond required by this section shall remain in effect until released in writing by the city. The performance bond shall not be released until the city engineer is satisfied that all improvements have been satisfactorily completed and until the applicant files a maintenance bond or other suitable surety, in a form approved by the city attorney and in an amount equal to twenty percent of the actual construction cost of the improvements, as determined by the city engineer, guaranteeing the repair or replacement of any improvements which prove defective or fail to survive within two years after final acceptance by the city of the improvements or landscaping. The maintenance bond or surety shall be executed upon, and the applicant shall be liable for repair costs in excess of the maintenance bond or surety, in the same manner as set forth above with respect to the performance bond or surety.

D. The applicant and the city may also enter into a voluntary agreement pursuant to the provisions of RCW 82.02.020. (Ord. 1016-08 § 2 (part)).

19.20.160 On-site identification posting.

A. Identification Marker Posting. The applicant shall, for identification purposes only, cause markers of a type approved by the city to be placed upon each of the road frontage corners of the subject land and maintain them thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks of the proposed plat.

B. Posting of Other Data and Markers. Where other data or where identification markers are found necessary by any relevant agency to assist it in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies.

C. Consent to Access. The applicant shall permit or cause to be permitted free access to the land being subdivided to all agencies considering the subdivision for the period of time extending from the time of filing of the completed application to the time of final plat approval. (Ord. 1016-08 § 2 (part)).

19.20.170 Application of environmental analysis and impact statement.

Environmental review pursuant to SEPA and the city SEPA policies and regulations is required for a subdivision. The city planner is the SEPA official and all actions by the city in approving a subdivision shall be subject to an environmental analysis or environmental impact statement. In addition to the information required in this chapter, the city may require additional information from the applicant for review under SEPA. Approval of the preliminary plat shall not be given until all applicable requirements of SEPA are fulfilled. If a stream or natural drainage way exists in the proposed subdivision, it shall not be altered until an assessment is made of potential environmental effects and implementation of required mitigation or modifications. (Ord. 1016-08 § 2 (part)).

19.20.180 Subdivision divided into ~~five~~ ten or more lots – Selling lot without final plat – Restraint – Assessment of cost.

Whenever any parcel of land is divided into ~~five~~ ten or more lots, tracts or parcels of land and any person, firm or corporation or any agent of any of them sells or transfers, or offers or advertises for sale or transfer without benefit of full disclosure, any such lot, tract or parcel without having a final plat of such subdivision filed for record, the city clerk/treasurer shall notify the city attorney to commence an action to restrain and enjoin further subdivision sales or transfers or offers of sale or transfer and compel compliance with all provisions of this title. The cost of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property. (Ord. 1016-08 § 2 (part)).

19.20.190 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the city.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the city engineer determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the zoning code to provide for adequate light, air and usable open space between structures; and
2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
5. There is no potential for extending the street system.

D. If the city council concludes that the public interest will be served the city council may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the applicant shall, at or prior to the time of filing a final plat for approval, supply the director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The city attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The city council may impose other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

E. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

F. Dedicated streets and alleys shall meet the requirements of the development guidelines and public works standards.

G. All improvements to be dedicated to the city, such as roads, structures, sewers, and water systems, shall be designed and certified by or under the supervision of a registered civil engineer, licensed in the state of Washington, prior to the acceptance of such improvements. (Ord. 1016-08 § 2 (part)).

19.20.200 Filing with city clerk.

A. Time of Filing. A final plat meeting all the requirements of Chapter 58.17 RCW and of this chapter shall be filed with the city clerk within the time period set forth in Section 19.20.130. Within thirty days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the city council, or returned to the applicant if incomplete.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Sections 19.20.210, 19.04.070 and 19.04.080, including, by way of example and without limitation, complete field and computation notes;
2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;
3. A title report from a title company licensed to do business in the state of Washington showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 19.20.220;

4. A guarantee deposit in an amount established by the city planner sufficient to cover the expense of the city in checking the plat for conformance with the requirements of this chapter, advertising the ordinance, and posting notices;

5. All certificates as required pursuant to Section 19.20.220; and

6. As-builts for all improvements to be dedicated to the city. (Ord. 1016-08 § 2 (part)).

19.20.210 Technical standards for final plat.

A. The final plat shall be prepared upon the best grade of tracing medium and shall be eighteen inches by twenty-four inches in size. The accuracy and completeness of the map shall be the sole responsibility of a registered land surveyor whose seal shall appear on the plat and who shall make field surveys and investigations as necessary to ensure that the map is complete and accurate in every detail. The preparation of the tracing shall be by an experienced draftsman and work shall conform to established standards of workmanship. The final plat shall be presented on a Mylar, a minimum of eight copies at a scale not smaller than fifty feet to one inch, and shall contain and show the following:

1. The name of the subdivision;
2. The name and address of the owner of the land to be subdivided;
3. The name and address of the licensed land surveyor and the date the final plat was completed;
4. The lines, widths and names of all streets, avenues, places, parks or other public property, and the location of monuments marking the same;
5. The length and direction of all lot lines, also the angles made by the lot lines with the street lines;
6. The location of control points and monuments together with all ties;
7. The names of all subdivisions immediately adjacent;
8. The scale and north point;
9. The boundary of the tract as covered by the plat showing courses and distance on the plat;
10. The initial point;
11. All protective improvements and restrictions on uses;
12. All dedications and all conveyances to a homeowner's nonprofit maintenance corporation in lieu of dedication;
13. Boundary lines with accurate distances and bearings, the exact location of all existing or recorded streets and ways intersecting the boundary of the tract;
14. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the plat, municipal, township, county or section lines, accurately tied to the lines of the subdivision by distances and bearings;
15. The length of all arcs, radii, internal angles, points of curvature and length and bearing of the tangents;
16. All easements for rights-of-way provided for public services or utilities and any limitations of the easements;
17. All block indications, lot numbers and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines;
18. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by added covenant for the common use of the property owners in the subdivision;

19. Zoning districts as set forth in Title 22;
20. Private restrictions:
 - a. Boundaries of each type of use restriction, and
 - b. Other private restrictions for each definitely restricted section of the subdivision;
21. Dedications of all streets, alleyways, easements, parks and lands for public use as shown on the plat and as required by the city;
22. For improvements to be performed by the applicant after final plat approval, the following shall accompany the final subdivision plat:
 - a. A profile of each street with the grades shown thereon. Approval of the final plan by the city council shall establish these grades as ordinance grades;
 - b. Cross-section of the proposed streets showing widths or roadways, type of surfacing, curb location and width and location of sidewalks;
 - c. Plan and profiles of the proposed sanitary stormwater or combined sewers, with grades, pipe sizes and the location of manholes indicated;
 - d. Plan and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants; and
 - e. Specifications of all proposed roadways, curbs, sidewalks, sewers and water lines; and
23. Any additional information necessary to meet the standards for mapping as set forth in Chapter 332-130 WAC.
 - B. In the case of a replat, the lots, blocks, streets, alleys, easements, and parks appearing on the original plat shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, and the new plat shall be shown clearly in solid lines to avoid ambiguity.
 - C. The description, dedication, acknowledgment, certificates of city and county treasurers, certificates of approval by the city engineer, the city clerk/comptroller and the city planner, and recording certificate, shall be lettered with India ink and shall be substantially in the form set forth in this title. (Ord. 1016-08 § 2 (part)).

19.20.220 Certificates required.

Each and every final plat, or replat, of any property to be filed for record shall:

- A. Contain a statement of approval from the city engineer as to the survey date, the locations, grades and dimensions of the plat, the construction specifications, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water systems, and other structures.
- B. Contain a certificate giving a full and correct description of the lands divided as they appear on the plat including a statement that the subdivision has been made with free consent and in accordance with the desires of the owner or owners.
- C. Contain certification of approval by the city planner and city engineer when they find, within their municipal function, that the short plat serves the intent of this title and complies with all adopted recommendations for approval.
- D. Contain county and city clerk/treasurer's certificates indicating all taxes and assessments due and owing for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged.

E. Be acknowledged by the person filing the plat before the King County Auditor or any other officer who is authorized by law to take acknowledgment of deeds, and a certificate of the acknowledgment shall be enclosed or annexed to the plat and recorded with it.

F. If the plat is subject to a dedication, the certificate or a separate written instrument shall also contain the dedication of all streets and other areas to the public, an individual or individuals, a religious society or societies or any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and recorded as part of the final plat.

G. Contain certification by a land surveyor to the effect that the plan represents a survey made by him and that all the monuments shown thereon actually exist and that their location, size and material are correctly shown.

H. Contain certification of approval of appropriate city and health officials that adequate provisions have been made for water supply and sewer system or septic tank conditions.

The city planner shall require any other certificates that may be deemed appropriate or required by law or regulation. (Ord. 1016-08 § 2 (part)).

19.20.230 Administrative action on final plat.

The city planner and city engineer shall review the final plat submittal for completeness and for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the city council, to the standards established by Chapter 58.17 RCW and to the requirements of this title. The city engineer shall review the final plat for the following:

A. That the proposed final plat bears the certificates and statements of approval required by state law and this chapter;

B. That a title insurance report furnished by the applicant confirms that title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

C. That the facilities and improvements required to be provided by the applicant have been completed or, alternatively, that the applicant will provide a bond or other security in accordance with Section 19.20.150; and

D. That the map is technically correct and accurate, as certified by the registered land surveyor responsible for the plat. (Ord. 1016-08 § 2 (part)).

19.20.240 Submission to council.

A. Pursuant to the requirements of RCW 58.17.150, the city planner and city engineer shall not modify the recommendations made in the city council approval of the preliminary plat when making recommendations on the final plat, without the consent of the applicant.

B. If the city planner and the city engineer determine that the requirements of this title are met, the city planner and city engineer shall provide certifications required pursuant to Section 19.20.220 and shall forward a complete copy of the proposed plat to the city council.

C. If either the city planner or city engineer determines that the requirements of this title have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the city council together with the determination of the city planner and city engineer, upon written request of the applicant. (Ord. 1016-08 § 2 (part)).

19.20.250 Council determination.

A. The city council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;
3. Whether the bond or other surety, if required by the city, is sufficient in its terms to assure completion of improvements; and
4. Whether the requirements of state law and the Algona Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the applicant.

B. The city council shall approve by ordinance, or disapprove, the proposed final plat. If the city council approves the plat, it shall give final approval and authorize the city engineer, the chairman of the planning commission, the mayor and the city clerk/treasurer, to inscribe and execute written approval on the face of the Mylar depicting the final plat, certifying that the plat complies with all the terms of the preliminary approval of the proposed plat, subdivision or dedication, and the city engineer shall transmit the original plat to the King County Auditor for filing, and forward one copy to the city planner/planning director and one copy to the King County Assessor. At least one copy of the approved final plat shall be retained in the files of the city engineer.

C. As required by RCW 58.17.170, a subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by the zoning code for a period of no less than five years.

D. The approval of the final subdivision plat by the city council shall be deemed to constitute an acceptance by the public of the dedication of any street, or other proposed public way or space, only after such final plat has been recorded by the county auditor.

E. Approval of the final subdivision plat by the city council shall be null and void if the final plat is not recorded within sixty days after the date of approval, unless application for an extension of time is made in writing during the sixty-day period to the city planner and granted by the city planner with the concurrence of the mayor. (Ord. 1016-08 § 2 (part)).

19.20.260 Resubmission.

A. Any final plat disapproved by the city council or returned to the applicant may, at the applicant's option, be resubmitted for approval upon satisfaction of the following conditions:

1. The applicant has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;
2. The final plat is resubmitted within the five-year period after the date of approval of the preliminary plat as provided in Section 19.20.130 or within six months from the date of city council disapproval, whichever is later;
3. The final plat was not disapproved by the city council with prejudice against resubmission; and
4. The applicant has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes. (Ord. 1016-08 § 2 (part)).

19.20.270 Vacation of subdivision.

Vacation of a subdivision or any portion thereof shall proceed in accordance with RCW 58.17.212 and all final decisions shall be made by the city council. (Ord. 1016-08 § 2 (part)).

19.20.280 Alteration of subdivision.

Alteration of a subdivision or any portion thereof shall proceed in accordance with RCW 58.17.215 and all final decisions shall be made by the city council. For purposes of this section, "alteration" shall mean and refer to the modification of a previously recorded plat or short plat, or any portion thereof, which results in the revision of interior lot lines, the addition of new lots or more land, deletion of existing lots or the removal or amendment of plat or lot restrictions or dedications. (Ord. 1016-08 § 2 (part)).

¹ For statutory provisions pertaining to subdivisions generally, see Chapter 58.17 RCW.

² Ord. 1016-08 added two sections numbered 19.20.100. This section has been editorially renumbered to avoid duplication.

Chapter 19.22

BINDING SITE PLANS AND UNIT LOT SUBDIVISIONS

Sections:

11.32.010 Application and fees.

11.32.070 Binding site plans.

11.32.080 Unit lot subdivisions.

11.32.010 Application and fees.

Applications for binding site plans and unit lot subdivisions shall be made on the appropriate forms and shall follow the procedures set forth for short subdivisions, Chapter 19.16 AMC, or subdivisions, Chapter 19.20 AMC. Filing fees, required improvements and all other requirements, except as specifically modified in this chapter, shall comply with either Chapter 19.16 or 19.20 AMC, depending on the number of lots in the proposal.

11.32.070 Binding site plans.

The purpose of this section is to clearly delineate the criteria used by the city of Algona to review and approve binding site plans. A binding site plan is intended to provide an alternative means of dividing land.

(1) Applicability.

(a) Any division of land for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed upon the land.

(b) A division of land occurring in the commercial, including the mixed-use commercial zoning district, or industrial zoning districts.

(c) A division made pursuant to Chapter 64.32 RCW (Horizontal Regimes Act) or Chapter 64.34 RCW (Condominium Act).

(2) **Administrative Duties.** The administrator of this title is authorized and directed to administer the provisions of this section. The authority to approve, approve with conditions, or deny a binding site plan processed in accordance with subsection (3)(a) of this section, Administrative Classification, is granted to the administrator. The authority to approve, approve with conditions, or deny a binding site plan processed in accordance with subsection (3)(b) of this section, Quasi-Judicial Classification, is granted to the city council after a public hearing.

(3) **Procedure.** The processing of a binding site plan shall be in conformance with the requirements associated with the classifications of binding site plans identified below:

(a) **Administrative Classification.** Except as provided in this section, the following categories of binding site plans shall be processed in accordance with the requirements of Chapter 19.16 AMC, Short Subdivision:

(i) Applications for binding site plans which would result in nine or less lots, tracts or parcels.

(ii) Applications for divisions made pursuant to Chapter 64.34 RCW (Horizontal Regimes Act) and/or Chapter 64.32 RCW (Condominium Act), which either contain no division of land or include divisions of land into nine or less lots, tracts or parcels.

(b) **Quasi-Judicial Classification.** Except as provided in this section, the following categories of binding site plans shall be processed in accordance with the requirements of Chapter 19.20 AMC, Subdivision.

(i) Applications for binding site plans which would result in greater than nine lots, tracts or parcels.

(ii) Applications for divisions made pursuant to Chapter 64.34 RCW (Horizontal Regimes Act) and/or Chapter 64.32 RCW (Condominium Act), which include divisions of land into greater than nine lots, tracts or parcels.

(4) Requirements for a Complete Application. The following materials shall be submitted to the city for a complete application. Any person desiring approval of a binding site plan shall file with the administrator a complete application for a binding site plan including a SEPA checklist, if applicable, a filing fee in an amount as required by Chapter 2.50 AMC, Fee Schedule, and the following additional information:

(a) A binding site plan under the administrative classification, subsection (3)(a) of this section, shall submit the materials identified within AMC 19.16.050.

(b) A binding site plan under the quasi-judicial classification, subsection (3)(b) of this section, shall submit the materials identified within AMC 19.20.050.

(5) Approval. Prior to approving any preliminary binding site plan, either the administrator or the city council, depending upon the classification of binding site plan identified under subsection (3) of this section, shall determine and make written findings of fact that appropriate provisions are in accordance with either AMC 19.16.090 or 19.20.080, as provided by subsection (3) of this section.

(6) Development Standards. Binding site plans shall conform to the dimensional standards of AMC Title 22, Zoning, and the design standards of Chapter 19.24 AMC.

(7) Final Binding Site Plan Review and Approval Process. All final binding site plan reviews shall be administrative. Each binding site plan shall have a perimeter survey completed by a registered land surveyor, together with written data and materials in such form that when read together provides:

(a) The information required by AMC 19.16.110 or AMC 19.20.200, depending upon the applicable classification of binding site plan identified in subsection (3) of this section and all applicable review fees identified by Chapter 2.50 AMC, Fee Schedule, and the appropriate application form;

(b) Documents sufficient to provide for the perpetual maintenance of all common areas; and

(c) Clear indication of all covenants, conditions and restrictions applicable to the property subject to the binding site plan.

Once the administrator has determined that the requirements identified under subsection (3) of this section and this section have been met, the final binding site plan and any associated or required documents shall be recorded with the King County auditor's office. The binding site plan approval shall become effective upon that recording.

Lots, parcels or tracts created pursuant to the binding site plan procedure shall be legal lots of record. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the owner or any other person acquiring a lease or other ownership interest in any lot, parcel, or tract created pursuant to the binding site plan.

11.32.080 Unit lot subdivisions.

(1) Applicability and Purpose. This section is to apply exclusively to the subdivision of land for duplexes, townhouses, and courtyard apartments housing development. The purpose is to allow for the creation of lots for the individual ownership of these types of housing units while applying only those site development standards applicable to the parent parcel(s) as a whole, established in AMC Title 22, Zoning.

(2) Administrative Duties. The administrator of this title is authorized and directed to administer the provisions of this section. The authority to approve, approve with conditions, or deny a unit lot subdivision processed in accordance with subsection (3)(a) of this section, Administrative Classification, is granted to the administrator. The authority to approve, approve with conditions, or deny a unit lot subdivision processed in accordance with subsection (3)(b) of this section, Quasi-Judicial Classification, is granted to the city council after a public hearing.

(3) Procedure. The processing of a unit lot subdivision shall be in conformance with the requirements associated with the classifications of unit lot subdivision identified below:

(a) Administrative Classification. Except as provided in this section, a unit lot subdivision creating nine or less lots, tracts, or parcels shall be processed in accordance with the requirements of Chapter 19.16 AMC, Short Subdivision.

(b) Quasi-Judicial Classification. Except as provided in this section, a unit lot subdivision creating 10 or more lots, tracts, or parcels shall be processed in accordance with the requirements of Chapter 19.20 AMC, Subdivision.

(4) Requirements for a Complete Application. The following materials shall be submitted to the city for a complete application. Any person desiring approval of a unit lot subdivision shall file with the administrator a complete application for a unit lot subdivision including a SEPA checklist, if applicable, a filing fee in an amount as required by Chapter 2.50 AMC, Fee Schedules, and the following additional information:

(a) A unit lot subdivision under the administrative classification, subsection (3)(a) of this section, shall submit the materials identified within AMC 19.16.050.

(b) A unit lot subdivision under the quasi-judicial classification, subsection (3)(b) of this section, shall submit the materials identified within AMC 19.20.050.

(5) Approval. Prior to approving any preliminary unit lot subdivision, either the administrator or the hearing examiner, depending upon the classification of the unit lot subdivision identified under subsection (3) of this section, shall determine and make written findings of fact that appropriate provisions are in accordance with AMC 19.16.090 or 19.20.080, as provided by subsection (3) of this section.

(6) General Regulations.

(a) The unit lot subdivision as a whole shall meet development standards applicable to the underlying residential site development approval associated with a commercial or residential building permit as applicable, and the provisions of this section. As a result of the unit lot subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards under Title 22 based on analysis of the individual unit lot. So long as the parent parcel(s) meets the criteria of the underlying residential site development plan or the dwelling units are already in existence, each unit lot will be deemed to be in conformance. If the units are already legally in existence and do not comply with the development standards, a unit lot may be created for each existing dwelling unit. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot;

(b) Unit lot subdivisions shall be subject to all applicable requirements of AMC Title 19, except as otherwise modified by this section;

(c) Portions of the parent site not subdivided for individual unit lots shall be owned in common by the owners of the individual unit lots, or by a homeowners association comprised of the owners of the individual unit lots located within the parent site;

(d) Maximum lot coverage of the aggregate buildings located upon the parent site shall not exceed the maximum lot coverage permitted by the underlying zone;

(e) Except for existing nonconforming development, building setbacks shall be as required for the zone as applied to the underlying parent parcel(s) as a whole. There shall be no setback required from individual unit lot lines which are interior to the perimeter of the parent site; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the underlying residential site development plan;

(f) Internal drive aisles providing vehicular access to unit lots shall not be considered public or private streets when utilizing the provisions of this section. However, in no instance can an internal drive aisle conflict with or preclude necessary circulation system improvements established by the transportation element of the Algona comprehensive plan;

(g) Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with dwelling unit, as long as the right to use the parking is formalized by an easement record with the King County auditor's office;

(h) Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs; and other similar features, and shall be recorded with the King County auditor's office. Each unit lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each unit lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying residential site development plan.

(7) Final Unit Lot Subdivision Review and Approval Process. Unit lot subdivisions receiving preliminary approval under the administrative classification under subsection (3)(a) of this section shall have a final administrative review process. Unit lot subdivisions receiving preliminary approval under the quasi-judicial classification by the city council under subsection (3)(b) of this section shall have a final review process which authorizes the city council to grant final approval under AMC 19.20.250. Each unit lot subdivision shall have a perimeter survey completed by a registered land surveyor, together with written data and materials in such form that when read together provides:

(a) The information required by AMC 19.16.110 or AMC 19.20.200, depending upon the applicable classification of unit lot subdivision identified in subsection (3) of this section, and all applicable review fees identified by Chapter 2.50 AMC, Fee Schedule, and the appropriate application form;

(b) Documents sufficient to provide for the perpetual maintenance of all common areas; and

(c) Clear indication of all covenants, conditions and restrictions applicable to the property subject to the binding site plan.

Once the administrator or city council, as applicable, has determined that the requirements identified under subsection (3) of this section and this section have been met, the final unit lot subdivision and any associated or required documents shall be recorded with the King County auditor's office. The unit lot subdivision approval shall become effective upon that recording.

Lots, parcels or tracts created pursuant to the unit lot subdivision procedure shall be legal lots of record. All provisions, conditions and requirements of the unit lot subdivision shall be legally enforceable on the owner or any other person acquiring a lease or other ownership interest in any lot, parcel, or tract created pursuant to the unit lot subdivision.

(8) Notes shall be placed on the plat recorded with the King County auditor's office to acknowledge the following:

(a) Subsequent platting actions, additions, or modifications to the structures may not create or increase any nonconformity of the parent site as a whole, and shall conform to the approved residential site development plan;

(b) The individual unit lots are not separate building sites and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent site.

(9) Conflicts. Any conflicts between the provisions of this section and the text of other sections of the Algona Municipal Code shall be resolved in favor of the text of this section.

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ZONING

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22.24	R-M Medium Density Residential District
22.28	C-1 Mixed Use Commercial District
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22.36	Nonconforming Lots, Uses and Structures
22.40	Off-Street Parking and Loading
22.42	Recreational Vehicles
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Chapter 22.08

DEFINITIONS

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- 22.08.015 Accessory dwelling unit.
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22.08.005 Generally.

For the purposes of this title, certain terms and words are defined as follows: words used in the present tense shall also include the future; words or phrases used in the singular number shall also include the plural; and words used in the plural shall also include the singular; the word “building” includes structure, and “structure” includes building; and the word “shall” is mandatory and not directory. The words “used” or “occupied” shall include within their meaning “intended, arranged, or designed to be used or occupied.” The word “person” shall include a corporation, partnership, or other legal entity. (Ord. 965-05 § 1 (part)).

~~22.08.010 Accessory building or use.~~

~~“Accessory building or use” means the use of land or a subordinate building or a portion of a principal building, such use being subordinate to or incidental to the principal use of structure. (Ord. 965-05 § 1 (part)).~~

Accessory building or structure.

“Accessory building or structure” means a subordinate building or structure or a portion of a principal building, the use of which is incidental and related to that of the principle building use on the same lot.

22.08.015 Accessory dwelling unit.

~~“Accessory dwelling unit” means a dwelling unit subordinate to a single family dwelling unit which: (1) is located within the single family dwelling unit; or (2) is located within an accessory building. (Ord. 965-05 § 1 (part)).~~

“Accessory dwelling unit” means a habitable dwelling unit that provides basic requirements for living, sleeping, eating, cooking and sanitation. An accessory dwelling unit is accessory to the primary unit on a lot and may be added to, created within, or detached from the primary single-family dwelling unit.

~~22.08.020 Active space.~~

~~“Active space” means a ground floor space within a mixed use structure that is used for retail, commercial or office-type activities. (Ord. 965-05 § 1 (part)).~~

22.08.025 Adjacent.

“Adjacent” means to abut. (Ord. 965-05 § 1 (part)).

Adult cabaret.

“Adult cabaret” means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize “specified anatomical areas” (defined in AMC 22.08.XXX) and/or whose performance or other activities include or mimic “specified sexual activities” (defined in AMC 22.08.XXX) and which establishment excludes minors by virtue of age.

22.08.026 Adult family home.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and subject to Chapter 70.28 RCW. (Ord. 1059-12 § 3).

Affordable housing.

“Affordable housing” means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

22.08.030 Alley.

“Alley” means a public right-of-way, no less than twelve feet and not over twenty feet in width, which provides a secondary means of access to a property. (Ord. 965-05 § 1 (part)).

22.08.035 Amendment.

“Amendment” means a change in the wording, context, or substance of this title, adoption of a zoning map hereunder, or a change in the zone boundaries upon zoning maps adopted hereunder. (Ord. 965-05 § 1 (part)).

22.08.040 Animal clinic/hospital.

“Animal clinic/hospital” means a structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care, and is accessory to the principal use. This definition does not include kennels. (Ord. 965-05 § 1 (part)).

~~**22.08.045 Antiques and antique shop.**~~

~~“Antiques” mean any articles which, because of age, rarity, or historical significance, have a monetary value greater than the original value, or which have an age recognized by the United States Government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise. (Ord. 965-05 § 1 (part)).~~

22.08.050 Apartment house.

See “Dwelling, multiple-family,” Section 22.08.235. (Ord. 965-05 § 1 (part)).

22.08.055 Appeal, closed record.

As defined by RCW 36.70B.020(1), a “closed record appeal” means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed. (Ord. 965-05 § 1 (part)).

22.08.060 Appeal, open record.

As defined by RCW 36.70B.020(3), an “open record appeal” means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government’s record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government’s decision on a project permit to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing,” if no open record predecision hearing has been held on the project permit. (Ord. 965-05 § 1 (part)).

22.08.065 Applicant.

“Applicant” means person or persons applying for a city-issued permit. (Ord. 965-05 § 1 (part)).

22.08.066 Assisted senior living facility.

“Assisted senior living facility” means any facility that provides either permanent or temporary residence for senior citizens and provides opportunities for common dining areas, although some facilities may offer kitchen facilities in individual rooms as well. Some facilities may offer minor health services on site, such as a resident nurse. An assisted senior living facility is not a nursing home/convalescent home, adult family home, or community residential facility. (Ord. 1059-12 § 4).

Auction house.

“Auction house” means an establishment where the property of others is sold by a broker or auctioneer to persons who attend scheduled sales periods or events.

22.08.070 Basement.

“Basement” means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling. A basement, when designed for or occupied for business or industrial purposes, or for dwelling purposes (recreational room or family room excepted), shall be considered a story. (Ord. 965-05 § 1 (part)).

22.08.075 Bed and breakfast facilities.

“Bed and breakfast facilities” means accommodations and limited food service for travelers or transient guests in a single-family residence. The owner of the residence shall reside on the premises and the facility shall comply with all state regulations. See AMC **22.48.XX** for standards. (Ord. 965-05 § 1 (part)).

22.08.080 Block.

“Block” means all property abutting upon one side of a street between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, terminus or dead-end street, or city boundary line. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts. (Ord. 965-05 § 1 (part)).

22.08.085 Boarding (lodging or rooming) house.

“Boarding (lodging or rooming) house” means a building, or portion thereof, other than a hotel, where lodging and/or meals for five or more persons, but not more than twenty persons, are provided for compensation. (Ord. 965-05 § 1 (part)).

~~22.08.090 Breezeway.~~

~~“Breezeway” means a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings. (Ord. 965-05 § 1 (part)).~~

22.08.095 Brew pub.

“Brew pub,” also known as a “microbrewery,” means an eating and drinking establishment, which includes the brewing of beer, ale or malt beverage as an accessory use to a full-service restaurant. The amount of beverage produced on the premises cannot be less than two hundred forty barrels or exceed two thousand four hundred barrels in any calendar year. No more than thirty percent of the product brewed may be sold off-premises in either bottles or kegs. A loading and unloading area must then be provided for. A full-service restaurant as defined by Section 22.08.505 must occupy at least fifty percent of the gross floor area of the brew pub and restaurant, combined. Any

brew pub that does not meet the requirements of this definition will be considered a tavern as defined by Section 22.08.615. (Ord. 965-05 § 1 (part)).

22.08.100 Building.

“Building” means any structure having a roof built for support, shelter, or enclosure of persons, animals, chattels or property of any kind. (Ord. 965-05 § 1 (part)).

22.08.105 Building height.

“Building height” means the vertical distance from the average elevation of the proposed finished grade from all four corners of a building to the highest point of a flat roof, the deck line of a mansard roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs. (Ord. 965-05 § 1 (part)).

22.08.110 Building line.

“Building line” means the edge or side of the building nearest a lot line. The line facing the front lot line is the front building line. The line facing the side of the lot is the side building line; the line facing the rear of the lot is the rear building line. (Ord. 965-05 § 1 (part)).

22.08.115 Building, main.

“Main building” means the principal building or buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. (Ord. 965-05 § 1 (part)).

22.08.120 Building official.

“Building official” means that official designated, by city council, as the official responsible for accepting, reviewing and approving or rejecting plans for building or occupancy, and applications for building and occupancy permits, and for interpretation and enforcement of ordinances related thereto. (Ord. 965-05 § 1 (part)).

22.08.125 Building setback line.

“Building setback line” means a line beyond which the footprint or foundation of a building shall not exceed. (Ord. 965-05 § 1 (part)).

22.08.130 Building site.

“Building site” means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this title, whether the area so devoted is comprised of one lot, a combination of lots, or combination of lots and fractions of lots. (Ord. 965-05 § 1 (part)).

Cafeteria or limited service restaurant.

“Cafeteria or limited service restaurant” means an establishment that provides food services, where patrons order or select items and pay before eating, and where food and drink may be consumed on premises, taken out, or delivered to customers’ location. This definition includes establishments where specialty snacks, such as ice cream, frozen yogurt, cookies, or popcorn, or nonalcoholic beverages, such as coffee, juices, or sodas, are served.

Carport.

“Carport” means a covered shelter for an automobile open on two or more sides.

22.08.135 Charitable or welfare institution.

“Charitable or welfare institution” means a use that provides essential goods or services, such as food, housing, clothing, counseling, aid, or assistance to those in need, for no fee or compensation or at a fee recognized as being significantly less than that charged by profit-making organizations. (Ord. 965-05 § 1 (part)).

~~22.08.140 Church.~~

~~“Church” means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, a one family dwelling unit and residences on site for nuns or clergy, but excluding facilities for training of religious orders. (Ord. 965-05 § 1 (part)).~~

22.08.145 City.

“City” means the city of Algona, Washington. (Ord. 965-05 § 1 (part)).

22.08.150 City clerk.

“City clerk” means the city clerk/treasurer of Algona. (Ord. 965-05 § 1 (part)).

22.08.155 Clearing.

“Clearing” means an activity which removes or seriously damages ground cover and/or trees including, but not limited to, root mat removal and/or topsoil removal by mechanical and/or chemical means. (Ord. 965-05 § 1 (part)).

22.08.160 Combustible.

As defined by the U.S. Occupational Safety and Health Administration (OSHA), “combustible” means any liquid having a flash point at or above one hundred degrees Fahrenheit (37.8 degrees Celsius), but below two hundred degrees Fahrenheit (93.3 degrees Celsius), except any mixture having components with flash points of two hundred degrees Fahrenheit (93.3 degrees Celsius), or higher, the total volume of which makes up ninety-nine percent or more of the total volume of the mixture. (Ord. 965-05 § 1 (part)).

22.08.165 Commercial unit.

“Commercial unit” means a commercial or business operation within an enclosed structure or area for which a single business license can be issued. (Ord. 965-05 § 1 (part)).

22.08.170 Commission.

“Commission” means the city of Algona planning commission. (Ord. 965-05 § 1 (part)).

Community park.

“Community park” means a larger park with grounds or facilities of such a scale or special nature as to be of city-wide interest.

22.08.175 Comprehensive sign design plan.

“Comprehensive sign design plan” means building, design, landscaping and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements. (Ord. 965-05 § 1 (part)).

22.08.176 Community residential facility (CRF).

“Community residential facility” or “CRF” means publicly or privately operated residential facilities, limited to: group homes for children, for those with disabilities, or for seniors; homes for recovering, non-using alcoholics and addicts; or shelters for domestic violence victims. Community residential facilities do not include halfway houses. See [AMC 22.48.XX](#) for standards. (Ord. 1059-12 § 5).

22.08.180 Conditional use.

“Conditional use” means a use permitted where such uses require additional findings, controls and safeguards not required of otherwise permitted uses in such district. (Ord. 965-05 § 1 (part)).

22.08.185 Conforming use.

“Conforming use” means an activity the nature and type of which is permitted in the zone where the property is located. (Ord. 965-05 § 1 (part)).

~~22.08.190 Convenience store.~~

~~“Convenience store” means a store no greater than two thousand five hundred square feet of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items. (Ord. 965-05 § 1 (part)).~~

Courtyard apartment.

“Courtyard apartment” means a dwelling within a structure or small detached structures on one parcel designed and used for occupancy by four or more individual persons or families living independently of each other. The units are oriented around a shared open space courtyard from which all ground floor units have primary entrances facing.

22.08.195 Curb line.

“Curb line” means the line at the face of the curb nearest to the nearest street or roadway. In the absence of a curb, the curb line shall be so established by the public works superintendent. (Ord. 965-05 § 1 (part)).

22.08.200 Custodial care facility.

Repealed by Ord. 1059-12. (Ord. 965-05 § 1 (part)).

22.08.205 Day care center, ~~nursery school, preschool.~~

“Day care center, ~~nursery school, or preschool~~” means any type of group day care programs, for children or adults, including nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, play groups 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 title the ~~below following~~ definitions shall apply. ~~Home-based day care is defined separately.~~

~~A. “Home based day care” means a licensed day care that regularly provides day care for not more than twelve children or adults in the provider’s home in the family living quarters, for periods of less than twenty four hours.~~

~~B.~~A. “Small day care center” means a place, other than the home of the provider, which provides regular custodial care for one to twelve children, for periods of less than twenty-four hours.

~~C.~~B. “Large day care center” means a place, other than the home of the provider, which provides regular custodial care for more than twelve children, for periods of less than twenty-four hours.

~~D.~~C. “Preschool/nursery school” means a place, other than the home of the provider, which provides regular custodial care and/or organized learning and educational experiences for children. (Ord. 1059-12 § 6: Ord. 965-05 § 1 (part)).

22.08.210 Date of decision.

“Date of decision” means the date the final decision or determination is rendered or issued, unless specified otherwise by law. (Ord. 965-05 § 1 (part)).

22.08.215 Density.

“Density” means the number of units within a specified area calculated by dividing the total number of square feet of the area by the number of dwelling units in the area. See AMC 22.88.XXX.XXX for density calculation details. (Ord. 965-05 § 1 (part)).

22.08.217 Development agreement.¹

“Development agreement” means a written agreement between the city and a person having ownership or control of real property, setting forth the development standards and other provisions that will govern the development and use of said property, and which is processed, approved and executed in accordance with Chapter 22.80 AMC and RCW 36.70B.170 et seq. (Ord. 1172-19 § 2).

22.08.220 Dog day care.

“Dog day care” means a facility where dogs may be groomed, trained, exercised and socialized, but not kept or bred, sold, or let for hire. (Ord. 965-05 § 1 (part)).

22.08.225 Drainage facility.

“Drainage facility” means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water runoff conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and manmade. (Ord. 965-05 § 1 (part)).

Duplex.

“Duplex” means a detached residential building designed for occupancy by two self-contained attached dwelling units living independently of each other.

22.08.230 Dwelling.

“Dwelling” means a building designed exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels or motel units having no kitchens. Factory-built housing and mobile homes are dwellings when they meet state requirements under Chapter 43.22 RCW and are so certified by the state. (Ord. 965-05 § 1 (part)).

22.08.235 Dwelling, multiple-family.

“Multiple-family dwelling” means a building or portion thereof designed for occupancy by three or more families living separately from each other and containing three or more dwelling units. This definition includes triplex, fourplexes, or other multi-unit configurations, but it does not include courtyard apartments. (Ord. 965-05 § 1 (part)).

22.08.240 Dwelling, ~~one~~ single-family.

“~~One~~ Single-family dwelling” means a detached building designed exclusively for occupancy by one family. (Ord. 965-05 § 1 (part)).

~~22.08.245 Dwelling, two family.~~

~~“Two family dwelling” means a building designed exclusively for occupancy by two families, living separately. (Ord. 965-05 § 1 (part)).~~

22.08.250 Dwelling unit.

“Dwelling unit” means a building or portion thereof providing separate cooking, eating, sleeping and living facilities for one family. (Ord. 965-05 § 1 (part)).

22.08.255 Educational institution.

“Educational institution” means elementary schools, junior high schools, middle schools, high schools, junior colleges, community colleges, colleges, or universities, or other schools giving general academic instruction in several branches of learning and study required by the education code of the state. (Ord. 965-05 § 1 (part)).

22.08.260 Environmentally sensitive areas.

“Environmentally sensitive areas” means any of those areas of the city which are subject to natural hazards or those landform features which in their natural state carry, hold, or purify water; support unique, fragile, or valuable natural resources including fish, wildlife, and other organisms and their habitat; provide ground water recharge; stabilize soil; and control erosion. Environmentally sensitive areas include the following landform features: hillsides, wetlands, streams, critical aquifer recharge areas, and the protective buffers necessary to protect the public health, safety, and welfare. (Ord. 965-05 § 1 (part)).

22.08.265 Equipment, heavy duty.

“Heavy duty equipment” means high capacity mechanical devices for moving earth or other materials, mobile power units, including, but not limited to, carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, caterpillars, concrete mixers and conveyors, harvesters, combines, or other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. (Ord. 965-05 § 1 (part)).

Essential public facilities.

“Essential public facilities” means any public facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that provides public services as its primary mission, and that is difficult to site. Essential public facilities shall include those facilities listed in RCW 36.70A.200, and any facility that appears on the list maintained by the Washington State Office of Financial Management under RCW 36.70A.200(4).

22.08.270 Family.

“Family” means an individual or two or more persons living together as a single housekeeping unit and occupying a dwelling unit, but shall not be comprised of more persons than allowed per square foot as provided in the international codes. (Ord. 1059-12 § 7: Ord. 965-05 § 1 (part)).

22.08.275 Family day care provider.

Repealed by Ord. 1059-12. (Ord. 965-05 § 1 (part)).

22.08.280 Fence.

“Fence” means a masonry wall or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls. (Ord. 965-05 § 1 (part)).

22.08.285 Flash point.

“Flash point” means the lowest temperature at which a liquid can form an ignitable mixture in air near the surface of the liquid. (Ord. 965-05 § 1 (part)).

22.08.290 Floor area.

“Floor area” shall be measured to the exterior face of the exterior walls on the first story and any other story which is connected by a fixed stairway or elevator, and which may be made usable for human habitation and includes the usable floor area of all accessory buildings measured similarly. (Ord. 965-05 § 1 (part)).

Frontage.

“Frontage” means the measurement of the length of the property line along the street immediately adjacent to the property.

Gambling premises.

“Gambling premises,” as defined in RCW 9.46.0249, means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found shall be presumed to be intended to be used for professional gambling.

22.08.295 Garage, private.

“Private garage” means an accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter or storage of vehicles owned or operated only by the occupants of the main building or buildings. (Ord. 965-05 § 1 (part)).

General service establishment.

“General service establishment” refers to a category of uses whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises. Specific uses in this category include but are not limited to postal and courier services, equipment rentals, repair shops, laundries, automobile fueling, and other services.

~~**22.08.300 Garage, public automotive repair.**~~

~~“Public automotive repair garage” means any building or premises used for major repairs, care or storage of motor vehicles but not including auto wrecking or storage of wrecked cars. Repair activities shall be conducted in enclosed spaces or screened from public view. (Ord. 965-05 § 1 (part)).~~

22.08.305 Governing body.

“Governing body” means the city council of the city of Algona. (Ord. 965-05 § 1 (part)).

~~**22.08.310 Grocery store.**~~

~~“Grocery store” means any retail establishment offering for sale prepackaged or site prepared food products, household items, and other goods commonly associated with the same and having a gross floor area greater than two thousand five hundred square feet. (Ord. 965-05 § 1 (part)).~~

22.08.315 Gross floor area.

“Gross floor area” includes all floor area within the exterior walls of the building including area in halls, storage, and partitions, but excluding furnace and similar utility space used solely to maintain the building of occupancy. (Ord. 965-05 § 1 (part)).

22.08.320 Ground cover.

“Ground cover” means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground, including trees less than four inches in diameter measured at twenty-four inches above the ground level. (Ord. 965-05 § 1 (part)).

22.08.321 Halfway house.

“Halfway house” means a state licensed work/release facility and other housing facilities serving as an alternative to incarceration. Halfway houses do not include community residential facilities. (Ord. 1059-12 § 8).

Heavy commercial planned unit development.

“Heavy commercial planned unit developments” means developments intended to encourage the maximum retail development of a parcel by supplementing the potential of the site with housing opportunities. See AMC 22.48.48 for standards.

Heavy retail.

“Heavy retail” includes retail activities that are generally conducted indoors but may have an ancillary use, such as a garden center, where limited outdoor operations, storage, and sales may occur. This use category includes, but is not limited to, agricultural supplies, building materials, manufactured homes, and outdoor display/sales. Heavy retail uses are limited to buildings no larger than 50,000 gross square feet in area.

22.08.325 Hedge.

“Hedge” means a fence or property boundary that is formed by a dense row of shrubs or low trees. (Ord. 965-05 § 1 (part)).

Home-based day care.

“Home-based day care,” as regulated by Chapter 35.63 RCW, means a licensed day care that regularly provides day care for not more than twelve children or adults in the provider’s home in the family living quarters, for periods of less than twenty-four hours.

22.08.330 Home occupation.

“Home occupation” means a profession or service activity customarily and historically conducted within a dwelling unit or accessory building by its inhabitants only, which activity is clearly incidental to the use of the land or structure for dwelling purposes and does not change the character or appearance thereof. See AMC 22.48.48 for standards. (Ord. 965-05 § 1 (part)).

22.08.335 Hospital.

“Hospital” means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and which is licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice. (Ord. 965-05 § 1 (part)).

22.08.340 Hotel or motel.

“Hotel” or “motel” means any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests. (Ord. 965-05 § 1 (part)).

22.08.345 Kennel.

“Kennel” means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner thereof, or in or at which six or more cats or four or more dogs over the age of four months are kept or maintained. This definition shall include boarding kennels, but not pet shops or animal clinics/hospitals. (Ord. 965-05 § 1 (part)).

22.08.350 Live/work unit.

“Live/work unit” means a dwelling unit in combination with a shop, office, studio, or other workspace within the same unit, where the resident occupant both lives and works. A live/work unit is intended to function predominantly as living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation. See AMC 22.48.48 for standards.

~~Standards and Conditions:~~

~~A. The workspace component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.~~

~~B. The dwelling unit component must be located above or behind the workspace, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.~~

~~C. A total of two off street parking spaces shall be provided for a live/work unit in addition to any off street parking as specified in Chapter 22.40, located to the rear of the unit, or underground/enclosed.~~

~~D. The size and nature of the workspace shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed use building.~~

~~E. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the zone, which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property. (Ord. 965-05 § 1 (part)).~~

22.08.355 Lot.

“Lot” means a building site that is described by reference to a recorded plat, by metes and bounds, or by section, township and range which has direct legal access to a street or has access to a street over an easement approved by the county. (Ord. 965-05 § 1 (part)).

22.08.360 Lot area and dimensions.

A. “Lot area” means the total horizontal area within the boundary lines of a lot.

B. “Lot depth” means the horizontal length of a straight line drawn from the midpoint of the lot front line and at right angles to such line to its intersection with a line parallel to the lot front line and passing through the midpoint of the lot rear line. In the case of a lot having a curved front line, the lot for purposes of this section shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the lot sidelines of the lot with the lot front line.

C. “Lot width” means the horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line. (Ord. 965-05 § 1 (part)).

Lot coverage.

“Lot coverage” means the amount of land covered, occupied or permitted to be covered/occupied by a roofed building or buildings, usually expressed in square feet or percentage of land on the lot, and measured horizontally at the outside of external walls or supporting members of all primary and accessory structures. See [AMC 22.XX.XXX](#) for lot coverage calculation details.

22.08.365 Lot lines.

A. “Front lot line” means the property line abutting a street or the edge of a private street, or primary access. For corner lots or through lots, designation of the front lot line shall be made by the public works director based on the context of the site and addressing needs for fire, life, and safety. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole.

B. “Rear lot line” means a lot line which is opposite and most distant from the lot front line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. ~~For a triangular or gore shaped lot, a line ten feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;~~

- ~~2. In the case of a trapezoidal lot, the rear line of which is not parallel to the lot front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;~~
- ~~3. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, the angles shall be employed for determining the lot rear line in the same manner as prescribed for a triangular lot;~~
- ~~4. In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.~~

B. "Rear lot line" means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.

C. "Lot side line" means any lot boundary line not a lot front line or a lot rear line. (Ord. 965-05 § 1 (part)).

22.08.370 Lot types.

~~A. "Corner lot" means a lot situated at the intersection of two or more streets, the street frontage of which lot forms an angle not greater than one hundred twenty eight degrees, and not less than forty five degrees.~~

~~B. "Interior lot" means a lot other than a corner lot or a reverse corner lot.~~

~~C. "Key lot" means the first lot to the rear of a reverse corner lot and whether or not separated by an alley.~~

~~D. "Reverse corner lot" means a corner lot, the side street line of which is substantially a continuation of the lot front line of the lot upon which the rear of the corner lot abuts.~~

~~E. "Through lot" means a lot having frontage on two streets, including a lot at the intersection of two streets when the street sides of such lot form an internal angle of less than forty five degrees. Corner lots and reverse corner lots as defined in this section are not through lots.~~

~~F. "Transitional lot" means a residentially classified lot, a side line of which forms a common boundary with contiguous property classified for either a higher density residential use or commercial or industrial uses. (Ord. 965-05 § 1 (part)).~~

A. "Corner lot" means a lot located at the intersection of two or more streets (See Diagram 22.08.6XXA).

B. "Interior lot" means a lot other than a corner lot with frontage only on one street other than an alley.

C. "Through lot" means a lot other than a corner lot with frontage on more than one street other than an alley (See Diagram 22.08.6XXA).

Low-income household.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

Low-income household, extremely.

"Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

Low-income household, very.

"Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

22.08.375 Manufactured home.

“Manufactured home” means a single-family dwelling constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance. See ~~AMC 22.43.XX~~ for standards. (Ord. 965-05 § 1 (part)).

22.08.380 Manufacturing, light.

“Light industrial or manufacturing” means a manufacturing use, typically having limited potential of creating noise, smoke, dust, vibration or other environmental impacts or pollution, and including, but not limited to, the following:

- A. Production, assembly, finishing, and/or packaging of articles from parts made at another location, such as assembly of clocks, electrical appliances, or medical equipment;
- B. Production of finished household and office goods, such as jewelry, clothing or cloth, toys, furniture, or tents, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, leather, pre-milled wood, or wool, clay, cork, semiprecious or precious metals or stones, fiber, or other similar materials;
- C. Canning or bottling of food or beverages for human or animal consumption using a mechanized assembly line;
- D. Printing plants;
- E. Wholesale trucking operations. (Ord. 965-05 § 1 (part)).

Marijuana processor.

“Marijuana processor” means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

Marijuana producer.

“Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers (as defined in RCW 69.50.101 and provided herein for reference).

Marijuana retailer.

“Marijuana retailer” means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, useable marijuana and marijuana-infused products in a retail outlet (as defined in RCW 69.50.101 and provided herein for reference).

22.08.385 Medical or dental clinic.

“Medical or dental clinic” means an establishment for treatment of outpatients, and providing no overnight care for patients. (Ord. 965-05 § 1 (part)).

22.08.390 Mitigation.

“Mitigation” means the use of any combination or all of the following actions:

- A. Avoiding impacts to environmentally sensitive areas by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environmentally sensitive area;
- D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development proposal;

E. Compensating for the impact by replacing or enhancing environmentally sensitive areas, or providing substitute resources;

F. Monitoring the impact and taking appropriate corrective measures. (Ord. 965-05 § 1 (part)).

22.08.395 Mixed use development.

“Mixed use development” means the development of a parcel or structures with one or more different land uses, such as a combination of residential, office, retail or commercial use vertically integrated or a physically integrated group of structures. (Ord. 965-05 § 1 (part)).

22.08.400 Mobile home.

“Mobile home” means a factory-built dwelling constructed prior to June 15, 1976, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD Manufactured Home Construction and Safety Standards Act. (Ord. 965-05 § 1 (part)).

~~**22.08.405 Motel.**~~

~~See “Hotel or motel,” Section 22.08.340. (Ord. 965-05 § 1 (part)).~~

~~**22.08.410 Multiple building complex.**~~

~~“Multiple building complex” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business, which shares the same lot, access and/or parking facilities. (Ord. 965-05 § 1 (part)).~~

~~**22.08.415 Multiple tenant building.**~~

~~“Multiple tenant building” means a single structure housing more than one retail business, office or commercial venture but not including residential apartment buildings. (Ord. 965-05 § 1 (part)).~~

22.08.420 Native vegetation.

“Native vegetation” means plant species which are indigenous to the area in question. (Ord. 965-05 § 1 (part)).

Neighborhood park.

“Neighborhood park” means a small-to-medium sized park facility owned by the City of Algona. It is oriented primarily to the open space and recreational needs of the local neighborhood or community in which the park is located.

22.08.425 Nonconforming building or nonconforming use.

“Nonconforming building” or “nonconforming use” means a structure or land lawfully used or occupied prior to the effective date of the ordinance codified in this title which does not conform to the use regulations for the district in which it is located. (Ord. 965-05 § 1 (part)).

22.08.430 Nursery, retail.

“Retail nursery” means a retail business establishment in which plants are raised outside or in a greenhouse for sale as landscaping material or indoor plants. Examples include but are not limited to flower shops, nurseries, flower and indoor plants, home garden supplies or other horticulture products. (Ord. 965-05 § 1 (part)).

~~**22.08.435 Nursery school.**~~

~~“Nursery school” means a school, home or institution designed or used to provide daytime care and instruction for four or more young children not resident therein. (Ord. 965-05 § 1 (part)).~~

22.08.440 Nursing home/convalescent home.

“Nursing home/convalescent home” means residential facilities offering twenty-four-hour skilled nursing care for patients who are recovering from an illness, or receiving care for chronic conditions, mental or physical disabilities, terminal illness, or alcohol or drug detoxification. Care may include in-patient administration of medicine, preparation of special diets, bedside nursing care, and treatment by a physician or psychiatrist. This definition does not include community residential facility, assisted senior living facility, adult family home, or senior housing. (Ord. 1059-12 § 9: Ord. 965-05 § 1 (part)).

Office, business or professional.

"Office, business or professional" means an office wherein business, technical or scientific services are rendered involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature. Examples of such uses would include, but not be limited to, the offices of lawyers, accountants, brokers, and insurance agents.

22.08.445 Parking area, public.

"Public parking area" means a structure or an open area other than a public street or alley, designed or used for the temporary parking of automobiles and available for public use, whether free, for compensation, or as an accommodation to customers or clients. (Ord. 965-05 § 1 (part)).

22.08.450 Parking space, off-street.

"Off-street parking space" means a space located off any public right-of-way for parking of any automobile. (Ord. 965-05 § 1 (part)).

Permanent supportive housing.

"Permanent supportive housing" means subsidized, leased housing with no limit on length of stay, paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services.

~~22.08.455 Personal service.~~

~~"Personal service" means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, i.e., laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services. (Ord. 965-05 § 1 (part)).~~

Personal services.

"Personal services" means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, and steam and sauna baths.

22.08.460 Pet shop.

"Pet shop" means an establishment dealing in buying and selling small animals and birds such as are customarily or occasionally harbored in domestic establishments as pets, such as fish, dogs, cats, parrots, canaries and other song and decorative birds, monkeys, hamsters and similar animals, but specifically excluding dangerous animals or dangerous or poisonous or constricting reptiles; provided, no boarding or veterinarian services are rendered except bathing, grooming or clipping of dogs and cats. (Ord. 965-05 § 1 (part)).

22.08.465 Processing.

"Processing" means the application of labor and/or machinery to change materials from one form to another. (Ord. 965-05 § 1 (part)).

22.08.470 Profession.

"Profession" means an occupation or calling requiring the practice of an art, service, or science through specialized knowledge based on a degree issued by an institution of higher learning. (Ord. 965-05 § 1 (part)).

Public agency or utility yard.

"Public agency or utility yard" means a facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Public facilities.

"Public facilities" means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities as defined in RCW 36.70A.030, as amended, and may include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

22.08.475 Public hearing.

“Public hearing” means a hearing, conducted by either the city council or planning commission, that creates a record through testimony and the submission of evidence and information under procedures prescribed by law. (Ord. 965-05 § 1 (part)).

Public safety facilities.

“Public safety facilities” means facilities for public safety and emergency services, including facilities that provide police and fire protection and ambulance services

Public service facilities.

“Public service facilities” means facilities owned, operated, or occupied by a government agency that provide a governmental service to the public, such as public libraries, courthouses, post offices, community centers, and government offices. This general classification does not include other government facilities that are more specifically defined and regulated, such as parks, schools, public safety facilities, and utilities.

22.08.480 Public utility.

“Public utility” means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas, and transportation for persons or freight. (Ord. 965-05 § 1 (part)).

~~22.08.485 Public utility facility.~~

~~“Public utility facility” means a building or complex that facilitates an action or process associated with a public utility, which can be a private, business or governmental agency performing some public service, such as, but not limited to, water supply, electric power, gas, sewer, or transportation. (Ord. 965-05 § 1 (part)).~~

22.08.490 Recorded lot.

“Recorded lot” means a lot as shown on an officially recorded plat or subdivision, or a parcel of land, the deed to which is officially recorded as a unit of property as described by metes and bounds. (Ord. 965-05 § 1 (part)).

Recreation – indoor commercial.

“Recreation – indoor commercial” means a commercial recreation land use conducted entirely within a building, including, but not limited to, athletic and health clubs, pool or billiard halls, skating rinks, swimming pools, and tennis courts.

Recreation – outdoor commercial.

“Recreation – outdoor commercial” means a commercial recreation land use conducted primarily outdoors, including, but not limited to, water parks, amusement parks, and miniature golf courses.

22.08.495 Recreational vehicle.

“Recreational vehicle” means a vehicle or portable structure built on a chassis and designed to be used for temporary occupancy or travel, recreational or vacation use. Said vehicles may contain plumbing, heating and electrical systems, which are operated without connection to outside utilities. [See AMC 22.48.XX for standards.](#) Recreational vehicles shall include:

- A. Travel trailer. A vehicular, portable structure built on a chassis and drawn by a motorized vehicle and which is designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- B. Camper. A removable structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational and vacation uses.
- C. Motor home. A portable, temporary dwelling to be used for travel, recreational and vacation use constructed as an integral part of a self-propelled vehicle.
- D. Camping trailer. A folding structure mounted on wheels and designed for travel, recreational and vacation uses.
- E. Tents are expressly excluded from this definition. (Ord. 965-05 § 1 (part)).

Regional park.

"Regional park" means a publicly-owned open space and/or facility designed to serve a broad area that generally includes several local government jurisdictions. Regional park facilities are owned and maintained by a county, state, or a regional park district. Regional parks generally feature both natural areas for passive recreation and active recreation facilities.

Religious institution.

"Religious institution" means a place where religious services are conducted, including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders. See **AMC 22.48.XX** for standards.

22.08.500 Residence.

"Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotel or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of or intended use of a building or structure. (Ord. 965-05 § 1 (part)).

22.08.505 Restaurant, full-service.

"Full-service restaurant" means a public eating place that is used, maintained, advertised and held out to the public as a place that has a full dinner, and/or lunch menu serving full course meals, daily prepared in its own kitchen, that are typically served at a table or counter. Food prepared "to go" or "for take-out" is allowed as an accessory use as long as the same menu and kitchen is used as a full-service restaurant. A full-service restaurant may serve alcoholic beverages that are incidental and complimentary to the serving of the food. A full-service restaurant may have a separate lounge where the primary function is the sale, serving and consumption of alcoholic beverages. However, the size of the lounge cannot exceed 30 percent of the gross floor area of the restaurant and lounge combined. Any eating place that serves alcoholic beverages and does not meet the requirements of this definition will be considered a tavern as defined by Section 22.08.615. (Ord. 965-05 § 1 (part)).

~~**22.08.510 Retail services.**~~

~~"Retail services" means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services. (Ord. 965-05 § 1 (part)).~~

~~**22.08.515 Retail trade.**~~

~~"Retail trade" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Ord. 965-05 § 1 (part)).~~

~~**22.08.520 School.**~~

~~"School" means a structure and accessory facilities in which prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning. (Ord. 965-05 § 1 (part)).~~

~~**22.08.525 School, vocational.**~~

~~"Vocational school" means the commercial use of a structure or land for teaching arts, crafts or trades. (Ord. 965-05 § 1 (part)).~~

22.08.530 Screened.

"Screened" means concealed or cut off from visual access. (Ord. 965-05 § 1 (part)).

Secure community transition facility.

"Secure community transition facility" means a facility, as defined in RCW 71.09.020, for the housing of sexually violent predators.

Self-serve storage facility.

"Self-serve storage facility" means a building or buildings containing separate storage spaces of a limited size leased or rented on an individual basis, which does not include warehouses or loading docks.

22.08.531 Senior housing.

“Senior housing” refers to housing stock, whether rental or occupant-owned, that specifically caters to residents aged fifty-five years and older. This definition shall include, at a minimum, all facilities that qualify as housing for older persons under the Federal Fair Housing Act and amendments thereto. (Ord. 1059-12 § 10).

~~**22.08.535 Service station, automobile.**~~

~~“Automobile service station” means an occupancy which provides for:~~

~~A. The servicing of motor vehicles and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories; automotive washing by hand; waxing and polishing of automobiles; tire changing and repairing; battery service, charging, and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; and installation of accessories.~~

~~B. The following operations if conducted within a building: lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines, and brake shoes; wheel balancing; engine repair, replacement, or rebuilding. (Ord. 965-05 § 1 (part)).~~

Setback.

“Setback” means the minimum required distance by this title for buildings to be set back from property lines, rights-of-way, private lanes, and shared driveways.

22.08.540 Sign.

“Sign” means any commercial communications device, structure, or fixture which is visible from any public right-of-way intended to aid the business establishment in question in promoting the sale of a product, goods or service using graphics, symbols or written copy. For the purpose of this chapter, a sign shall not be considered to be building or structural design. It shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned. (Ord. 965-05 § 1 (part)).

22.08.545 Sign area.

“Sign area” means:

A. The total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or framework, which contains no written copy and includes only one side of a double-faced sign.

B. Individual letter signs using a wall as a background without added decoration or change in wall color shall be calculated by measuring the perimeter enclosing each letter; the combined total area of each individual letter shall be considered the total area of the sign.

C. Module signs consisting of more than one sign cabinet shall be computed by adding together the total area of each module.

D. Perimeter or sign area shall be established by the smallest rectangle enclosing the extreme limits of the letter, module or advertising message being measured. (Ord. 965-05 § 1 (part)).

22.08.550 Sign, portable.

“Portable sign” means any sign made of any material, including paper, cardboard, wood or metal, which is capable of being moved easily and is not permanently affixed to the ground, structure or building. (Also includes sidewalk or sandwich board signs, except those worn by a person.) (Ord. 965-05 § 1 (part)).

22.08.555 Sign, projecting.

“Projecting sign” means a sign, other than a wall sign, which is attached to and projects from a structure or building face. A marquee sign will not be considered a projecting sign. (Ord. 965-05 § 1 (part)).

22.08.560 Sign, revolving.

“Revolving sign” means any sign which rotates or turns in motion by electrical or mechanical means in a circular pattern. (Ord. 965-05 § 1 (part)).

22.08.565 Sign, roof.

“Roof sign” means a sign erected upon or above a roof or parapet of a building or structure. Mansard roof signs shall not be included. (Ord. 965-05 § 1 (part)).

Social service facility.

“Social service facility” means a facility housing a public or nonprofit agency that provides counseling, therapy or other social or human services to persons needing such services. This definition does not include schools, hospitals, clinics, day care, or residential uses.

Solid waste transfer station.

“Solid waste transfer station” means a solid waste handling facility where nonhazardous solid waste is delivered by public agencies, businesses or individuals and transferred and/or sorted into other containers to be transported to another location for ultimate disposal. A solid waste transfer station may include provisions for extraction of recyclable or reusable materials, as well as collection facilities for recyclable materials.

Specified anatomical areas.

“Specified anatomical areas” means both of the following:

1. Less than completely and opaquely covered
 - a. Human genitals, pubic region;
 - b. Buttock;
 - c. Breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered "

Specified sexual activities.

“Specified sexual activities” means all of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttock or breast "

22.08.570 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. ~~A story shall not exceed twelve feet in height.~~ (Ord. 965-05 § 1 (part)).

22.08.575 Street.

“Street” means a public thoroughfare or right-of-way which affords the principal means of access to abutting property. (Ord. 965-05 § 1 (part)).

22.08.580 Street grade and right-of-way.

“Street grade and right-of-way” means the officially established street grade or right-of-way lines upon which a lot fronts. If no official grade or right-of-way has been established, the grade or right-of-way shall be established by the city engineer or the existing grade or right-of-way shall be used. (Ord. 965-05 § 1 (part)).

22.08.585 Structural alteration.

“Structural alteration” means any change to the supporting members of a structure, such as bearing walls, columns or beams, or changes in the interior dimensions of the building structure, or increase in floor space. (Ord. 965-05 § 1 (part)).

22.08.590 Structure.

“Structure” means anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground. (Ord. 965-05 § 1 (part)).

22.08.595 Substandard lot.

“Substandard lot” means a lot or parcel of land which has less than the required minimum area or width as established by the zone in which it is located; and provided, that such lot or parcel was of record as a legally created lot on the effective date of the ordinance codified in this title. (Ord. 965-05 § 1 (part)).

22.08.600 Substantial change.

“Substantial change” means modification of the scope, use, or other attribute of a pending land use action that results in, or may result in, significant differences in the type or degree of impact(s), as determined by the public works director. (Ord. 965-05 § 1 (part)).

22.08.605 Supergraphics.

“Supergraphics” means any design or graphic which is superior in size, quality, quantity or degree over that which is allowed unconditionally by this code, and creates an overall artistic image utilizing the building on which it is displayed as background. (Ord. 965-05 § 1 (part)).

~~22.08.610 Supermarket.~~

~~See “Grocery store,” Section 22.08.310. (Ord. 965-05 § 1 (part)).~~

22.08.615 Tavern.

“Tavern” means an establishment operated primarily for the sale of wine, beer or other alcoholic beverage that may or may not include the service of food as an accessory use. (Ord. 965-05 § 1 (part)).

Townhouse.

“Townhouse” means a row of at least three attached single-family dwelling units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

Transportation facility.

“Transportation facility” means a capital facility related to air, water, or land transportation.

22.08.620 Tree.

“Tree” means any living woody plant generally characterized by one main stem or trunk with branches, and having a diameter of four inches or more measured at twenty-four inches above ground level. (Ord. 965-05 § 1 (part)).

22.08.625 Unlicensed vehicles.

“Unlicensed vehicles” means automobiles, trucks, trailers, buses, road equipment, truck tractors or similar vehicles normally requiring a license. (Ord. 965-05 § 1 (part)).

22.08.630 Unobstructed.

“Unobstructed” means without structures, but shall not restrict plant materials (such as shrubbery); fences not exceeding six feet in height may be permitted as obstructions in the side and rear yards. (Ord. 965-05 § 1 (part)).

22.08.635 Use, accessory.

“Accessory use” means a use subordinate to the principal use and for purpose clearly incidental to those of the principal use. (Ord. 965-05 § 1 (part)).

22.08.640 Use, principal.

“Principal use” means the primary use to which the premises are devoted and the primary purpose of which the premises are used. (Ord. 965-05 § 1 (part)).

Utility facility.

“Utility facility” means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public.

22.08.645 Variance.

“Variance” means the relaxation of the strict application of the terms of this title with respect to front, rear, and side yards or heights of buildings, where specific physical conditions unique to the site of the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible. (Ord. 965-05 § 1 (part)).

22.08.650 Vehicle repair, major.

See ~~“Service station, automobile,” Section 22.08.535(B). (Ord. 965-05 § 1 (part)).~~

An automobile service station which provides for the following operations if conducted within a building: lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines, and brake shoes; wheel balancing; engine repair, replacement, or rebuilding.

22.08.655 Vehicle repair, minor.

See ~~“Service station, automobile,” Section 22.08.535(A). (Ord. 965-05 § 1 (part)).~~

An automobile service station which provides for the servicing of motor vehicles and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories; automotive washing by hand; waxing and polishing of automobiles; tire changing and repairing; battery service, charging, and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; and installation of accessories.

22.08.660 —Veterinary clinic.

See ~~“Animal clinic/hospital,” Section 22.08.040. (Ord. 965-05 § 1 (part)).~~

22.08.665 Wetland.

“Wetland” is an area inundated or saturated by ground water or surface water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (Army Corps of Engineers Regulation 33 CFR 323.2(c)). Wetlands include ponds, but do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention/retention facilities, farm ponds, and landscape amenities. However, wetlands shall include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. (Ord. 965-05 § 1 (part)).

Yard.

“Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from ground upward; provided, however, that fences, hedges, walls, and limited building projections may be permitted in any yard subject to limitations as indicated herein (see AMC 22.18.6XXX).

22.08.670 Yard, front.

~~“Front yard” means an unobstructed open space from the ground up extending across the full width of the lot between the front building line to the front line. (Ord. 965-05 § 1 (part)).~~

"Front yard" means a yard extending across the lot depth between the front building line of the principal building and the front lot line (See Diagram 22.18.6XXX).

22.08.675 Yard, rear.

~~“Rear yard” means an unobstructed open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line. (Ord. 965-05 § 1 (part)).~~

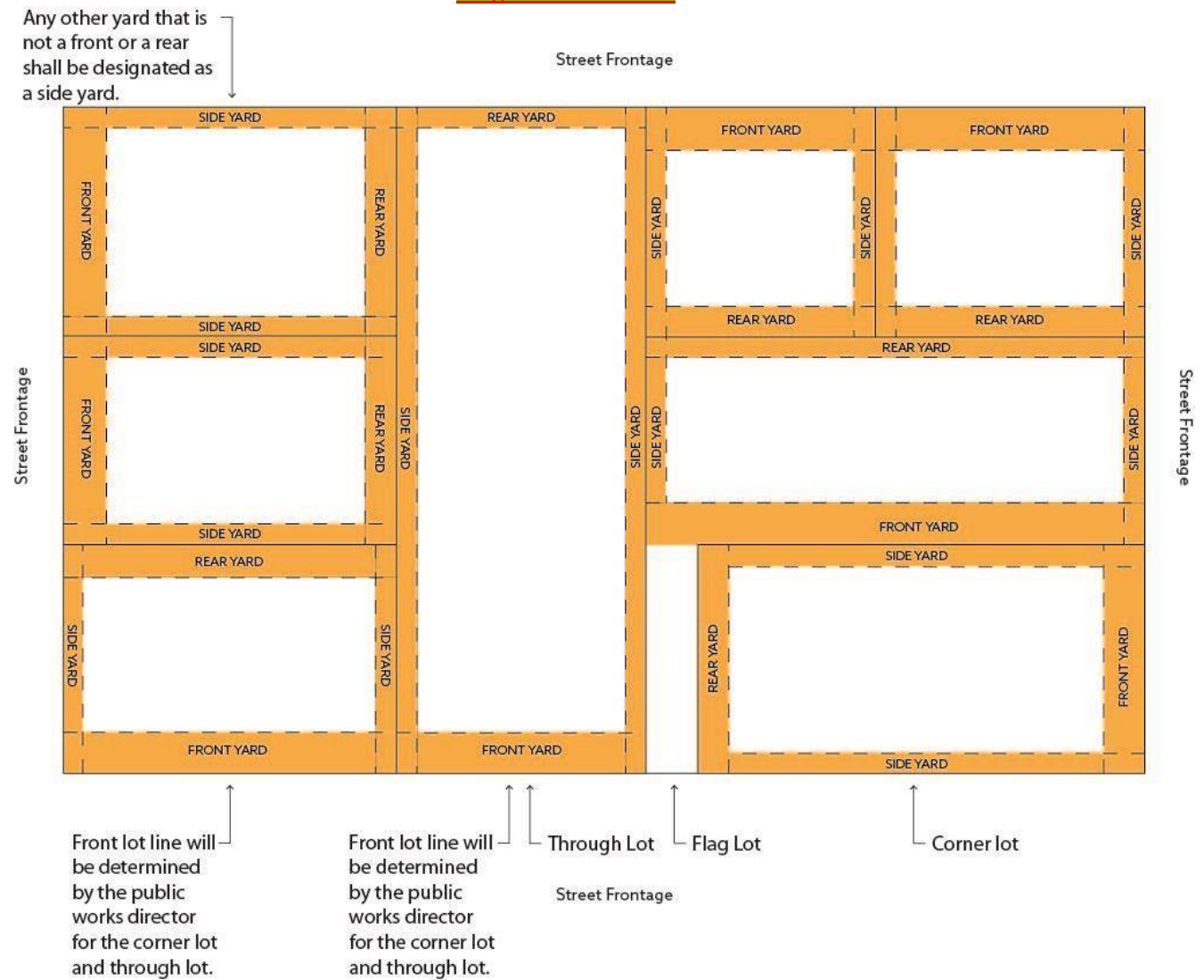
"Rear yard" means a yard extending across the lot depth between the rear building line of the principal building and the rear lot line (See Diagram 22.18.6XXX).

22.08.680 Yard, side.

~~“Side yard” means an unobstructed open space between the side building line and side lot line, between the front yard to the rear yard. (Ord. 965-05 § 1 (part)).~~

"Side yard" means a yard extending across the lot width between the side building line of the principal building and the side lot line, between the front yard and the rear yard (See Diagram 22.08.6XXA).

Diagram 22.08.6XXA



Notes:

1. Requirements for Yards, where applicable, are established by development standards within each respective zone district.
2. The following definitions apply to lot and yard determinations:

Lots:	22.08.355	Lot
	22.08.360	Lot area and dimensions
	22.08.365	Lot lines
	22.08.370	Lot types
Yards:	22.08.XXX	Yard
	22.08.670	Yard, front
	22.08.675	Yard, rear
	22.08.680	Yard, side

22.08.685 Zone.

“Zone” means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this title. (Ord. 965-05 § 1 (part)).

¹ Code reviser’s note: Ord. 1172-19 adds this section as 22.08.280. To avoid duplication of numbering, it has been renumbered editorially as 22.08.217.

Chapter 22.20

R-L LOW DENSITY RESIDENTIAL DISTRICT

Sections:

- 22.20.010 Intent.
- 22.20.020 Permitted uses.
- 22.20.030 Accessory building and uses.
- 22.20.040 Conditional uses.
- 22.20.050 Prohibited uses.

Development standards.

- ~~22.20.060 Lot area.~~
- ~~22.20.070 Lot dimensions.~~
- ~~22.20.080 Lot coverage.~~
- ~~22.20.090 Yards.~~
- ~~22.20.100 Dwelling unit floor area.~~
- 22.20.110 Fences and hedges.
- 22.20.120 Parking.
- ~~22.20.130 Building height.~~
- 22.20.140 Landscaping.
- ~~22.20.150 Supplemental standards.~~

22.20.010 Intent.

The R-L low density residential district is intended to stabilize and preserve low density residential neighborhoods; to prevent intrusion by incompatible land uses; to conform to the systems of services available; to provide for community facilities that will enhance residential quality; to allow low-density multiple-family residences interspersed within single-family neighborhoods to limit densities to those for which a complete range of services can be efficiently provided. (Ord. 817 § 2 (part), 1996).

22.20.020 Permitted uses.

Permitted uses in the R-L low density residential district shall be consistent with Chapter 22.33, Land Use Table.

~~Permitted uses in the R-L low density residential district are as follows:~~

- ~~A. One single family dwelling per each eight thousand foot lot;~~
- ~~B. Single family manufactured homes: see Chapter 22.34;~~
- ~~C. Publicly owned buildings;~~
- ~~D. Temporary buildings for use during construction (not to exceed six months);~~
- ~~E. Home based day care as regulated by RCW 35.63.185 and through receipt of approved city business license;~~
- ~~F. Adult family home;~~
- ~~G. Community residential facility (see Section 22.20.150). (Ord. 1059 12 § 11 (part); Ord. 1054 12 § 1; Ord. 817 § 2 (part), 1996).~~

22.20.030 Accessory building and uses.

The following are not to occupy more than ten percent of the lot area in the R-L low density residential district:

- A. Private garage or carport;
- B. Noncommercial greenhouses and storage sheds;

- C. Private structures to provide shelter for animals;
- D. Uses normally incident to single residences;
- E. Restriction for accessory buildings (see Section 22.20.090 ~~for yard restrictions~~):

- 1. Shall occupy not more than ten percent of lot area,
- 2. Shall be not less than five feet from lot line⁵;
- ~~3. Where rear yard abuts upon a street (a through lot) buildings shall not occupy any of the minimum required rear yard space (see Section 22.20.090);~~
- ~~4. Corner lot buildings shall not occupy any of the minimum required side yard space nor any of the minimum required rear yard space required where abutting street (see Section 22.20.090). (Ord. 817 § 2 (part), 1996).~~

22.20.040 Conditional uses.

Conditional uses in the R-L low density residential district shall be consistent with Chapter 22.33, Land Use Table.

Conditional uses in the R-L low density residential district are as follows:

- ~~A. Accessory dwelling units (see Chapter 22.48);~~
- ~~B. Duplexes:~~
 - ~~1. Must have a site plan approved by the planning commission;~~
- ~~C. Churches with accessory school and/or residence;~~
- ~~D. Charitable or welfare institutions;~~
- ~~E. Day care centers limited to small day care center;~~
- ~~F. Public parking area (if adjoining commercial or light industrial districts) must have a twenty foot landscaped area to screen it from view of residences (see Chapter 22.60, Landscaping);~~
- ~~G. Community and neighborhood parks. (Ord. 1059 12 § 11 (part); Ord. 1054 12 § 2; Ord. 817 § 2 (part), 1996).~~

22.20.050 Prohibited uses.

Prohibited uses in the R-L low density residential district shall be consistent with Chapter 22.33, Land Use Table.

~~The following uses are expressly prohibited in the R-L low density residential district:~~

- ~~A. Commercial uses;~~
- ~~B. Industrial uses. (Ord. 817 § 2 (part), 1996).~~

Development standards.

Minimum front yard	25 feet ¹
Minimum side yard	5 feet ^{1,3}
Minimum rear yard	25 feet ²
Minimum street setback, garage or carport	20 feet
Minimum lot area	8,000 square feet ⁴
Minimum lot width	80 feet
Minimum lot depth	100 feet

Maximum lot coverage	45%
Maximum height	25 feet
Minimum street frontage	N/A
Maximum density	6 dwelling units per acre
1. No structure, including accessory buildings, shall be constructed in the required front or side yard.	
2. No structure, including accessory buildings, shall be constructed in that portion of any rear yard adjacent to or within 10 feet of any adjoining front yard, adjacent to or within 5 feet of an adjoining yard, or within 15 feet of any public street.	
3. The sum of two sides must be no less than 15 feet.	
4. The minimum lot area for a duplex shall be 10,890 square feet.	

22.20.060 — Lot area.

The required area of a lot or parcel in the R-L low density residential district shall be not less than eight thousand square feet. (Ord. 817 § 2 (part), 1996).

22.20.070 — Lot dimensions.

Each lot or parcel created in the R-L low density residential district after the effective date of the ordinance codified in this title shall have a width and depth of not less than:

A. Width, eighty feet;

B. Depth, one hundred feet. (Ord. 817 § 2 (part), 1996).

22.20.080 — Lot coverage.

In an R-L Zone, the following buildings shall occupy the following lot areas:

A. The total coverage of the lot for the primary structure, defined as residence, and secondary structures combined shall not exceed forty five percent of the gross square footage of the tax parcel that they occupy. (Ord. 976-05 § 1, 2005; Ord. 817 § 2 (part), 1996).

22.20.090 — Yards.

Minimum front, side and rear yards in the R-L low density residential district are as follows: Every lot or parcel in this zone shall have open space unoccupied and unobstructed from the ground upward. All measurements are made from the proper property line to the building line.

A. Front yard: minimum of twenty five feet;

B. Side yard: minimum of five feet, fifteen feet total;

C. Rear yard: minimum of twenty five feet;

D. No structure, including accessory buildings, shall be constructed in the required front or side yard setback or that portion of any rear yard adjacent to or within ten feet of any adjoining front yard, adjacent to or within five feet of an adjoining rear yard, or within fifteen feet of any public street; provided, however, that any structure with a vehicular entrance from a public street or alley shall be set back from the street or alley a minimum of twenty feet. (Ord. 817 § 2 (part), 1996).

~~22.20.100 — Dwelling unit floor area.~~

~~Each duplex hereafter installed in an R-L low density residential district shall have a minimum floor area of one thousand square feet per unit excluding any area to be used for garage, storage, porch or similar area. (Ord. 817 § 2 (part), 1996).~~

22.20.110 Fences and hedges.

Fences and hedges in an R-L low density residential district shall conform to the heights as specified in Section 22.62.020. (Ord. 817 § 2 (part), 1996).

22.20.120 Parking.

Minimum off-street parking requirements in an R-L low density residential district shall be as specified in Chapter 22.40. (Ord. 817 § 2 (part), 1996).

~~22.20.130 — Building height.~~

~~The maximum height of buildings in an R-L low density residential district shall be two stories, not to exceed twenty five feet in height. (Ord. 817 § 2 (part), 1996).~~

22.20.140 Landscaping.

Minimum landscaping requirements in an R-L low density residential district shall be as provided in Chapter 22.60 for conditional use permits. (Ord. 817 § 2 (part), 1996).

~~22.20.150 — Supplemental standards.—~~

~~A. “Group homes” in the city of Algona are classified as “community residential facilities (CRFs).” CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by Section 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use under Section 22.30.040.~~

~~B. Community Residential Facilities (CRFs).—~~

~~1. CRFs are single family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state licensed adult family homes and foster family homes are exempt from the city’s numerical limit.~~

~~2. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in subsection C of this section.~~

~~3. In the single family zone, CRFs are required to be a single family structure compatible with the surrounding area.~~

~~C. Accommodation of Persons with Disabilities.~~

~~1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.~~

~~2. Application. Such exceptions may include:~~

~~a. Increasing the number of nonrelated persons allowed to live together in a single family house;~~

~~b. Reducing setback requirements to retrofit a house with handicap accessible facilities;~~

~~e. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.~~

~~3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).—~~

~~4. Accommodation Procedure.~~

~~a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.~~

~~b. Decision Process.~~

~~i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.~~

~~ii. Prompt Action. The director shall act promptly on the request for accommodation.~~

~~iii. No Fee. The director shall not charge a fee for responding to such request.~~

~~iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty-one days after the director's decision.~~

~~c. Decision Criteria.~~

~~i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.~~

~~ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.~~

~~iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.~~

~~iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.~~

~~d. Procedure Upon Change of Use.~~

~~i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.~~

~~ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD). (Ord. 1059-12 § 11 (part)).~~

Chapter 22.24

R-M MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:

- 22.24.010 Intent.
- 22.24.020 Permitted uses.
- 22.24.030 Accessory building and uses.
- 22.24.040 Conditional uses.
- 22.24.050 Prohibited uses.
- 22.24.060 Development standards.
- ~~22.24.070 Performance standards.~~
- 22.24.080 Fences and hedges.
- 22.24.090 Parking.
- 22.24.100 Landscaping.
- ~~22.24.110 Supplemental standards.~~

22.24.010 Intent.

The R-M medium density residential district is intended to allow for a variety of housing types and densities; to help meet the need for a range of affordable housing; and to promote residential development at densities that will allow for pedestrian access to commercial establishments, employment, and parks or recreation opportunities. (Ord. 965-05 § 4 (part)).

22.24.020 Permitted uses.

Permitted uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table.

~~Permitted uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table. In addition to those uses allowed in Chapter 22.33, permitted uses may also include the following:~~

- ~~A. Single family manufactured homes as allowed in Chapter 22.34;~~
- ~~B. Publicly owned buildings, parks and playgrounds, but not including amusement parks, golf courses or commercial recreations;~~
- ~~C. Temporary buildings for use during construction (not to exceed six months);~~
- ~~D. Other uses may be permitted by the public works director if the use is determined to be consistent with the intent of the zone and is of the same general character as the uses permitted in the zone;~~
- ~~E. Home based day care as regulated by RCW 35.63.185 and through receipt of approved city business license;~~
- ~~F. Adult family home; and~~
- ~~G. CRFs: see Section 22.24.110. (Ord. 1059-12 § 12 (part); Ord. 965-05 § 4 (part)).~~

22.24.030 Accessory building and uses.

The following are permitted as accessory and shall occupy no more than ten percent of the lot area, unless otherwise stated, in the R-M medium density residential district:

- A. Private garages or carports;
- B. Noncommercial greenhouses and storage sheds;
- C. Private structures to provide shelter for animals;

D. Uses normally incidental to residential structures;

E. ~~In addition to the restrictions for accessory buildings (see Section 22.24.060 for yard restrictions) in Section 22.48.010, Accessory dwelling units, the following shall also apply:~~

~~1. Accessory structures shall be no less than five feet from the lot line;~~

~~2. Where a rear yard abuts a street (a through lot), accessory buildings shall not occupy any of the minimum required rear yard space; and~~

~~3. Corner lot accessory buildings shall not occupy any of the minimum required side yard space nor any of the minimum required rear yard space required where abutting a street;~~

F. ~~Home occupations that meet the requirements of Chapter 22.45, Home Occupation Permits. (Ord. 965-05 § 4 (part)).~~

22.24.040 Conditional uses.

Conditional uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table.

Conditional uses in the R-M medium density residential district are as follows:

A. ~~Accessory dwelling units that meet the requirements of Section 22.48.010, Accessory dwelling units;~~

B. ~~Apartments that meet the following requirements, in addition to the requirements of Section 22.48.040, Multiple-resident and high density buildings:~~

~~1. Lot area shall not be less than eight thousand square feet;~~

~~2. Shall not exceed one dwelling unit per two thousand nine hundred square feet of gross lot area;~~

~~3. Shall include open space unoccupied and unobstructed from the ground upward;~~

~~4. All measurements are to be made from the property line to the building line;~~

~~5. Yards shall be:~~

~~a. Front yard: minimum of twenty five feet;~~

~~b. Side yard: minimum of seven and one half feet;~~

~~c. Rear yard: minimum of twenty five feet;~~

~~d. Lot coverage shall not exceed thirty five percent;~~

~~6. No structure, including accessory buildings, shall be considered in the required front or side yard setback or that portion of any rear yard adjacent to or within ten feet of any adjoining front yard, adjacent to or within five feet of an adjoining rear yard, or within fifteen feet of any public street; provided, however, that any structure with a vehicular entrance from a public street or alley shall be set back from the street or alley a minimum of twenty feet;~~

~~7. The maximum height of the building shall be two stories, not to exceed twenty five feet in height;~~

C. ~~Day care centers limited to small day care center, large day care center, preschool, or nursery school; and~~

D. ~~Public parking areas which comply with Section 22.60.060, Parking lots. (Ord. 1059-12 § 12 (part): Ord. 965-05 § 4 (part)).~~

22.24.050 Prohibited uses.

Prohibited uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table.

The following uses are expressly prohibited in the R-M medium density residential district:

- A. Commercial uses, except where allowed as a conditional use;
- B. Industrial uses. (Ord. 1059-12 § 12 (part); Ord. 965-05 § 4 (part)).

22.24.060 Development standards.

Minimum front yard	10 feet ⁶
Minimum side yard	5 feet ⁶
Minimum rear yard	15 feet ⁷
Minimum street setback, garage or carport	20 feet
Minimum lot area	5,000 square feet ^{1,2}
Minimum lot width	50 feet ³
Minimum lot depth	N/A
Maximum lot coverage	65%
Maximum height	25 feet ⁴
Minimum street frontage	30 feet ⁵
Maximum density	12 dwelling units per acre
1. The minimum lot area for assisted senior living facilities, nursing homes, senior housing, and multiple-family dwellings shall be 15,000 square feet.	
2. The minimum lot area for a duplex shall be 7,260 square feet.	
3. The minimum lot width for assisted senior living facilities, nursing homes, and senior housing shall be 150 feet.	
4. The maximum height of a duplex or townhouse shall be 36 feet when the living space is stacked over a garage. See Diagram 22.24.060A.	
5. The minimum street frontage for flag lots shall be 20 feet. See Diagram 22.24.060B.	
6. No structure, including accessory buildings, shall be constructed in the required front or side yard.	
7. No structure, including accessory buildings, shall be constructed in that portion of any rear yard adjacent to or within 10 feet of any adjoining front yard, adjacent to or within 5 feet of an adjoining yard, or within 15 feet of any public street.	

Diagram 22.24.060A

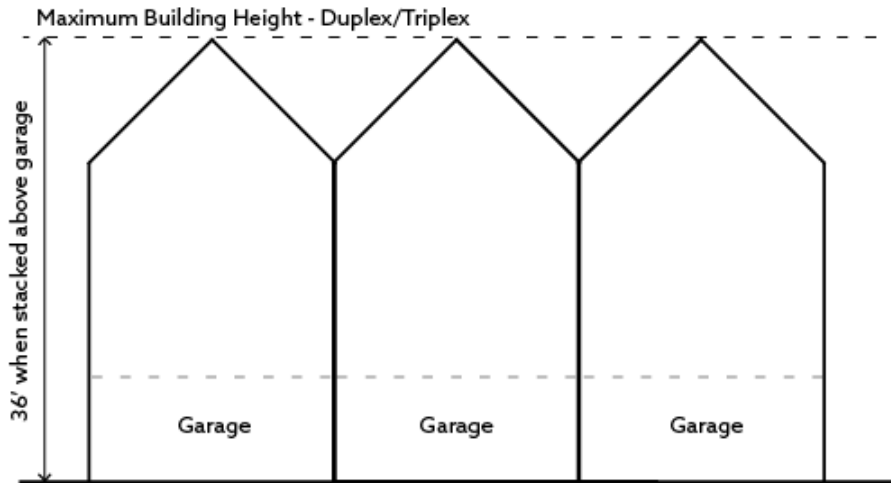
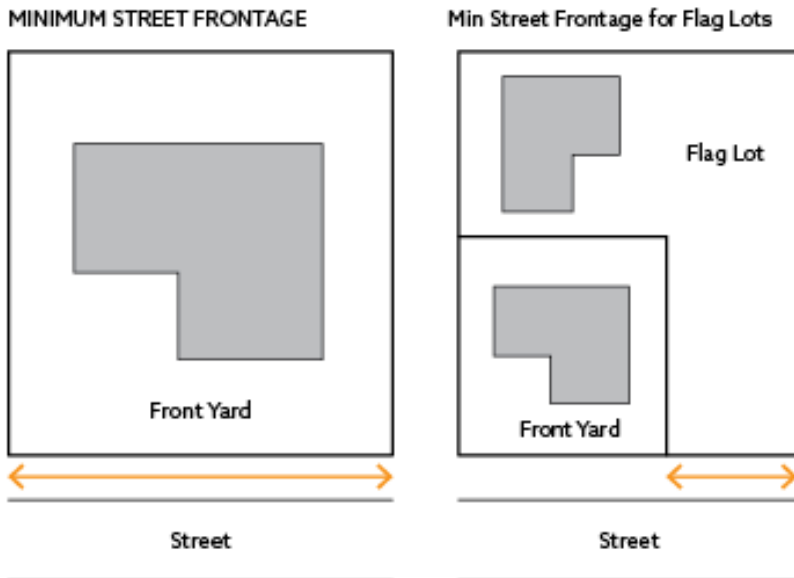


Diagram 22.24.060B



Use	Yards				Min. Lot-Size	Min. Lot-Width	Lot-Coverage	Height	Min. ³ -Street-Frontage	Max. Net-Development-Density
	Front	Side	Rear	Corner						
Assisted senior living-facility	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12 DU/AC
Attached or detached-bungalow or cottage	10'	5'	15'	10'	5,000-SF	50'	N/A	25'	30'	10 DU/AC
Duplex, townhome ³	10'	5'	15'	10'	5,000-SF	50'	N/A	36'	30'	12 DU/AC or-2,900 net-SF/DU
Nursing home	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12 DU/AC
Row-house	10'	5'	15'	10'	5,000-SF	50'	N/A	25'	30'	12 DU/AC

Semi-attached single-family	10'	5' ¹	15'	10'	5,000-SF	50'	N/A	25'	30'	8 DU/AC
Senior housing	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12 DU/AC
Single-family detached on small lots	10'	5'	15'	10'	4,000-SF	40'	N/A	25'	30'	8 DU/AC
Triplex townhome	10'	5'	15'	10'	5,000-SF	50'	N/A	36'	30'	12 DU/AC or 2,900 net-SF/DU
¹ The minimum side yard for a semi-attached structure shall be five feet, except where the structure is connected to a secondary or ancillary building part such as garage, carport, trellis, or porch.										
² The maximum height of a duplex or triplex townhome shall be thirty-six feet when stacked over a garage; otherwise the height shall not exceed twenty-five feet.										
³ The minimum street frontage for pipestem or flag lots shall be twenty feet.										

The following development standards shall apply to single family detached on small lots, semi-attached single family, and attached or detached bungalow or cottage style housing:

A. Architectural Features.

1. Each house shall contain a porch of at least sixty square feet, with a minimum depth of six feet. This requirement shall only apply to single family housing prototypes that traditionally include porches.
2. Single family housing prototypes that do not traditionally include porches shall provide a pronounced entryway. Pronounced entryways shall include rounded doors, articulated entrances, columns, and other similar features.
3. Sixty five percent of the housing units shall include porches. The remaining housing units shall comply with this chapter.
4. Each single family unit shall have a designated pedestrian connection from the front door to the sidewalk.

B. Roof Design.

1. Roof shall be pitched at a ratio of at least five to twelve.
2. Roofs shall have dormers, or gables, or similar variations in roof planes in order to break up the roof mass.
3. Roof pitches shall complement the building style.
4. Roof materials shall provide variety in the use of materials and color including tile, compositional, metal, shake or shingle.

C. Corner Lots. Structures on corner lots shall take advantage of the dual frontage and make an architectural statement. This may be accomplished by providing the following:

1. Wrap around porches;
2. Bay windows, porches, turrets or trellises;
3. Varied exterior materials that are consistent with one another, roof features, or articulation.

D. Garages.

1. Garages may be attached or detached and accessed from a side drive.
2. Garages located in the front facade or “front loaded” shall conform to the following:

- a. ~~Upper level dormers shall be used to de-emphasize the garage.~~
- b. ~~The porch shall protrude at least five feet beyond the garage facade or if no porch is included the garage shall be set back five feet from the main structure.~~
- c. ~~Garage openings and trims shall include sufficient detail work to de-emphasize the garage. (Ord. 1059-12 § 12 (part); Ord. 965-05 § 4 (part)).~~

22.24.070 — Performance standards.

~~A. Front Loaded Lots. Garages or carports located in the front of residential structures shall provide a minimum of twenty five feet between the face of the garage and the front lot line.~~

~~B. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace.~~

~~C. Yard Projections. Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:~~

- ~~1. Fences and walls as specified and limited may project into the front, rear and side yards.~~
- ~~2. Cornices, sills, eave projections and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches, provided the width of any required interior side yard is not reduced to less than two feet, six inches, and any yard abutting a street is not reduced to less than five feet.~~
- ~~3. Open, unenclosed, unroofed decks may project into any required rear or interior side yard; providing, however, that the decks are constructed at grade elevations, or in no event exceed thirty inches above adjoining grade.~~
- ~~4. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any yard abutting a street is not reduced to less than five feet.~~
- ~~5. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.~~

~~D. Trash Receptacles. Except on trash pickup days, all trash receptacles shall be screened from neighboring properties and public rights of way by an opaque visual barrier no lower than the maximum height of the receptacles. Provision of recycling bins shall be made. These shall be located near the trash receptacles and screened as required above. (Ord. 965-05 § 4 (part)).~~

22.24.080 Fences and hedges.

Fences and hedges requirements in the R-M medium density residential district shall conform to the heights as specified in Chapter 22.62, Fences, Hedges and Walls. (Ord. 965-05 § 4 (part)).

22.24.090 Parking.

Minimum off-street parking requirements in an R-M medium density residential district shall be as specified in Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 4 (part)).

22.24.100 Landscaping.

Minimum landscaping requirements in an R-M medium density residential district shall be as provided in Chapter 22.60, Landscaping. (Ord. 965-05 § 4 (part)).

~~**22.24.110 — Supplemental standards.**~~

~~A. “Group homes” in the city of Algona are classified as “community residential facilities (CRFs).” CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by AMC 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use under Section 22.30.040.~~

~~B. Community Residential Facilities (CRFs).~~

~~1. CRFs are single family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state licensed adult family homes and foster family homes are exempt from the city's numerical limit.~~

~~2. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in Section 22.20.150(C).~~

~~3. In the single family zone, CRFs are required to be a single family structure compatible with the surrounding area.~~

~~C. Accommodation of Persons with Disabilities.~~

~~1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.~~

~~2. Application. Such exceptions may include:~~

~~a. Increasing the number of nonrelated persons allowed to live together in a single family house;~~

~~b. Reducing setback requirements to retrofit a house with handicap accessible facilities;~~

~~c. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.~~

~~3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).~~

~~4. Accommodation Procedure.~~

~~a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.~~

~~b. Decision Process.~~

~~i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.~~

~~ii. Prompt Action. The director shall act promptly on the request for accommodation.~~

~~iii. No Fee. The director shall not charge a fee for responding to such request.~~

~~iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty one days after the director's decision.~~

~~e. Decision Criteria.~~

~~i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.~~

~~ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.~~

~~iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.~~

~~iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.~~

~~d. Procedure Upon Change of Use:~~

~~i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.~~

~~ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD). (Ord. 1059-12 § 12 (part)).~~

Chapter 22.28

C-1 MIXED USE COMMERCIAL DISTRICT

Sections:

22.28.010	Intent.
22.28.020	Permitted uses.
22.28.030	Accessory uses.
22.28.040	Conditional uses.
22.28.050	Prohibited uses.
22.28.060	Restrictions and limitations.
22.28.070	Commercial and residential development standards.
22.28.080	Performance standards.
22.28.090	Lot area and width.
22.28.100	Off-street parking.
22.28.110	Landscaping.
22.28.120	Signs.
22.28.130	Supplemental standards.

22.28.010 Intent.

The C-1 mixed use commercial district is intended to provide a mixture of uses. This means that residential uses are mixed with nonresidential land uses, such as small-scale retail and commercial, office, civic and open space. The purpose of this chapter is to achieve the following:

- A. To broaden the tax base of the community by mixing land uses;
- B. To promote the integration of uses where residential may be a component of a commercial development;
- C. To provide a mix of housing types within the community;
- D. To promote different modes of transportation such as walking, bicycles, transit, and to be less reliant on automobiles; and
- E. To promote retail and service facilities that meet the current and potential need for the community and surrounding area. (Ord. 965-05 § 5 (part)).

22.28.020 Permitted uses.

Permitted uses in the C-1 mixed use commercial district shall be consistent with Chapter 22.33, [Land Use Table](#).

~~A. Uses similar to those listed as permitted uses in the land use table shall be considered permitted.~~

~~B. In the C-1 mixed use commercial district, medium density residential uses are permitted, either as part of a mixed use development with commercial uses or as the primary use; provided:~~

~~1. The maximum number of dwelling units may not exceed twelve dwelling units per net acre. (Ord. 965-05 § 5 (part)).~~

22.28.030 Accessory uses.

Accessory uses in the C-1 mixed use commercial district shall be as follows:

- A. Uses normally incidental to the permitted use on the same parcel of land;
- B. Storage and similar uses incidental to commercial uses, but not including warehousing. (Ord. 965-05 § 5 (part)).

22.28.040 Conditional uses.

Conditional uses in the C-1 mixed use commercial district shall be consistent with Chapter 22.33, [Land Use Table](#).

~~A. Uses that do not reasonably fit into permitted or prohibited shall be considered conditional uses.~~

~~B. Single family on small lots, semi attached single family, attached bungalow, cottage, multiplex dwelling units, and multiplex homes. (Ord. 965-05 § 5 (part)).~~

22.28.050 Prohibited uses.

Prohibited uses in the C-1 mixed use commercial district shall be consistent with Chapter 22.33, Land Use Table.

The following uses are prohibited in the C-1 mixed use commercial district:

~~A. Industrial uses. (Ord. 965-05 § 5 (part)).~~

22.28.060 Restrictions and limitations.

Every use located in a C-1 mixed use commercial district shall be subjected to the following further restrictions:

A. All uses shall be conducted within a building. At retail establishments, merchandise or other goods, products, or containers may be displayed outside the building; provided, that the space occupied by such displays of merchandise or goods shall not extend more than eight feet beyond the building line; and provided further, that entrances to the premises shall not be blocked by such displays and shall not occupy portions of the lot normally required for off-street parking purposes. Where such sale is conducted, off-street parking spaces may not be reduced below the minimum requirements of Chapter 22.40 and all entrances to and exits from off-street parking areas and the business building shall be kept clear at all times. Loading and unloading of merchandise shall be done on private property or in such a manner as to minimize interference with vehicular and pedestrian traffic on public rights-of-way or off-street parking areas.

B. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.

C. Use of cleaning agents shall be limited to nonflammable and nonexplosive fluids with a flash point above 138.5 degrees Fahrenheit in a closed safety cleaning system.

D. Any buildings or structures or portions thereof used to house animals in connection with small animal hospitals and clinics shall be soundproofed; the animal runs shall be surfaced with concrete or other impervious material; there shall be no burning of refuse or dead animals; drainage shall be away from adjoining properties.

E. Activities conducted on the premises shall conform to all applicable federal, state, county and city regulations pertaining to noise, odors, fumes, gases, smoke, vibrations and other environmental factors. (Ord. 965-05 § 5 (part)).

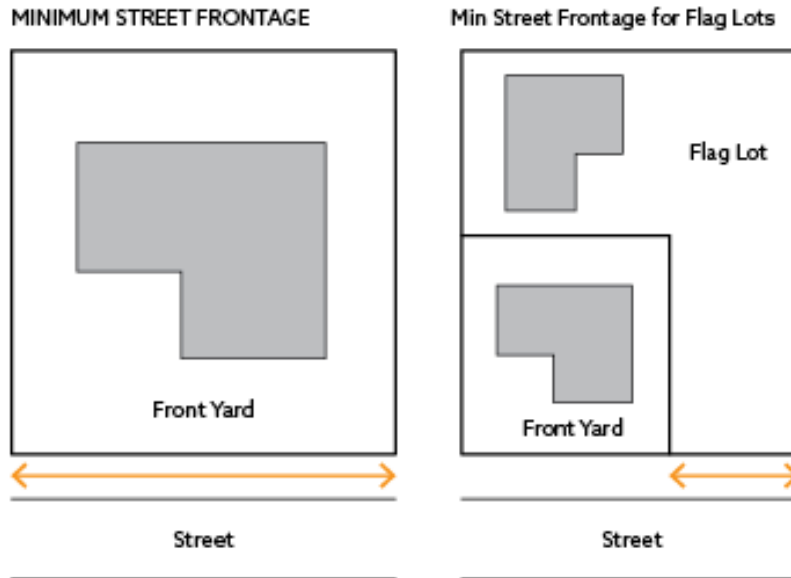
22.28.070 Commercial and residential development standards.

Table 1. Commercial and Residential Development Standards

Minimum front yard	5 feet
Minimum side yard	5 feet
Minimum rear yard	15 feet
Minimum street setback, garage or carport	20 feet
Minimum lot area	5,000 square feet ¹
Minimum lot width	50 feet
Minimum lot depth	N/A
Maximum lot coverage	75%
Maximum height	36 feet
Minimum street frontage	30 feet ²
Maximum density	12 dwelling units per acre
¹ The minimum lot area for a duplex shall be 7,260 square feet.	

2. The minimum street frontage for flag lots shall be 20 feet. See Diagram 22.28.070A.

Diagram 22.28.070A



Use	Yards				Min. Lot-Size	Min. Lot-Width	Lot-Coverage	Height Max.	Min.-Street-Frontage ³	Max. Net-Development-Density
	Front	Side	Rear	Corner						
COMMERCIAL USES										
Commercial uses	5'	5'	15'	N/A	5,000-SF	50'	N/A	25'	30'	12-DU/AC
LOW DENSITY RESIDENTIAL USES										
Low density residential-uses	10'	5'	15'	15'	5,000-SF	50'	35%	25'	N/A	6-DU/AC
MEDIUM DENSITY RESIDENTIAL USES										
Assisted senior living-facility	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12-DU/AC
Attached or detached-bungalow or cottage	10'	5'	15'	10'	5,000-SF	50'	N/A	25'	30'	10-DU/AC
Community residential-facility	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	10-DU/AC
Duplex, townhome ³	10'	5'	15'	10'	10,000-SF	50'	N/A	36'	30'	12-DU/AC or-2,900 net-SF/DU
Live/work unit	5'	5'	5'	5'	5,000-SF	50'	N/A	25'	30'	10-DU/AC
Nursing home	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12-DU/AC
Row house	10'	5'	15'	10'	5,000-SF	50'	N/A	25'	30'	12-DU/AC
Semi-attached single-family	10'	5' ⁴	15'	10'	5,000-SF	50'	N/A	25'	30'	8-DU/AC
Senior housing	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12-DU/AC

Single-family detached on small lots	10'	5'	15'	10'	4,000-SF	40'	N/A	25'	30'	8 DU/AC
Triplex townhome	10'	5'	15'	10'	15,000-SF	50'	N/A	36'	30'	12 DU/AC or 2,900 net-SF/DU
¹ The minimum side yard for a semi-attached structure shall be five feet, except where the structure is connected to a secondary or ancillary building part such as garage, carport, trellis, or porch.										
² The maximum height of a duplex or triplex townhome shall be thirty-six feet when stacked over a garage; otherwise the height shall not exceed twenty-five feet.										
³ The minimum street frontage for pipestem or flag lots shall be twenty feet.										

A. Standards for the Following Conditional Uses. ~~Detached, semi-attached single family dwellings, attached bungalow dwellings, multiplex dwelling units, and multiplex homes are allowed within the C-1 mixed use commercial district provided they meet the following standards:~~

~~1. Porch.~~

- ~~a. Each house shall contain a porch of at least sixty square feet, with a minimum depth of six feet. This requirement shall only apply to single family housing prototypes that traditionally include porches.~~
- ~~b. Single family housing prototypes that do not traditionally include porches shall provide a pronounced entryway. Pronounced entryways shall include rounded doors, articulated entrances, columns, and other similar features.~~
- ~~c. Sixty five percent of the housing units shall include porches. The remaining housing units shall comply with the rest of this section.~~
- ~~d. Each single family unit shall have a designated pedestrian connection from the front door to the sidewalk.~~

~~2. Roof Design.~~

- ~~a. Roof shall be pitched at a ratio of at least five to twelve.~~
- ~~b. Roofs shall have dormers, or gables, or similar variations in roof planes in order to break up the roof mass.~~
- ~~c. Roof pitches shall complement the building style.~~
- ~~d. Roof materials shall provide variety in the use of materials and color including tile, compositional, metal, shake or shingle.~~

~~3. Corner Lots. Structures on corner lots shall take advantage of the dual frontage and make an architectural statement. This may be accomplished by providing the following:~~

- ~~a. Wrap around porches;~~
- ~~b. Bay windows, porches, turrets or trellises;~~
- ~~c. Varied exterior materials that are consistent with one another, roof features, or articulation.~~

~~4. Garages.~~

- ~~a. Garages may be attached or detached and accessed from a side drive.~~
- ~~b. Garages located in the front facade or "front loaded" shall conform to the following:~~
- ~~c. Upper level dormers shall be used to de-emphasize the garage.~~

~~d. The porch shall protrude at least five feet beyond the garage facade or if no porch is included the garage shall be set back five feet from the main structure.~~

~~e. Garage openings and trims shall include sufficient detail work to de-emphasize the garage.~~

~~B. Live/Work Units. In the C-1 mixed use commercial district, live/work units are conditional uses allowed provided:~~

~~1. The workspace component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.~~

~~2. The dwelling unit component must be located above or behind the workspace, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.~~

~~3. A total of two off-street parking spaces shall be provided for a live/work unit in addition to any off-street parking as specified in Chapter 22.40, Off-Street Parking and Loading, located to the rear of the unit, or underground/enclosed.~~

~~4. The size and nature of the workspace shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building.~~

~~5. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the zone, which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.~~

~~C. In the C-1 mixed use commercial district, R-L low density residential uses are permitted; provided, that they meet the requirements of Chapter 22.20, R-L Low Density Residential District. (Ord. 1059-12 § 13 (part); Ord. 965-05 § 5 (part)).~~

22.28.080 — Performance standards.

~~A. Front Loaded Lots. Garages or carports located in the front of residential structures shall provide a minimum of twenty-five feet between the face of the garage and the front lot line.~~

~~B. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace.~~

~~C. Yard Projections. Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:~~

~~1. Fences and walls as specified and limited may project into the front, rear and side yards.~~

~~2. Cornices, sills, eave projections and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches, provided the width of any required interior side yard is not reduced to less than two feet, six inches, and any yard abutting a street is not reduced to less than five feet.~~

~~3. Open, unenclosed, unroofed decks may project into any required rear or interior side yard; providing, however, that the decks are constructed at grade elevations, or in no event exceed thirty inches above adjoining grade.~~

~~4. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any yard abutting a street is not reduced to less than five feet.~~

~~5. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches, which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.~~

~~D. Trash Receptacles. Except on trash pickup days, all trash receptacles shall be screened from neighboring properties and public rights of way by an opaque visual barrier no lower than the maximum height of the receptacles. Provision of recycling bins shall be made. These shall be located near the trash receptacles and screened as required above.~~

~~E. Where a C-1 mixed use commercial district abuts a residential district, a fifteen-foot buffer landscaped area shall be provided as specified in Chapter 22.60. (Ord. 965-05 § 5 (part)).~~

~~**22.28.090 — Lot area and width.**~~

~~Refer to Section 22.28.070. (Ord. 965-05 § 5 (part)).~~

22.28.100 Off-street parking.

Off-street parking in the C-1 mixed use commercial district shall be provided in accordance with Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 5 (part)).

22.28.110 Landscaping.

Landscaping in the C-1 mixed use commercial district shall be provided in accordance with Chapter 22.60, Landscaping. (Ord. 965-05 § 5 (part)).

22.28.120 Signs.

Signs in the C-1 mixed use commercial district shall be provided in accordance with Chapter 22.64, Signs. (Ord. 965-05 § 5 (part)).

~~**22.28.130 — Supplemental standards.**~~

~~A. “Group homes” in the city of Algona are classified as “community residential facilities (CRFs).” CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by Section 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use under Section 22.30.040.~~

~~**B. Community Residential Facilities (CRFs).**~~

~~1. CRFs are single family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state licensed adult family homes and foster family homes are exempt from the city’s numerical limit.~~

~~2. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in Section 22.20.150(C).~~

~~3. In the single family zone, CRFs are required to be a single family structure compatible with the surrounding area.~~

~~**C. Accommodation of Persons with Disabilities.**~~

~~1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.~~

~~2. Application. Such exceptions may include:~~

~~a. Increasing the number of nonrelated persons allowed to live together in a single family house;~~

~~b. Reducing setback requirements to retrofit a house with handicap accessible facilities;~~

~~e. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.~~

~~3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).~~

~~4. Accommodation Procedure.~~

~~a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.~~

~~b. Decision Process.~~

~~i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.~~

~~ii. Prompt Action. The director shall act promptly on the request for accommodation.~~

~~iii. No Fee. The director shall not charge a fee for responding to such request.~~

~~iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty one days after the director's decision.~~

~~c. Decision Criteria.~~

~~i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.~~

~~ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.~~

~~iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.~~

~~iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.~~

~~d. Procedure Upon Change of Use.~~

~~i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.~~

~~ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD). (Ord. 1059-12 § 13 (part)).~~

Chapter 22.29

C-2 GENERAL COMMERCIAL DISTRICT

Sections:

- 22.29.010 Intent.
- 22.29.020 Permitted uses.
- 22.29.030 Accessory uses.
- 22.29.040 Conditional uses.
- 22.29.050 Prohibited uses.
- 22.29.060 Restrictions and limitations.
- 22.29.070 [Development standards.](#)
- ~~22.29.070 Yards.~~
- ~~22.29.080 Building height.~~
- ~~22.29.090 Lot area and width.~~
- 22.29.100 Off-street parking.
- 22.29.110 Landscaping.
- 22.29.120 Signs.

22.29.010 Intent.

The C-2 general commercial district is intended to provide retailing and other commercial services that serve the large market area surrounding the Algona community. In this respect, the C-2 general commercial district should accommodate conventional retail/commercial development that is typical to urban areas such as shopping centers, small- to large-scale retail establishments or a combination of professional services and retail businesses. (Ord. 965-05 § 6 (part)).

22.29.020 Permitted uses.

Permitted uses in the C-2 general commercial district shall be consistent with Chapter 22.33, Land Use Table.

~~A. Uses similar to those listed as permitted uses in the land use table shall be considered permitted. (Ord. 965-05 § 6 (part)).~~

22.29.030 Accessory uses.

Accessory uses in the C-2 general commercial district shall be as follows:

A. Uses normally incidental to the permitted use on the same parcel of land. (Ord. 965-05 § 6 (part)).

22.29.040 Conditional uses.

Conditional uses in the C-2 general commercial district shall be consistent with Chapter 22.33, Land Use Table.

~~A. Uses that do not reasonably fit into permitted or prohibited shall be considered conditional uses. (Ord. 965-05 § 6 (part)).~~

22.29.050 Prohibited uses.

Prohibited uses in the C-2 general commercial district shall be consistent with Chapter 22.33, Land Use Table.

~~The following uses are prohibited in the C-2 general commercial district:~~

~~A. Residential uses, except existing residential dwellings lawfully constructed as of the effective date of this title;~~

~~B. Industrial uses. (Ord. 965-05 § 6 (part)).~~

22.29.060 Restrictions and limitations.

Every use located in a C-2 general commercial district shall be subjected to the following further conditions, restrictions, and limitations.

- A. All uses shall be conducted within a building except motorized vehicles, recreational products, and marine products. At retail establishments, merchandise or other goods, products, or containers may be displayed outside the building; provided, that the space occupied by such displays of merchandise or goods shall not extend more than eight feet beyond the building line; and provided further, that entrances to the premises shall not be blocked by such displays and shall not occupy portions of the lot normally required for off-street parking purposes. Where such sale is conducted, off-street parking spaces may not be reduced below the minimum requirements of Chapter 22.40 and all entrances to and exits from off-street parking areas and the business building shall be kept clear at all times. Loading and unloading of merchandise shall be done on private property or in such a manner as to minimize interference with vehicular and pedestrian traffic on public rights-of-way or off-street parking areas.
- B. Any repairing done on the premises shall be incidental only, except minor vehicle repair, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed thirty percent of the total floor area occupied by the particular enterprise, except that the limitations of this subsection shall not apply to light equipment, motorcycle, bicycle, shoe, radio, television, or other small household appliance repair services.
- C. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.
- D. Use of cleaning agents shall be limited to nonflammable and nonexplosive fluids with a flash point above 138.5 degrees Fahrenheit in a closed safety cleaning system.
- E. Any buildings or structures or portions thereof used to house animals in connection with small animal hospitals and clinics shall be soundproofed; the animal runs shall be surfaced with concrete or other impervious material; there shall be no burning of refuse or dead animals; drainage shall be away from adjoining properties.
- F. Activities conducted on the premises shall conform to all applicable federal, state, county and city regulations pertaining to noise, odors, fumes, gases, smoke, vibrations and other environmental factors. (Ord. 965-05 § 6 (part)).

Development standards.

Minimum front yard	15 feet
Minimum side yard	5 feet ¹
Minimum rear yard	None
Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Minimum lot depth	100 feet
Maximum lot coverage	N/A
Maximum height	35 feet
Minimum street frontage	N/A
1. If a side yard abuts a street or right-of-way, it must be 15 feet.	

~~22.29.070 — Yards.~~

~~Minimum yards in the C-2 general commercial district shall be as follows:~~

- ~~A. Front yard, fifteen feet;~~
- ~~B. Side yard, five feet, except that if a side of a lot abuts a street or right of way, a side yard of fifteen feet shall be provided;~~
- ~~C. Rear yard, none required;~~
- ~~D. Where a commercial district abuts a residential district, a fifteen foot buffer landscaped shall be provided as specified in Chapter 22.60;~~

~~E. No access to the C-2 use shall be permitted from a street that abuts a residential district unless required by the city. (Ord. 965-05 § 6 (part)).~~

~~**22.29.080 Building height.**~~

~~No building shall be higher than thirty five feet in the C-2 general commercial district. (Ord. 965-05 § 6 (part)).~~

~~**22.29.090 Lot area and width.**~~

~~The minimum lot area shall be six thousand square feet, the minimum lot width shall be sixty feet and the minimum lot depth shall be one hundred feet in the C-2 general commercial district. (Ord. 965-05 § 6 (part)).~~

22.29.100 Off-street parking.

Off-street parking in the C-2 general commercial district shall be provided in accordance with Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 6 (part)).

22.29.110 Landscaping.

Landscaping in the C-2 general commercial district shall be provided in accordance with Chapter 22.60, Landscaping. (Ord. 965-05 § 6 (part)).

22.29.120 Signs.

Signs in the C-2 general commercial district shall be provided in accordance with Chapter 22.64, Signs. (Ord. 965-05 § 6 (part)).

Chapter 22.30

C-3 HEAVY COMMERCIAL DISTRICT

Sections:

- 22.30.010 Intent.
- 22.30.020 Permitted uses.
- 22.30.030 Accessory uses.
- 22.30.040 Conditional uses.
- 22.30.050 Prohibited uses.
- 22.30.060 Restrictions and limitations.
- 22.30.070 Development standards.
- ~~22.30.070 Yards.~~
- ~~22.30.080 Building height.~~
- ~~22.30.090 Lot area and width.~~
- 22.30.100 Off-street parking.
- 22.30.110 Landscaping.
- 22.30.120 Signs.
- 22.30.130 Heavy commercial planned unit development.

22.30.010 Intent.

The C-3 heavy commercial district is intended to provide more intensive retail trade and commercial services, such as the outside sales of vehicles, motorcycles, boats, recreational vehicles or heavy/light machinery. This district is intended to accommodate uses which are oriented to automobiles either as the mode or target producing commercial service, and related retail/commercial uses. Uses in the C-3 heavy commercial district may require or depend upon their proximity to major highways or arterials. (Ord. 965-05 § 7 (part)).

22.30.020 Permitted uses.

Permitted uses in the C-3 heavy commercial district shall be consistent with Chapter 22.33, Land Use Table.

~~A. Uses similar to those listed as permitted uses in the land use table shall be considered permitted. (Ord. 965-05 § 7 (part)).~~

22.30.030 Accessory uses.

Accessory uses in the C-3 heavy commercial district shall be as follows:

A. Uses normally incident to the permitted use on the same parcel of land. (Ord. 965-05 § 7 (part)).

22.30.040 Conditional uses.

Conditional uses in the C-3 heavy commercial district shall be consistent with Chapter 22.33, Land Use Table, ~~as well as the following:~~

~~A. Secure community transition facilities as defined in ESSB 6594 Section 4(9).~~

~~B. Halfway house; see also Section 22.28.130.~~

~~C. Uses that do not reasonably fit into permitted or prohibited shall be considered conditional uses. (Ord. 1059-12 § 14; Ord. 965-05 § 7 (part)).~~

22.30.050 Prohibited uses.

Prohibited uses in the C-3 heavy commercial district shall be consistent with ~~are listed in~~ Chapter 22.33, Land Use Table. (Ord. 1059-12 § 15; Ord. 965-05 § 7 (part)).

22.30.060 Restrictions and limitations.

Every use located in a C-3 heavy commercial district shall be subjected to the following further conditions, restrictions, and limitations:

- A. All uses shall be conducted within a building except the outside sales or rental of automobiles, recreational vehicles, recreational equipment, motorcycles, heavy machinery, boats or small equipment. At other retail establishments, merchandise or other goods, products, or containers may be displayed outside the building; provided, that the space occupied by such displays of merchandise or goods shall not extend more than eight feet beyond the building line; and provided further, that entrances to the premises shall not be blocked by such displays and shall not occupy portions of the lot normally required for off-street parking purposes. Where such sale is conducted, off-street parking spaces may not be reduced below the minimum requirements of Chapter 22.40 and all entrances to and exits from off-street parking areas and the business building shall be kept clear at all times. Loading and unloading of merchandise shall be done on private property or in such a manner as to minimize interference with vehicular and pedestrian traffic on public rights-of-way or off-street parking areas.
- B. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.
- C. Use of cleaning agents shall be limited to nonflammable and nonexplosive fluids with a flash point above 138.5 degrees Fahrenheit in a closed safety cleaning system.
- D. Any buildings or structures or portions thereof used to house animals in connection with small animal hospitals and clinics shall be soundproofed; the animal runs shall be surfaced with concrete or other impervious material; there shall be no burning of refuse or dead animals; drainage shall be away from adjoining properties.
- E. Activities conducted on the premises shall conform to all applicable federal, state, county and city regulations pertaining to noise, odors, fumes, gases, smoke, vibrations and other environmental factors. (Ord. 965-05 § 7 (part)).

Development standards.

Minimum front yard	25 feet
Minimum side yard	5 feet ¹
Minimum rear yard	None
Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Minimum lot depth	100 feet
Maximum lot coverage	N/A
Maximum height	50 feet
Minimum street frontage	N/A
Maximum density	25 dwelling units per acre ²
1. If a side yard abuts a street or right-of-way, it must be 15 feet.	
2. Note this maximum density only applies to multiple-family dwellings within a Heavy Commercial Planned Unit Development subject to the standards of AMC 22.30.130.	

~~22.30.070 Yards.~~

~~Minimum yards in the C 3 heavy commercial district shall be as follows:~~

- ~~A. Front yard, twenty five feet;~~
- ~~B. Side yard, five feet, except that if a side of a lot abuts a street or right of way, a side yard of twenty feet shall be provided;~~

~~C. Rear yard, none required;~~

~~D. Where a commercial district abuts a residential district, a fifteen foot buffer landscaped shall be provided as specified in Chapter 22.60. (Ord. 965-05 § 7 (part)).~~

~~**22.30.080 — Building height.**~~

~~No building shall be higher than fifty feet. (Ord. 965-05 § 7 (part)).~~

~~**22.30.090 — Lot area and width.**~~

~~The minimum lot area shall be six thousand square feet, the minimum lot width shall be sixty feet and the minimum lot depth shall be one hundred feet in the C-3 heavy commercial district. (Ord. 965-05 § 7 (part)).~~

22.30.100 Off-street parking.

Off-street parking in the C-3 heavy commercial district shall be provided in accordance with Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 7 (part)).

22.30.110 Landscaping.

Landscaping in the C-3 heavy commercial district shall be provided in accordance with Chapter 22.60, Landscaping. (Ord. 965-05 § 7 (part)).

22.30.120 Signs.

Signs in the C-3 heavy commercial district shall be provided in accordance with Chapter 22.64, Signs. (Ord. 965-05 § 7 (part)).

22.30.130 Heavy commercial planned unit development.

A. Purpose. The purpose of this section is to permit residential units as a supplemental use to the permitted retail/commercial uses. Heavy commercial planned unit developments (HCPUDs) are intended to encourage the maximum retail development of a parcel by supplementing the potential of the site with housing opportunities. This provision is not to be used to substitute residential use for the primary commercial use.

B. Permitted Uses.

1. Residential uses as a supplement to retail commercial uses where steep grade does not permit commercial uses.
2. Residential uses above a commercial use or terraced into grade.
3. Uses which complement the retail commercial use.
4. Height restrictions may be modified to take advantage of the site parameters.

C. Permit Authority. All proposals submitted under this section will require:

1. A preliminary concept meeting with city staff.
2. A public hearing before the planning commission.
3. A recommendation from the planning commission to the city council.
4. The city council shall have final authority to approve (with or without) modifications or deny the permit.
5. Conditional use fees shall apply. (Ord. 965-05 § 7 (part)).

Chapter 22.32

M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

I. Development Regulations

- 22.32.010 Generally.
- 22.32.020 Permitted uses.
- 22.32.030 Accessory uses.
- 22.32.040 Conditional uses.
- 22.32.050 Prohibited uses.
- Development standards.
- ~~22.32.060 Yard requirements.~~
- 22.32.070 Required open spaces.
- ~~22.32.080 Maximum lot coverage.~~
- ~~22.32.090 Permitted height.~~
- 22.32.100 Landscaping.
- 22.32.110 Signs.
- 22.32.120 Parking requirements.

II. Industrial Performance Standards

- 22.32.130 Generally.
- 22.32.140 Noise.
- 22.32.150 Glare.
- 22.32.160 Storage and handling of inflammables.
- 22.32.170 Electrical interference.
- 22.32.180 Odor, fume or dust emissions.
- 22.32.190 Smoke and particulate matter emissions.
- 22.32.200 Particulate matter emission rates.
- 22.32.210 Waste storage.
- 22.32.220 Storage areas.

I. Development Regulations

22.32.010 Generally.

Light industrial zones are intended for light manufacturing, which will provide for the location and grouping of industrial activities and uses involving the processing, handling and creating of products, plus the research and development required in such creation. These uses are largely devoid of nuisance factors, hazards or exceptional demands upon public facilities and services. A further intent is to apply zoning protection to the industries so located by prohibiting the intrusion of incompatible uses and allowing those commercial enterprises that are supportive of those industries. (Ord. 817 § 2 (part), 1996).

22.32.020 Permitted uses.

Permitted uses in the M-1 light industrial district shall be consistent with Chapter 22.33, Land Use Table.

~~Permitted uses in the M-1 light industrial district shall be as follows:~~

- ~~A. Commercial nurseries or greenhouses;~~
- ~~B. Job printing establishments;~~
- ~~C. Auction houses (excluding animals);~~

- ~~D. Commercial laundries and cleaners;~~
- ~~E. Motor freight transportation and sales;~~
- ~~F. Heavy machinery and equipment repair;~~
- ~~G. Automotive washing, repairing, sales and parking;~~
- ~~H. Automotive, truck and equipment rentals;~~
- ~~I. Building materials sales and storage;~~
- ~~J. General warehousing including wholesale trade;~~
- ~~K. Light manufacturing or processing of materials, equipment and chemicals, where such manufacturing or processing does not emit noise, smoke, odor, flame, dirt, glare or vibration which in any way affects any property beyond the district boundary, or use any radioactive or otherwise dangerous materials, or is declared a nuisance in any court of law;~~
- ~~L. Machine shops. (Ord. 817 § 2 (part), 1996).~~

22.32.030 Accessory uses.

Accessory uses in the M-1 light industrial district shall be as follows:

- A. Temporary buildings for and during construction;
- B. Research and office uses related to a permitted industrial operation;
- C. Utility buildings and storage of equipment;
- D. Caretakers quarters (not more than one per parcel);
- E. Open storage of materials associated with a permitted industrial use. (Ord. 817 § 2 (part), 1996).

22.32.040 Conditional uses.

Conditional uses in the M-1 light industrial district shall be consistent with Chapter 22.33, Land Use Table.

- ~~A. The processing of raw material for shipment in bulk form, to be used in industrial or commercial operation;~~
- ~~B. Any manufacturing or industrial use not permitted that can be proven not harmful or a nuisance in its proposed location;~~
- ~~C. Gas stations;~~
- ~~D. Recreational activities including but not limited to bowling alleys, skating rinks, golf driving ranges, etc.;~~
- ~~E. Open storage not usually accessory to a permitted use (except in front yards where it will be prohibited);~~
- ~~F. Retail uses permitted in C-1 that provide service to the industrial development;~~
- ~~G. Restaurants;~~
- ~~H. Halfway house; see also Section 22.28.130.~~
- ~~I. Any use not explicitly permitted in the M-1 light industrial district shall require approval of a conditional use permit. (Ord. 1059-12 § 16; Ord. 817 § 2 (part), 1996).~~

22.32.050 Prohibited uses.

Prohibited uses in the M-1 light industrial district shall be consistent with Chapter 22.33, Land Use Table.

~~Manufacturing development which creates unusual danger from fire, explosion, toxic and noxious matter, radiation and other hazards and which causes noxious, offensive, unhealthful odor, fumes, dust, smoke, light, waste, noise or vibration is prohibited in the M-1 light industrial district. (Ord. 817 § 2 (part), 1996).~~

Development standards.

Minimum front yard	20 feet ¹
Minimum side yard	7 1/2 feet ^{2,3,4}
Minimum rear yard	10 feet ^{5,6,7}
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	65%
Maximum height	None ⁸
Minimum street frontage	N/A
Maximum density	N/A
1. Front yard shall be a minimum of 30 feet whenever a lot or parcel in the M-1 zone abuts any street which separates an M-1 zone from any residential zone.	
2. Side yard shall be a minimum of 50 feet whenever a lot or parcel in the M-1 zone abuts any lot or parcel in any residential zone.	
3. Side yard shall be a minimum of 30 feet whenever a lot or parcel in the M-1 zone abuts any street or alley which separates any M-1 zone from any residential zone.	
4. Side yard shall be a minimum of 20 feet whenever abutting any street or right-of-way.	
5. Rear yard shall be a minimum of 50 feet whenever a lot or parcel in the M-1 zone abuts a lot or parcel in any residential zone.	
6. Rear yard shall be a minimum of 8 feet when abutting rail.	
7. Rear yard shall be a minimum of 30 feet whenever a lot or parcel in the M-1 zone abuts any street or alley which separates any M-1 zone from any residential zone.	
8. When a building exceeds 45 feet in height, the portion of the building shall set back one foot from each side and rear property line for each one foot the building exceeds 45 feet in height.	

22.32.060 — Yard requirements.

Yard requirements in the M-1 light industrial district shall be as follows:

~~A. Front Yard. A minimum of twenty feet shall be required, measured from any public street right of way or lot line to the base of any building or structure, except that a minimum of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street which separates an M-1 zone from any R-zone. A minimum of ten feet of the distance from the public street right of way or lot line shall be landscaped as specified in Section 22.60.030(E).~~

~~B. Side Yards. Seven and one-half feet required, except that a minimum side yard of fifty feet shall be required whenever a lot or parcel in the M-1 zone abuts any lot or parcel in any R-zone and a minimum side yard of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street or alley which separates any M-1 zone from any R-zone.~~

~~1. Ten feet; or~~

~~2. Five feet of landscaping must abut the R zone as specified in Section 22.60.030 (E).~~

~~C. Rear Yard. Ten feet required, except that a minimum rear yard of fifty feet shall be required whenever a lot or parcel of land in the M-1 zone abuts a lot or parcel in any R zone, or except eight feet when abutting rail, and a minimum rear yard of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street or alley which separates an M-1 zone from any R zone.~~

~~1. Ten feet; or~~

~~2. Five feet of landscaping must abut the R zone as specified in Section 22.60.030 (E).~~

~~D. Side Street Yard. A minimum of twenty feet shall be required, measured from any public street right of way to the base of any building or structure, except that a minimum side street yard of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street or alley which separates an M-1 zone from any R zone. Five feet of landscaping shall abut the street as specified in Section 22.60.030(E). (Ord. 817 § 2 (part), 1996).~~

22.32.070 Required open spaces.

Additional open spaces, both as to amount and location on the premises may be required in connection with a conditional use permit. (Ord. 817 § 2 (part), 1996).

~~22.32.080 — Maximum lot coverage.~~

~~The maximum lot coverage in an M-1 light industrial district with all buildings or structures shall not exceed sixty-five percent of the total lot area. (Ord. 817 § 2 (part), 1996).~~

~~22.32.090 — Permitted height.~~

~~No maximum height is imposed in an M-1 light industrial district, but when a building exceeds forty-five feet in height, the portion of the building above forty-five feet shall set back one foot from each side and rear property line for each one foot such building exceeds forty-five feet in height. (Ord. 817 § 2 (part), 1996).~~

22.32.100 Landscaping.

Landscaping requirements in an M-1 light industrial district shall be as specified in Chapter 22.60. (Ord. 817 § 2 (part), 1996).

22.32.110 Signs.

Sign requirements in an M-1 light industrial district shall be as provided for in Chapter 22.64. (Ord. 817 § 2 (part), 1996).

22.32.120 Parking requirements.

Parking requirements in an M-1 light industrial district shall be as provided for in Chapter 22.40. (Ord. 817 § 2 (part), 1996).

II. Industrial Performance Standards

22.32.130 Generally.

Industrial uses shall be subject to the conditions set forth in this chapter. (Ord. 817 § 2 (part), 1996).

22.32.140 Noise.

In all industrial districts the noise emanating from premises used for industrial activities shall not exceed those limits as set forth in WAC 173-60-040 as presently exists or as hereafter may be amended. (Ord. 908-01 § 1: Ord. 817 § 2 (part), 1996).

22.32.150 Glare.

Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property. (Ord. 817 § 2 (part), 1996).

22.32.160 Storage and handling of inflammables.

In terms of fire and safety hazards, the storage and handling of inflammable liquids, liquefied petroleum gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire marshal, the laws of the state and other local ordinances. There shall be no bulk storage of inflammable gas. Enameling and paint spraying operation shall be permitted when incidental to the principal operation and when such operations are contained within a masonry building of two-hour fire-restrictive construction. Bulk storage of inflammable liquids below ground shall be permitted and the tank shall be located not closer to the property line than the greatest dimension (diameter, length or height) of the tank. (Ord. 817 § 2 (part), 1996).

22.32.170 Electrical interference.

Provisions must be made for necessary shielding or other preventive measures against interference occasioned by mechanical, electrical and nuclear equipment, uses or processes with electrical apparatus in nearby buildings or land uses. (Ord. 817 § 2 (part), 1996).

22.32.180 Odor, fume or dust emissions.

The emission of noxious odors of any kind shall not be permitted, nor the emission of any toxic or corrosive fumes or gases. Dust created by an industrial operation shall not be exhausted or wasted into the air. (Ord. 817 § 2 (part), 1996).

22.32.190 Smoke and particulate matter emissions.

A. The emission of smoke or particulate matter of a density equal to or greater than the following numbers on the Ringlemann Chart as currently published and used by the U.S. Bureau of Mines is prohibited at all times: M-1 light industrial, Ringlemann Chart No. 2.

B. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by appropriate landscaping, paving, oiling or other acceptable means. Emission of particulate matter in excess of the following weight limitations per cubic foot of conveying gas or air measured at any property line is prohibited: M-1 light industrial, two-tenths grain. (Ord. 817 § 2 (part), 1996).

22.32.200 Particulate matter emission rates.

The rate of emission of particulate matter from all sources on any property shall not exceed a net weight per acre of property during any one hour as follows: M-1 light industrial, one pound per acre. (Ord. 817 § 2 (part), 1996).

22.32.210 Waste storage.

Liquid and solid wastes, storage of animal or vegetable wastes which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line in an M-1 district. (Ord. 817 § 2 (part), 1996).

22.32.220 Storage areas.

All storage shall be located within any area not closer than twenty feet from the street right-of-way line and shall be enclosed with a heavy wire fence or a similar-type fence with the top of the fence not to be less than six feet above the adjoining street level, or by an attractive hedge or board fence at least six feet high. In case of the open storage of lumber, coal or other combustible material, a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit free access of fire trucks at any time. (Ord. 817 § 2 (part), 1996).

Chapter 22.33

LAND USE TABLE

Sections:

- 22.33.010 Uses.
- 22.33.020 Types of uses.
- 22.33.030 Clarification of Uses and Special Conditions.

22.33.010 Uses.

Other uses may be permitted by the public works director if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in that zone. (Ord. 965-05 § 8 (part)).

22.33.020 Types of uses.

For the purposes of this chapter, there are three kinds of uses:

- A. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions for that zone.
- B. A conditional (C) use is a discretionary use reviewed through the process set forth in Chapter 22.44, governing conditional use requirements and procedures.
- C. A prohibited (X) use is one that is not permitted in a zone under any circumstances.

D. Accessory uses are listed in each zoned district chapter.

22.33.010 Clarification of Uses and Special Conditions.

A. If a * appears after the use, then the use is defined in Chapter 22.08.

B. Where an AMC reference appears after a use, then the use is subject to standards set forth in that section or chapter.

C. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the development condition with the corresponding number immediately following the land use table. If there are multiple numbers, then the use is subject to all applicable development conditions.

D. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

Zoning Use Table

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
RESIDENTIAL						
<u>Accessory dwelling unit</u> AMC XXXX	P	P	P	X	X	X
Adult family home*	P	P	P	X	X	X
Assisted senior living facility*	X	C	C	X	X	X
Attached bungalow or cottage	X	C	C	X	X	X

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
<u>Boarding (lodging or rooming) house*</u>	X	C	P	C	X	X
Community residential facility* AMC 22.48.XX	P	P	P	P	C	X
<u>Courtyard apartment* AMC 22.48.XX</u>	X	P	P	X	X	X
<u>Duplex*</u>	P	P	P	X	X	X
Duplex, townhome	C	P	P	X	X	X
<u>Dwelling, multiple-family*</u>	X	C	P	X	C	X
<u>Dwelling, single-family*</u>	P	P	P	X	X	X
Existing residential dwelling lawfully constructed as of the effective date of this title	P	P	P	P	P	X
<u>Halfway house*</u>	X	X	X	X	C(+)	C(+)
Home-based day care* as regulated by Chapter 35.63 RCW and through receipt of an approved city business license	P	P	P	P	X	X
<u>Home occupation* AMC 22.48.XX</u>	P	P	P	X	X	X
<u>Live/work units* AMC 22.48.XX</u>	X	C/P	P	X	X	X
<u>Manufactured home* AMC 22.48.XX</u>	P	P	X	X	X	X
<u>Mobile home*</u>	X	X	X	X	X	X
Nursing home	X	C	C	X	X	X
<u>Nursing home/convalescent home*</u>	X	C	C	X	X	X
<u>Permanent supportive housing*</u>	X	X	P	X	X	X
Residential units above retail, commercial or office	X	X	P	X	X	X
Row house	X	C	C	X	X	X
<u>Secure community transition facility*</u>	X	X	X	X	C	X
Semi-attached single family	X	C	C	X	X	X
Senior housing*	X	C	C	X	X	X
Single family detached homes	P	P	P	X	X	X
Single family detached on small lots	X	P	P	X	X	X
<u>Townhouse*</u>	X	P	P	X	X	X
Triplex, townhome	X	P	P	X	X	X
CIVIC (Institutional)						
PUBLIC AND INSTITUTIONAL						
Basic utilities	X	C	C	C	C	C
<u>Charitable or welfare institution*</u>	C	C	C	C	X	X

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Community parks*	C	C	C	X	X	C
Community recreation	X	C	C	X	X	X
Day care center*, limited to large day care center, nursery school, preschool, small-day care center	X	X	P	C	X	X
<u>Educational institution*</u>	X	X	C	C	X	X
Emergency services	X	C	P	X	C	X
<u>Essential public facilities*</u>	X	X	C	C	C	C
Human service facilities	X	X	C	X	X	X
Medical centers	X	X	P	C	X	X
Neighborhood parks*	C	P	P	X	X	X
Post offices	X	X	C	X	X	P
<u>Public agency or utility yard*</u>	X	X	X	X	X	P
Public library	X	X	C	X	X	X
<u>Public safety facilities*</u>	X	C	P	X	C	X
<u>Public service facilities*</u>	P	P	C	C	C	C
Regional parks*	X	X	C	C	X	X
Religious institutions* AMC 2.48.XX	X	X	C	C	X	X
Schools, colleges, universities or vocational schools	X	X	C	C	X	X
<u>Social service facilities*</u>	X	X	C	X	X	X
Trails	X	P	P	P	C	C
Transportation facility	X	X	X	X	X	C
<u>Utility facility*</u>	P	P	P	P	P	P
COMMERCIAL						
Adult cabaret*	X	X	X	X	P	X
<u>Animal clinics/hospitals*</u>	X	X	C	C	C	C
Animal hospitals	X	X	C	C	C	C
Animal shelters	X	X	X	X	X	C
Appliance equipment repair	X	X	P	P	P	P
Art gallery	X	X	P	P	C	X
Artist studio and workshop having a retail component	X	X	P	C	X	X
Athletic facilities	X	X	C	C	C	X

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Automobile sales	X	X	X	C	P	X
Bakery, retail	X	X	P	P	P	X
Bakery, wholesale	X	X	X	X	X	P
Banks, business and drive-up banking	X	X	P	P	C	X
Beauty salons and barbershops	X	X	P	C	C	X
Bed and breakfast facility	X	C	P	C	X	X
Big box regional retail center greater than twenty thousand square feet	X	X	X	P	P	P
Boat repair	X	X	X	C	P	P
Boat sales	X	X	X	C	P	P
<u>Boat sales and repair</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>P</u>
Cafe/diner	X	X	P	P	P	P
<u>Cafeteria or limited service restaurant*</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Casinos/card rooms*	X	X	X	C	P	P
Civic center	X	X	C	X	X	X
Commercial nurseries/greenhouses	X	X	X	X	X	P
Convenience store	X	X	P	P	P	P
Dog day care*	X	X	C	C	C	X
Drive-in espresso/coffee businesses	X	X	P	P	P	P
Drycleaners	X	X	P	P	P	X
Essential public facilities	X	X	C	C	C	C
<u>Gambling premises*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>P</u>
Gas stations including car washes	X	X	C	P	P	X
General office	X	X	P	P	C	X
<u>General service establishment*</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
Grocery store greater than twenty thousand square feet	X	X	C	P	P	P
<u>Heavy retail*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>P</u>
Hospitals*	X	X	C	C	C	X
Hotels/motels*	X	X	C	P	P	P
<u>Kennel*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>
Laundromats	X	X	P	C	C	X
Light equipment sales and repair	X	X	C	P	P	P

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Lumberyards, retail	X	X	C	P	P	P
<u>Marijuana retailer*</u>	X	X	X	X	X	X
Medical office/clinic	X	X	P	C	X	X
<u>Medical or dental clinic*</u>	X	X	P	C	X	X
Microbreweries and brew pubs*	X	X	C	P	P	P
Motorcycle sales and service	X	X	C	P	P	P
Museum	X	X	P	X	X	X
Nursery, retail* sales	X	X	P	P	P	X
<u>Office, business or professional*</u>	X	P	P	P	C	C
<u>Personal service establishment*</u>	X	P	P	C	C	X
<u>Pet shop*</u>	X	X	C	C	C	C
Professional services	X	X	P	P	X	C
Public facilities	X	X	C	C	C	P
<u>Public parking area*</u>	C	C	C	C	C	C
<u>Recreation – indoor commercial*</u>	X	X	P	P	P	C
<u>Recreation – outdoor commercial*</u>	X	X	C	C	C	C
Recreational marijuana retail stores/sales – as defined in Chapter 69.50 RCW and Chapter 314-55 WAC	X	X	X	X	X	X
Recreational vehicle* sales and repair	X	X	C	C	P	C
Recycling collection station	X	X	X	X	C	P
Rental, heavy equipment	X	X	X	P	P	P
Rental, small equipment	X	X	X	P	P	P
<u>Restaurant, full-service*</u>	X	X	C	P	P	C
Restaurants with bar and/or lounge/tavern	X	X	C	P	P	P
Restaurants with no bar or lounge selling alcoholic beverages	X	X	P	P	P	C
<u>Retail trade*, small scale (<2,000 sf floor area)</u>	X	P	P	P	P	X
<u>Retail trade*, medium scale (2,000 – 20,000 sf floor area)</u>	X	X	P	P	P	X
<u>Retail trade*, large scale (>20,000 sf floor area)</u>	X	X	C	P	P	P
Self service storage	X	X	X	X	X	P
<u>Tavern*</u>	X	X	C	P	P	P

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Theaters and other enclosed commercial-recreational establishments such as bowling alleys and arcades	X	X	P	P	P	X
Unenclosed commercial-recreational establishments such as driving ranges and miniature golf	X	X	C	X	X	X
Utility yard	X	X	X	X	X	P
Vehicle repair, major*	X	X	X	C	P	P
Vehicle repair, minor*	X	X	C	P	P	P
Veterinary clinics, excluding outdoor boarding kennels	X	X	C	C	X	X
Wholesale/retail food processing facilities	X	X	X	X	X	P
LIGHT INDUSTRIAL						
Any manufacturing or industrial use not permitted that can be proven not harmful or a nuisance in its proposed location	X	X	X	X	X	PC
Auction houses* (excluding animals)	X	X	X	X	C	P
<u>Bakery, wholesale</u>	X	X	X	X	X	P
Building materials sales and storage	X	X	X	X	X	P
Commercial laundries and cleaners	X	X	X	X	X	P
<u>Commercial nurseries/greenhouses</u>	X	X	X	X	X	P
Film processing plant	X	X	X	X	X	P
Food manufacturing, processing or package plant	X	X	X	X	X	P
General warehousing including wholesale trade	X	X	X	X	X	P
<u>Heavy duty equipment* sales and repair</u>	X	X	X	X	P	P
Heavy machinery equipment sales and repair	X	X	X	X	P	P
Light manufacturing* or processing of materials, equipment and chemicals	X	X	X	X	X	P
Lumber and wood products manufacturing or assembly	X	X	X	X	X	P
Major utility facilities	X	X	X	X	X	P
<u>Manufacturing, processing or assembly of heavy duty equipment*</u>	X	X	X	X	X	P
Manufacturing, processing or assembly of heavy equipment or vehicles	X	X	X	X	X	P
<u>Marijuana processor*</u>	X	X	X	X	X	X
<u>Marijuana producer*</u>	X	X	X	X	X	X
Medical equipment manufacturing plant	X	X	X	X	X	P

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Motor freight transportation and sales	X	X	X	X	X	P
Open storage not usually accessory to a permitted use (except in front yards where it will be prohibited)	X	X	X	X	X	C
Paper and allied products manufacturing	X	X	X	X	X	P
Printing and reprographic businesses	X	X	C	C	C	P
Processing of marijuana as defined in Chapter 69.50 RCW and Chapter 314.55 WAC	X	X	X	X	X	X
Producing of marijuana as defined in Chapter 69.50 RCW and Chapter 314.55 WAC	X	X	X	X	X	X
<u>Self-serve storage facility*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>
<u>Solid waste transfer station*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>P</u>
Truck terminals and distribution facilities	X	X	X	X	X	P
<p>*As defined in Washington State statute. 1. A determination will be made as part of the conditional use permit process on whether an essential public facility process is needed. Occupancy is limited to the definition of family.</p>						

(Ord. 1092-14 § 4; Ord. 1059-12 § 17; Ord. 1054-12 § 3; Ord. 1046-11 § 2; Ord. 965-05 § 8 (part)).

Development conditions:

1. Duplexes are permitted in the R-L low density residential district on corner lots where building entries are provided on separate streets. Duplexes are a conditional use on all other lots in the R-L low density residential district.
2. Single-family dwellings are permitted in the C-1 mixed use commercial district provided they meet the development standards of Chapter 22.20, R-L Low Density Residential District.
3. Residential uses are conditionally permitted in the C-3 heavy commercial district provided they are a part of a heavy commercial planned unit development. Such uses shall be subject to standards set forth in **AMC 22.30.130**.
4. A determination will be made as part of the conditional use permit process on whether an essential public facility process is needed. Occupancy is limited to the definition of family.
5. Home-based day cares require receipt of an approved city business license.
6. Day care centers in the R-L low density residential district are limited to small day care centers.
7. Wireless communication facilities are subject to the provisions of **Chapter 22.38 AMC**.
8. Use must be enclosed entirely within a building.
9. Use is permitted if located within a live/work unit.

10. Public parking areas in the R-L low density residential district must be on a lot adjoining commercial or light industrial districts and must have a 20-foot landscaped area adjacent to residential districts or uses.

Chapter 22.34

MANUFACTURED HOMES

Sections:

- ~~22.34.020 — Application.~~
- ~~22.34.030 — Manufactured home certification.~~
- ~~22.34.040 — Regulations.~~
- ~~22.34.050 — Permit.~~
- ~~22.34.060 — Violation — Penalty.~~

22.34.020 — Application.

- A. Any person desiring to place a manufactured home owned by him/her on any building lot in the city shall make application at the public works department on forms furnished for that purpose.
- B. Every application shall be made by the owner of the real estate upon which the manufactured home is to be placed or by his authorized agent.
- C. The owner of the real estate and the owner of the manufactured home must be one and the same person.
- D. Applicant shall agree to conform to all regulations and rules pertaining to the placing of a manufactured home on individual lots in the city set forth in this chapter and in other ordinances of the city in force at the time of the application. (Ord. 817 § 2 (part), 1996).

22.34.030 — Manufactured home certification.

No previously occupied manufactured home, even though having the HUD certification, shall be allowed into the city without first being approved by the building official or his agent who shall determine whether through misuse, neglect or accident the manufactured home has fallen below the standards for safety and livability imposed by the state. Cost of such inspection is to be borne by the applicant(s). Mobile homes as defined in this chapter are not allowed. (Ord. 817 § 2 (part), 1996).

22.34.040 — Regulations.

Any manufactured home placed on a lot in the city shall conform to the following requirements:

- A. A manufactured home must have the HUD certification or state seal of approval meeting current HUD specifications;
- B. The manufactured home unit shall display the HUD certification, state seal of approval and/or any seal, certification, etc.;
- C. No manufactured home smaller in size than one thousand square feet exclusive of expandos and tongue shall be allowed;
- D. Applicant must acquire all necessary state and local permits;
- E. No occupancy without certificate of occupancy from building official;
- F. Tie downs as specified by the manufacturer or by the building official if no manufacturer's specifications exist;
- G. Manufactured home skirting must be in place prior to issuance of a certificate of occupancy, but such skirting shall not provide a harborage for rodents or create a fire hazard. Screened vents shall be provided at the same minimum standards required for buildings by the Uniform Building Code;
- H. Structural fill on lot as approved by the building official;

~~I. Manufactured homes shall have eighteen inch wide, six inch thick reinforced concrete runners, which shall be all connected at all corners in the same dimension, placed under load bearing portions of manufactured home;~~

~~J. A minimum of eighteen inch crawl space must be allowed between concrete slab or runner and bottom of manufactured home support beams;~~

~~K. Conform to applicable provisions of Title 22 of this code and Chapter 43.63B RCW;~~

~~L. Owner of manufactured home and owner of real estate on which it is placed, must be and remain one and the same;~~

~~M. All manufactured homes shall have a composition or wood type roof to be compatible with existing structure built homes. (Ord. 817 § 2 (part), 1996).~~

~~22.34.050 — Permit.~~

~~When the applicant has completed the applications he/she/they shall be issued, following approval of the building official, a building permit which will allow the applicant to place a manufactured home in the city on a specified building lot. Fee for this permit shall be the same as for a stick built house of the same size and value as set forth in the building code of the city. All future additions, accessory buildings or alterations shall be governed by Titles 15 and 22 of this code and state regulations. The building permit shall expire in six months with a possible extension of six months upon approval of the city council. (Ord. 817 § 2 (part), 1996).~~

~~22.34.060 — Violation — Penalty.~~

~~To violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed five hundred dollars. Each additional calendar day shall constitute a new and separate violation. (Ord. 817 § 2 (part), 1996).~~

Chapter 22.40
OFF-STREET PARKING AND LOADING

Sections:

- 22.40.010 Generally.
- 22.40.020 Required off-street parking – Minimum standards.
- 22.40.030 Drive-in facilities businesses.
- 22.40.040 Off-street parking area development and maintenance.
- 22.40.050 Off-street parking lots.
- 22.40.060 Parking space dimensional requirements.
- 22.40.070 Off-street loading space.
- 22.40.080 Landscaping.
- 22.40.090 Shared parking standards.

22.40.010 Generally.

A. Off-street parking and loading lots shall be provided in accordance with the provisions of this chapter for every building hereafter erected, altered, enlarged, or relocated, except that no off-street parking or loading shall be required or permitted for a home occupation.

B. These regulations shall not be retroactive to include any building existing at the time of passage of the ordinance codified in this chapter, except as follows:

1. When a building is located on a different site, there shall be provided off-street parking and loading spaces as required for new buildings;

2. When the number of units is increased by alteration or addition to a dwelling or other structure containing sleeping rooms, there shall be provided off-street parking and loading spaces for such additional units;

3. When there are alterations or additions to a nonresidential building, there shall be provided off-street parking and loading spaces for any increase in the gross floor area or number of seats, bowling alleys, or classrooms therein, except that when the aggregate number of spaces required for such alterations or additions is five or less, the off-street parking need not be provided.

C. The required parking and/or loading shall have reasonable access to a public street or alley and a capacity according to the use of the building listed in the following sections. Where a use is not listed, the board of adjustment shall determine the number of required parking and/or loading spaces based upon similar uses for which the requirements are specified.

D. Removal of required parking and/or loading spaces from practical use by obstruction, erection of buildings, or other actions as to reduce the parking and/or loading capacity or usefulness thereof below the minimum requirements established in this chapter is prohibited. (Ord. 817 § 2 (part), 1996).

22.40.020 Required off-street parking – Minimum standards.

A. Spaces required: Except as modified in subsections below, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in Table 22.40.020. Off-street parking ratios expressed as number of spaces per square feet means the gross floor area, exclusive of building maintenance areas, storage areas, closets, furnace space, or other similar utility space used solely to maintain the building of occupancy. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 22.40.020. Required Off-Street Parking Table

Category of Land Use	Minimum Parking Spaces Required
RESIDENTIAL/LODGING	
Single-family dwellings	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided.
Accessory dwelling units	1.0 in addition to any off-street spaces required for the single-family residence
Duplexes, Townhouses, and Courtyard Apartments	2.0 per dwelling unit; for structures containing more than 4 bedrooms, 1 additional space for each bedroom in excess of 4 shall be provided.
Multiple family dwellings	2.0 per 1 bedroom and 2 bedroom units; 2.5 per 3 or more bedroom units; for developments in excess of 50 dwelling units, 1 screened space for each 10 dwelling units shall be provided for recreational vehicles.
Boarding (lodging or rooming) houses	1.0 for the proprietor, plus 1.0 per sleeping room for boarders and/or lodging use, plus 1.0 per each 4 persons employed on the premises
Bed and breakfast facilities	The parking required for the residence, plus 1.0 per guest room
Hotels/motels	1.0 per sleeping unit, plus 2.0 per each 3 employees
COMMERCIAL	
Retail establishments, except as otherwise specified	1.0 per each 300 square feet of gross floor area
Auto sales, new and used	1.0 per 1,000 square feet of floor space of showroom and service facilities. In no case shall there be less than 6 spaces.
Appliances (retail), bakeries, dry cleaning, furniture stores, hardware and building supplies, heating services, etc.	1.0 per 500 square feet when gross floor area used for retail sales is 4,000 square feet or less; 1.0 per 400 square feet when gross floor area used for retail sales exceeds 4,000 square feet. A minimum of 5 spaces shall be provided.
Food retail stores and markets	1.0 per 200 square feet of gross floor area. A minimum of 6 spaces shall be provided.
Office, including professional and business, banks, or similar uses	1.0 per 250 square feet of gross floor area. If a medical or dental office, clinic shall not be less than 6 spaces per doctor for each of the first 3 doctors, plus 4.0 per additional doctor.
Medical or dental clinic	1.0 per 250 square feet of floor area; there shall not be less than 5 spaces per doctor.
Restaurants, nightclubs, taverns and lounges	1.0 per 75 square feet of gross floor area
INDUSTRIAL & MANUFACTURING	
Freight terminals and wholesale facilities	1.0 per 1,000 square feet of gross floor area
Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops	1.0 per 750 square feet of gross floor area
Warehouse and storage	1.0 per 1,750 square feet of gross floor area
Uncovered storage area	1.0 for each 2,000 square feet of area
MEDICAL FACILITIES	
Convalescent, nursing and health institutions	1.0 per each 2 employees, plus 1.0 for every 3 beds
Hospitals	1.0 per each 3 beds, plus 1.0 for each staff doctor, plus 1.0 for each 3 employees

PUBLIC ASSEMBLY & RECREATION	
Assembly halls, auditoriums, stadiums, sports arenas, religious institutions, mortuaries/funeral homes, and community clubs	1.0 per every 4 seats; Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than 18 linear inches of pew or bench length per seat; Where moveable chairs are provided, each 7 square feet of the floor area to be occupied by such chairs shall be considered as a seat.
Dance halls and skating rinks	1.0 per 100 square feet of gross floor area
Libraries and museums	1.0 per 250 square feet of gross floor area
Parks	As determined by planning commission on an individual basis
EDUCATION	
Elementary and junior high schools	1.0 per classroom, plus 1.0 per 50 students
High Schools	1.0 per classroom, plus 1.0 per 8 students
Day care centers	1.0 per each employee, plus 1.0 temporary loading parking per each 8 full-day equivalent children

The number of off street parking spaces required of each use shall be as follows:

A. Residential:

1. Single family: a minimum of two parking spaces per single family dwelling;
2. Two family (duplex): one and one half parking spaces per one bedroom and two bedroom living units; two parking spaces per three or more bedroom living units;
3. Multifamily : two parking spaces per one bedroom and two bedroom units; two and one half parking spaces per three or more bedroom units; for developments in excess of fifty dwelling units, one screened space for each ten dwelling units shall be provided for recreational vehicles;
4. Boardinghouses and lodginghouses: one parking space for the proprietor plus one space per sleeping room for boarders and/or lodging use plus one additional space for each four persons employed on the premises;
5. Motels, motor hotels and hotels: one parking space per sleeping unit, plus two parking spaces for each three employees.

B. Commercial activities:

1. Auto sales, new and used: one space per one thousand square feet of floor space of showroom and service facilities; but in no case shall there be less than six spaces provided;
2. Appliances (retail), bakeries, dry cleaning, furniture stores, heating services, etc.: one parking space per five hundred square feet when gross floor area used for retail sales is four thousand square feet or less; one parking space per four hundred square feet when gross floor area used for retail sales exceeds four thousand square feet; a minimum of five parking spaces shall be provided;
3. Hardware and building supplies: one space per four hundred square feet of gross floor area;
4. Food retail stores and markets: one parking space per two hundred square feet of gross floor area, a minimum of six parking spaces shall be provided;
5. Laundry, self service: one parking space per four washing machines; a minimum of five parking spaces shall be provided;

6. Mortuaries or funeral homes: one parking space per four seats in the assembly area; computed as seven square feet of floor area per seat;

7. Office, including professional and business, banks and related activities: one space per two hundred fifty square feet of gross floor area; provided, that in the case of doctors' and dentists' offices there shall not be less than six spaces per doctor for each of the first three doctors plus four spaces per doctor for each doctor in excess of three doctors;

8. Shopping centers: one parking space per two hundred square feet of gross leasable floor area used for retail sales;

9. Retail, other C-1: one parking space per three hundred fifty square feet of gross floor area, or a minimum of five spaces;

10. Drive-in businesses: one parking space for each fifty square feet of gross floor area;

11. Food and beverage:

a. Drive-in restaurants: one parking space per four seats or fifteen square feet of floor area, whichever is greater;

b. Restaurants, nightclubs, taverns and lounges: one space for every seventy five square feet of gross floor area.

C. Industrial and manufacturing activities:

1. Freight terminals and wholesale facilities: one parking space per two employees on a maximum work shift, or one per one thousand square feet of gross floor area; use whichever is greater;

2. Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops: two parking spaces for each three employees on a maximum work shift, or one space per seven hundred fifty square feet of gross floor area; use whichever is greater;

3. Warehouse and storage: one parking space per one thousand seven hundred square feet of floor area.

Building Size:

a. Up to twenty thousand square feet: one per two thousand square feet (three minimum);

b. Twenty thousand one to one hundred thousand square feet: one per two thousand five hundred square feet (ten minimum);

c. One hundred thousand square feet and up: one per three thousand square feet (forty minimum);

4. Uncovered storage area: one parking space for each two thousand square feet of area;

5. Office space shall provide parking as required for offices.

D. Medical facilities:

1. Convalescent, nursing and health institutions: one parking space for each two employees, plus one space for each three beds;

2. Hospitals: one parking space for each three beds, plus one parking space for each staff doctor, plus one parking space for each three employees.

E. Public assembly and recreation:

1. Assembly halls, auditoriums, stadiums, sports arenas, and community clubs: one parking space per three fixed seats, where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than eighteen linear inches of pew or bench length per seat; where movable chairs are provided, each seven square feet of the floor area to be occupied by such chairs shall be considered as a seat;

~~2. Bowling alleys: six spaces per bowling lane; additional parking for food and beverage on same premises shall be subject to planning commission discretion;~~

~~3. Churches: one parking space per five seats;~~

~~4. Dance halls and skating rinks: one parking space per one hundred square feet of gross floor area;~~

~~5. Libraries and museums: one parking space per two hundred fifty square feet of gross floor area;~~

~~6. Parks: as determined by the planning commission on an individual basis.~~

~~F. Educational activities:~~

~~1. Elementary and junior high schools: three parking spaces for each two teaching stations;~~

~~2. High schools: one parking space for each employee, plus one parking space for eight students;~~

~~3. Day care centers (includes nursery schools and preschools): one parking space for each employee plus loading and unloading areas.~~

~~G. B.~~ Other uses: for uses not specifically identified herein, parking shall be provided as specified for the use which, in the opinion of the ~~planning commission~~ public works director, is most similar to the use to be constructed.

~~H. C.~~ Mixed occupancies: in the case of mixed uses two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facility for one use shall not be considered as providing required parking facilities for any other use, except as expressly provided for in this title. (Ord. 1059-12 § 18; Ord. 905-01 § 1; Ord. 817 § 2 (part), 1996).

D. Shell Building Permit Applications: when the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the public works director shall establish the amount of parking based on a likely range of uses.

22.40.030 Drive-in facilities businesses.

All banks, savings and loan associations, food dispensing establishments, and other businesses which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during business transactions, or are designed in such a manner that customers must leave their automobiles temporarily in a driving lane located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles as follows:

A. Stacking space: the drive in facility shall be so located that sufficient stacking space is provided for the handling of motor vehicles using such facility during peak business hours of such a facility. A stacking space shall be an area measuring nine (9) feet by twenty (20) feet with direct forward access to a service window of a drive-in facility. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-in uses may not be counted as required parking spaces.

~~B. Driveway locations: entrances and exits shall not be located as to cause congestion in any public right of way.~~

B. Uses providing drive-in services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a pharmacy or dry cleaning laundry, a minimum of three (3) stacking spaces shall be provided;

2. For each drive-up window of a bank/financial institution, business service, or other drive-in use not listed, a minimum of five (5) stacking spaces shall be provided; and

3. For each service window of a drive-in restaurant, a minimum of seven (7) stacking spaces shall be provided.

~~C. Drive-in facilities are not permitted between a building and a street.~~

~~D. Drive-in facilities that have negative traffic impacts on adjacent roads and/or businesses may require additional traffic controls at the drive-in businesses' expense.~~

~~E. Where drive-in facilities are located adjacent to a through lane; the drive-in facility shall be constructed of different material than the through lane or a four to five foot planter strip shall be installed between the through lane and the drive-in lane.~~

~~F. The city may require additional stacking lanes based on the applicant's traffic impact assessment.~~

~~G. Shopping centers: when located in a shopping center, drive-in facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center. (Ord. 817 § 2 (part), 1996).~~

22.40.040 Off-street parking area development and maintenance.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained as follows:

~~A. The parking areas shall be paved with asphalt, cement or concrete and shall have appropriate bumper guards where needed.~~

~~A. Areas used for parking on private property, including interior driveways and access to a public street, shall be paved with asphalt concrete, cement concrete pavement, or pervious pavement and shall have appropriate bumper guards where needed.~~

~~1. Alternative paving systems may be provided subject to the approval of the city. The alternative must provide results equivalent to paving.~~

~~2. For parking areas serving single-family dwellings, duplexes, and townhouses when located on individual lots, this section shall apply:~~

~~a. Each off-street parking space shall be connected to an improved street or alley by a driveway a minimum of 10 feet in width.~~

~~b. For single-family dwellings, duplexes, and townhouses, the minimum required off-street parking shall not be located within a required yard or within the street setback for garages/carports.~~

~~Driveways that exclusively serve nonrequired off-street parking spaces are also subject to the surfacing requirement.~~

~~c. Off-street vehicle parking spaces, including those for trailers, recreational vehicles, and boats on trailers, that are provided in addition to those required pursuant to Table 22.40.060 shall be paved with one of the surfaces listed above (subsection A of this section), or gravel; provided, that weeds, mud or other fine material do not work their way to the surface of the gravel; and provided, that loose gravel is contained on the subject property.~~

~~d. Boats not on trailers shall not be stored in the front yard.~~

B. Whenever any portion of the commercial or manufacturing parking area abuts property zoned for residential use, a solid fence or hedge shall be erected to a height of not less than six feet, except within a front yard area where the fence may be reduced to three and one-half feet.

C. Parking spaces shall be used for automobile parking only, with no sales, dead storage, repair work, or dismantling of any kind.

D. If lighting is provided, it shall be arranged to reflect away from the residential area, and from any public street or highway.

E. Drainage facilities for stormwater shall be provided for and be approved by the utilities department.

F. Ingress and egress shall be approved as to location by the public works department. **All required off-street parking must have direct and unobstructed access to ingress and egress from a public street. Except that tandem or end-to-end parking in garages or carports is allowed for single-family dwellings, duplexes, and townhouses as long as spaces are identified for the exclusive use of occupants of a designated dwelling.**

G. Parking lots containing more than twenty thousand square feet or parking area shall be landscaped as follows: Landscaping shall cover a minimum of five percent of the parking lot and may consist of trees, shrubs, lawn and other landscaping or combination thereof distributed throughout the parking lot in a pattern that reduces the barren appearance of the parking lot and reduces the amount and intensity of stormwater runoff.

H. Driveways and parking stalls shall be clearly marked.

I. Any request submitted to the board of adjustment for a variance to the provisions of this section shall be submitted to the public works superintendent for his recommendations prior to public hearing. (Ord. 817 § 2 (part), 1996).

22.40.050 Off-street parking lots.

The planning commission shall have the authority to issue a special property use permit for off-street parking lots in any zone which is more restrictive than that required for the major land use it is intended to serve, subject to the following conditions:

A. That a public hearing is held, written notice of which has been mailed to all property owners within three hundred feet of the property proposed for such use, at least ten days prior to the hearing;

B. That no advertising sign or structures shall be erected or used in conjunction with the parking lot;

C. That entrances and exits shall be approved as to location by the public works director;

D. That the parking lot shall be subject to such other conditions as the planning commission may deem desirable in the interest of the public safety, convenience and welfare;

E. That no property shall be used for a parking lot under the provision of this section unless and until the planning commission has made an inspection of the property to verify that it conforms to the conditions specified in this section or any other special conditions made a part of the special property use permit;

F. The planning commission shall approve with conditions or deny the issuance of the requested special property use permits;

G. The building official shall include all conditions with permits when issued. (Ord. 817 § 2 (part), 1996).

22.40.060 Parking space dimensional requirements.

A. Minimum dimensions. Each parking space and parking lot aisle shall comply with the minimum dimension requirements in Table 22.40.060.

Table 22.40.060 Parking Space and Drive Aisle Dimensions

Parking Space		Minimum Space Dimensions		Minimum Width for Drive Aisle with Parking	
Angle	Type	Width	Length	One-Way	Two-Way
Parallel	Standard	9 feet	23 feet	12 feet	20 feet
	Compact	8 feet	20 feet		
30-degree	Standard	9 feet	18 feet	10 feet	20 feet
	Compact	8 feet	17 feet		
45-degree	Standard	9 feet	20 feet	15 feet	20 feet
	Compact	8 feet	19 feet		

60-degree	Standard	9 feet	21 feet	18 feet	20 feet
	Compact	8 feet	20 feet		
90-degree	Standard	9 feet	19 feet	20 feet	24 feet
	Compact	8 feet	17 feet		

~~In any off-street parking lot having twenty or fewer parking spaces, all parking spaces shall comply with the minimum dimensional requirements for standard spaces established under subsection A, B, and E of this section.~~

B. Compact parking. In any off-street parking lot having more than twenty parking spaces, up to thirty percent of such spaces may be designated as “compact” spaces and be developed according to the minimum dimensional requirements for compact spaces established ~~in Table 22.40.060 under subsections C and D of this section~~; provided, that in any off-street parking lot having more than twenty spaces, a minimum of twenty parking spaces shall comply with the minimum dimensional requirements for standard spaces established ~~in Table 22.40.060 under subsections A and B of this section~~. Every compact parking space created pursuant to this section shall be clearly identified as such by painting the word COMPACT in upper case block letters, using white paint, on the pavement within the space. The additional use of signs to identify any large blocks of compact parking spaces is encouraged. The random distribution of compact spaces or blocks of compact spaces throughout a parking lot is also encouraged.

~~A. Standard sized parking spaces parallel to the driveway or aisle serving them shall be a minimum of nine feet wide and twenty three feet long. Driveways or aisles serving standard sized parallel parking spaces shall be a minimum of twelve feet wide.~~

~~B. Standard sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table:~~

Degrees	Space Width	Aisle Width
30	9.0 feet	12.0 feet
45	9.0 feet	15.0 feet
60	9.0 feet	18.0 feet
90	9.0 feet	24.0 feet

~~C. Compact sized parking spaces oriented parallel to the driveway or aisle serving them shall be a minimum of eight feet wide and twenty feet long. Driveways or aisles serving compact sized parallel parking spaces shall be a minimum of eleven feet wide.~~

~~D. Compact sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table; provided, that aisle widths shall not be less than ten feet:~~

Degrees	Space Width	Aisle Width
30	8.0 feet	10.0 feet
45	8.0 feet	13.0 feet
60	8.0 feet	16.0 feet
90	8.0 feet	22.0 feet

~~E. Every compact parking space created pursuant to this section shall be clearly identified as such by painting the word COMPACT in upper case block letters, using white paint, on the pavement within the space. The additional~~

~~use of signs to identify any large blocks of compact parking spaces is encouraged. The random distribution of compact spaces or blocks of compact spaces throughout a parking lot is also encouraged.~~

~~C. F.~~ Existing parking lots may provide for compact parking spaces under the provisions of this section; provided, that the parking lot shall comply with all provisions of this chapter except that any parking lot which provides five percent of its area in landscaping shall be deemed to comply with all landscaping requirements. (Ord. 817 § 2 (part), 1996).

~~D. Vehicle Overhang. Vehicular overhang of up to two feet is permitted, provided no vehicle shall overhang into a sidewalk or walkway which would reduce the unencumbered width of a sidewalk or walkway to less than four feet. A vehicle is permitted to overhang into a landscaped area by two feet; provided, that the required landscape area of trees and shrubs are not reduced in quantity and not subject to potential damage.~~

22.40.070 Off-street loading space.

Buildings devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale and manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped shall provide loading and unloading space on the same premises as the building as follows:

A. Building of six thousand square feet or more of floor area, one off-street loading and unloading space plus one additional off-street loading space for each twenty thousand square feet of floor area;

B. Each loading space shall be not less than ten feet in width, twenty-five feet in length and fourteen feet in height;

C. Loading space, exclusive of driveways and/or corridors leading thereto, shall not be considered as providing off-street parking space, nor shall anything in this chapter prevent the provisions of parking space in excess of the amount specified. (Ord. 817 § 2 (part), 1996).

22.40.080 Landscaping.

All landscaping not specified in this chapter will be in accordance with Chapter 22.60. (Ord. 817 § 2 (part), 1996).

22.40.090 Shared parking standards.

~~Shared parking can be allowed when meeting the following standards and criteria, unless otherwise allowed by this code:~~

~~A. Shared parking agreements may be established to meet code-required off-street parking where site infeasibility or change of use, requiring additional off-street parking, would otherwise prohibit the development of property in the city of Algona.~~

~~B. One hundred percent of the required parking of any single land use may qualify for shared parking.~~

~~C. Required parking shall be based on:~~

~~1. The combined total of the required parking for the separate land uses; or~~

~~2. In the case when two or more land uses have distinctly different hours of operation (e.g., office and church), the land use that demands the greatest amount of parking.~~

~~D. Location. The shared parking facility shall be located within a 500-foot radius of the off-site use.~~

~~E. The following minimum safety requirements shall be met:~~

~~1. There are sidewalks and paved pedestrian paths, including alleys between the shared parking facility and the land use using such shared parking facility.~~

~~2. There is adequate street and parking lot lighting to provide safe walking to the off-site facility.~~

F. The lot or part of a lot on which the parking is provided shall be legally encumbered by an easement or other means acceptable to the city to ensure continuous use of the parking facility.

1. Any such easement shall be recorded with the King County auditor so as to appear of record on the property title.

2. The city of Algona shall be named as a grantee to such easement, and the easement may not be released or terminated without the consent of the city. Release of the easement shall not be unreasonably withheld when one of the following conditions is met:

a. The land use requiring the shared parking facility, including any potential future use, is discontinued negating the parking need;

b. The Algona zoning code, as may be hereafter amended, does not require the shared parking facility for the associated land use;

c. Sufficient off-street parking is provided elsewhere meeting the provisions of this title; or

d. A parking demand study is prepared by a professional traffic engineer and submitted by the owner(s) demonstrating that the shared parking facility is unnecessary.

3. The easement shall contain a provision which indemnifies and holds the city harmless from any and all claims or damages relating to the operation or maintenance of the parking facility. The city of Algona shall be named as an intended third party beneficiary to the easement.

4. In the case of parking spaces being shared between two or more land uses having distinctly different hours of operation, such easement shall include the hours of operation being granted to each land use.

G. If sufficient parking is not provided, the use, or that portion of the use out of compliance, shall be terminated or the property owner(s) will be subject to city code enforcement. This requirement shall be established as a condition of approval for any uses relying on a shared parking agreement.

Chapter 22.42

RECREATIONAL VEHICLES

Sections:

~~22.42.010 — Purpose.~~

~~22.42.020 — Overnight use — Regulation.~~

~~22.42.030 — Regulation — Utility connection/external appurtenances prohibited.~~

~~22.42.040 — Commercial use prohibited.~~

22.42.010 — Purpose.

~~The purpose of this chapter is to protect the visual character and identity of the city by regulating the use of recreational vehicles within city limits. (Ord. 861 § 2 (part), 1998).~~

22.42.020 — Overnight use — Regulation.

~~No recreational vehicle shall be used as a permanent place of residence or dwelling for indefinite periods of time in the city of Algona. No recreational vehicle shall be occupied for more than seventy two hours unless approved as follows:~~

~~A. Permission may be granted for up to thirty days by the mayor upon receipt of written request by the property owner stating the nature of the request.~~

~~B. Permission may be granted over thirty days by the city council upon receipt of written request by the property owner to the city clerk's office stating the nature of the request. (Ord. 861 § 2 (part), 1998).~~

22.42.030 — Regulation — Utility connection/external appurtenances prohibited.

~~No recreational vehicle approved as above shall:~~

~~A. Connect to or be supplied any public utility from the main residence except as approved by the mayor.~~

~~B. Attach any external appurtenances, such as carports, cabanas, or patios, except as approved by the mayor. (Ord. 861 § 2 (part), 1998).~~

22.42.040 — Commercial use prohibited.

~~No recreational vehicle shall be occupied for commercial purposes within the city of Algona. (Ord. 861 § 2 (part), 1998).~~

Chapter 22.45

HOME OCCUPATION PERMITS

Sections:

- ~~22.45.010 — Purpose.~~
- ~~22.45.020 — Requirements.~~
- ~~22.45.030 — Exemptions.~~
- ~~22.45.040 — Special home occupation permits.~~
- ~~22.45.041 — Day care centers, home-based day care provisions.~~
- ~~22.45.050 — Termination.~~

22.45.010 — Purpose.

~~Home occupations are required to have a business license as issued by the city clerk, comply with all city codes and ordinances, and shall be consistent with the following provisions. (Ord. 817 § 2 (part), 1996).~~

22.45.020 — Requirements.

~~A. Only members of the immediate family residing on the premises may be employed.~~

~~B. No inventory is kept (other than incidental supplies necessary for and consumed in the conduct of such home occupation) or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises. No outside storage of commodities used in the conduct of the business allowed.~~

~~C. The home occupation(s) shall not use electrical or mechanical equipment that results in:~~

- ~~1. A change to the fire rating of the structure(s) used for the home occupation(s);~~
- ~~2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or~~
- ~~3. Fluctuations in line voltage off premises.~~

~~D. Not more than one fourth of the floor area of any building is devoted to such occupation, nor in any case to exceed three hundred square feet.~~

~~E. Such occupation shall not require internal or external alteration or involve construction features not customarily found in a family dwelling.~~

~~F. The conduct of any home occupations, including but not limited to the storage of goods and equipment, shall not reduce or render unusable, areas provided for the required off-street parking as per Section 22.40.020.~~

~~G. Only one sign is permitted, one square foot in area, nonilluminated and attached to a building.~~

~~H. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences.~~

~~I. No more animals are maintained on the premises than what may otherwise be permitted in the zone.~~

~~J. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, vibrations, or odor. (Ord. 817 § 2 (part), 1996).~~

22.45.030 — Exemptions.

~~Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of Section 22.45.020 as long as the use does not operate for more than twenty days in any one calendar year or in violation of any other~~

provisions of the Algona Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale. (Ord. 817 § 2 (part), 1996).

22.45.040 — Special home occupation permits.

A. Special home occupation permits are required and must be applied for (in writing on appropriate forms supplied by the city) for the following uses even if the use meets all ten of the requirements listed above (Section 22.45.020(A) through (J)), but in no case shall any home occupation meet less than eight of the ten requirements.

1. Automobile repair and rebuild;
2. Personal service shops;
3. Music and dancing studios;
4. Bed and breakfast inns (three to five rooms);
5. Home occupations that can only meet eight of the ten requirements outlined in Section 22.45.020.

B. In considering applications for special home occupation permits, the city council shall consider the nature and conditions of all adjacent structures, and no such special home occupation permit shall be authorized unless the city council finds the authorizing of such special home occupation permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the authorization of such special home occupation permit will be consistent with the spirit and purpose of this title. In authorizing a special home occupation permit, the city council may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

C. A public hearing shall be conducted on all applications for a special home occupation permit in accordance with the provisions of Chapter 22.68. (Ord. 1059 12 § 19; Ord. 817 § 2 (part), 1996).

22.45.041 — Day care centers, home-based day care provisions.

A. It is provided that, for purposes of this title, the city's regulatory role for family day care, defined as day care centers providing in home care for twelve or fewer children and which are licensed by the state of Washington pursuant to Chapter 35.63 RCW, is limited to the provisions of subsection B of this section.

B. Day care centers, home-based day care shall:

1. Comply with all building, fire, safety and health codes;
2. Conform to lot size, building size, setbacks and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure;
3. Include signage, if any, that conforms to applicable city regulations;
4. Conduct hours of operation that are compatible with the neighborhood;
5. Provide proof of written notification of immediately adjoining neighbors to the city. This proof must be provided prior to state licensing. Written notification to neighbors must include the following elements:
 - a. Nature of the application;
 - b. Maximum number of children to be kept;
 - c. Maximum number of employees;
 - d. Days and hours of operation;

~~6. Must apply for and obtain city home occupation license concurrently with state licensing. (Ord. 1059-12 § 20; Ord. 817 § 2 (part), 1996).~~

~~22.45.050 — Termination.~~

~~The city council may terminate any home occupation if they find, notwithstanding any provision of this chapter, that the use is being conducted in a manner which is detrimental to the public health, safety or welfare, or adversely affects the residential qualities of adjacent properties. In making such findings, the board of adjustment shall hold a public hearing in accordance with Chapter 22.68. (Ord. 817 § 2 (part), 1996).~~

Chapter 22.48

DEVELOPMENT GUIDELINES

SUPPLEMENTARY USE REGULATIONS

Sections:

- 22.48.010 Accessory dwelling units.
- 22.48.020 Bed and breakfast ~~inns~~ facilities.
- 22.48.030 ~~Churches~~ Religious institutions.
- ~~22.48.040 Multiple resident and high density buildings.~~
- ~~22.48.050 Commercial street frontage.~~
- ~~22.48.060 Flood protection~~ ~~Finished floor elevation requirements.~~
 - Community residential facilities.
 - Live/work units.
 - Home occupations.
 - Manufactured homes.
 - Recreational vehicles.
 - Temporary buildings for use during construction.
 - Courtyard apartments.

22.48.010 Accessory dwelling units.

Accessory dwelling units are permitted uses in all residential zoning districts, subject to the requirements set forth in this chapter and the requirements of the individual district.

A. General Requirements.

1. Compliance with applicable codes: Accessory dwelling units shall comply with this chapter and all other applicable codes, including but not limited to the building and zoning codes.
2. Certification by city of Algona public works department: A certification must be provided by the Algona public works department that the water supply and sewage disposal facilities for the accessory dwelling unit are adequate to serve the unit.
3. Contained within structure: The accessory dwelling unit must be fully contained within and made a part of a single-family dwelling or an accessory building permitted under this chapter.
4. Limitation on number: Only one accessory dwelling unit may be created per one single-family dwelling.
5. Owner occupancy: The property owner of record must occupy either the single-family dwelling or the accessory dwelling unit as a legal residence. Legal residency must be evidenced by actual residency. Legal residency shall terminate by reason of absence in excess of one year. Legal residency shall immediately terminate upon the payment or receipt of rent for both units.
6. Size restrictions: The accessory dwelling unit shall contain not less than three hundred square feet of floor area. The accessory dwelling unit shall contain not more than the lesser of one thousand square feet of floor area or forty percent of the total square footage of floor area of the single-family dwelling and accessory unit combined.
7. Parking: There shall be one off-street parking space provided for the accessory dwelling unit, which space shall be in addition to any off-street spaces required for the single-family residence.
8. Conversion of garage space: Garage space may be converted into an accessory dwelling unit only if the number of covered spaces eliminated by the conversion is replaced by the same number of spaces elsewhere on the property.

9. Appearance: All of the structures on the property shall have the appearance of a single-family dwelling unit plus allowed accessory structures. The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation. There shall be no sign or other indication of the accessory dwelling unit's existence other than an address sign and a separate mail box. The exterior finish of the accessory dwelling unit shall be identical to the residence or accessory structure in which it is contained.

10. Limit on occupants: The occupants of the accessory dwelling unit shall be limited to a single family.

11. Minimum requirements: An accessory dwelling unit must contain:

- a. Bathroom facilities that include a toilet, sink and a shower or bathtub;
- b. Kitchen and food preparation facilities including a sink, cooking facilities, and a refrigerator, each having a clear working space of not less than thirty inches in front;
- c. Light and ventilation conforming to the Uniform Building Code;
- d. A separate closet.

B. Requirement of Registration. Any property owner seeking to establish a legal accessory dwelling unit shall apply to register the unit with the building official. The application shall provide that the property owner agrees to occupy either the single-family dwelling or the accessory dwelling unit and agrees to maintain the accessory dwelling unit in compliance with the standards set forth in this chapter.

C. Actions by Building Official. After receipt of a complete application, the building official shall observe the property to confirm that the standards of this chapter are met prior to issuing approval of the accessory dwelling unit.

1. New construction: New construction shall be subject to all requirements of the building code.

2. Existing construction: Existing construction shall be subject to all requirements of the building code which was in existence at the time of construction.

D. Recordation. After approval, a registration form signed by the record holders of the property shall be recorded with the King County department of records and elections. Said registration form shall contain the street address and legal description of the property, shall describe the requirement of owner occupancy and shall set forth the requirement for maintaining the accessory dwelling unit in compliance with the requirements of this chapter.

E. Cancellation of Registration. The registration of the accessory dwelling unit may be canceled by the property owner by recording a certificate of cancellation in a form satisfactory to the building official with the King County department of records and elections. The building official may record a notice of cancellation upon failure to comply with the standards set forth in this chapter.

F. Fees. Application fees are set forth in Chapter 2.50. The property owner shall be responsible for payment of all fees, filing and recording costs.

G. Adult Family Homes and Home-Based Day Cares. Accessory dwelling units are not allowed on any property where an adult family home or a home-based day care exists. (Ord. 1059-12 § 21; Ord. 817 § 2 (part), 1996).

22.48.020 Bed and breakfast inns facilities.

The following standards apply to all bed and breakfast inns:

A. Bed and breakfast inns are allowed as follows:

1. Inns having one or two sleeping rooms will be permitted administratively as a home occupation,

2. Inns having three to five sleeping rooms shall require a special home occupation permit as specified in Section 22.48.020 of this Chapter 45.040;

- B. No meals other than breakfast served before noon shall be provided in bed and breakfast inns;
- C. Kitchen facilities are prohibited in guest rooms;
- D. Bed and breakfast residences shall be restricted to owner-occupied single-family residences;
- E. No more than five sleeping rooms shall be available for the accommodation of bed and breakfast residence visitors;
- F. No more than fifteen guests shall be accommodated at any one time in bed and breakfast inns of five rooms or less;
- G. Occupancies shall be limited to less than thirty consecutive days;
- H. The exterior of the building shall maintain a residential appearance;
- I. The bed and breakfast residence shall be operated in a way that will prevent unreasonable disturbance to area residents;
- J. One off-street parking space shall be provided for each guest room in addition to parking required for the residence. All parking spaces will be as per standards referenced in parking section;
- K. Approval shall be conditional upon compliance with all applicable state building code requirements, state liquor laws, and state sanitation requirements;
- L. One noninternally illuminated or nonreflective sign no larger than two square feet, containing only the name of the business, and hours of operation will be permitted. (Ord. 817 § 2 (part), 1996).

22.48.030 ~~Churches~~ Religious institutions.

The following standards apply to all ~~churches or religious assembly facilities~~ religious institutions:

- A. Buildings shall maintain a minimum setback of twenty feet from all property lines;
- B. The maximum lot coverage of structures may not exceed forty percent;
- C. The storage of buses or vans over ten thousand pounds is permitted on-site under the following conditions:
 1. The location of the parking areas for these vehicles is indicated on the site plan at the time of application;
 2. No more than two large vehicles may be stored on-site at any given time;
 3. Vehicles shall not intrude into public rights-of-way or obstruct sight visibility from any driveway or intersection;
 4. Structural and/or natural screening, as approved by the city, screens the vehicles from view of neighboring properties;
- D. Dwelling Units. Any dwelling in conjunction with a ~~place of worship~~ religious institution shall comply with the provisions governing residential uses in the district where it is located;
- E. Conversion. No existing building or structure shall be converted to a ~~place of worship~~ religious institution unless such building complies or is brought into compliance with the provisions of this code or any other applicable city regulations;
- F. Screening. There shall be sight obscuring screening along the perimeter of associated parking areas which are located across the street from or abutting a residential use. (Ord. 817 § 2 (part), 1996).

~~22.48.040 — Multiple resident and high density buildings.~~

~~A. Applicability. The standards of this section shall apply to all new apartment developments, new townhouse development, new custodial care facilities and new group residences that have more than four units and/or have~~

~~proposed densities of ten to fifteen units per acre. Expansions of existing developments that result in densities of ten to fifteen units per acre shall also be subject to compliance with this section.~~

~~B. Buildings that contain a grouping of attached townhouse units shall not exceed a one hundred twenty foot maximum length without a separation of at least twenty feet from other groupings or rows of townhouses.~~

~~C. Vehicular Access and Parking Location.~~

~~1. Apartment, townhouse development, custodial care facilities and all group residences shall have parking areas placed to the rear of buildings or within the interior of the lot except when waived by the board of adjustment due to physical site limitations.~~

~~2. Vehicular access shall be provided via one entry/exit off of a public street.~~

~~D. Building Facade Modulation. Apartments, townhouse developments, custodial care facilities and all group residences shall provide building facade modulation on facades exceeding sixty feet in length. The following standards shall apply:~~

~~1. The maximum wall length without modulation shall be thirty feet;~~

~~2. The minimum modulation depth shall be three feet; and~~

~~3. The minimum modulation width shall be eight feet.~~

~~E. Roofline Variation. Apartments and townhouse developments shall provide roofline variation on rooflines exceeding sixty feet in length according to the following standards:~~

~~1. The maximum roof length without variation shall be thirty feet;~~

~~2. The minimum horizontal or vertical offset shall be three feet;~~

~~3. The minimum variation length shall be eight feet; and~~

~~4. Roofline variation shall be achieved using one or more of the following methods:~~

~~a. Vertical off set in ridge line;~~

~~b. Horizontal off set in ridge line;~~

~~c. Variations of roof pitch;~~

~~d. Gables; or~~

~~e. Any other technique approved by the board of adjustment that achieves the intent of this section. (Ord. 1059-12 § 22: Ord. 817 § 2 (part), 1996).~~

22.48.050 — Commercial street frontage.

~~A. This section shall apply to all new commercial development and substantial remodels of existing commercial structures.~~

~~B. Building Facade Articulation. Commercial developments shall provide building facade articulation with the use of windows, entries, balconies and/or bays on facades. The following standards shall apply to the articulation:~~

~~1. Windows shall be frequent and coordinate with the articulation of any bays or balconies;~~

~~2. Display windows must line facades facing public streets and sidewalks, with no more than ten feet of blank nonwindow wall space in every twenty five feet storefront;~~

~~3. All window frames shall provide a reveal with the exterior finish (i.e., not flush);~~

~~4. Reflective glass curtain walls are prohibited;~~

~~5. Facades shall not consist of an undifferentiated blank wall when facing a public street or pedestrian connection.~~

~~C. Entries. To ensure that commercial development is easily visible and accessible to pedestrian and vehicular traffic, the following guidelines for entries shall apply:~~

~~1. Primary entries shall be located adjacent to a public street and must be visible from that street;~~

~~2. Entries shall be sheltered with an overhang or portico with a depth of at least four feet. (Ord. 817 § 2 (part), 1996).~~

~~22.48.060 — Flood protection — Finished floor elevation requirements.~~

~~All new construction, including manufactured home or homes moved pursuant to Chapter 15.16 of this code, within the city limits of Algona shall have a finished floor level of at least seventy one feet above sea level or one foot above the level of any abutting street, whichever is higher. (Ord. 903-01 § 1).~~

Community residential facilities.

The following standards and conditions apply to all community residential facilities:

A. “Group homes” in the city of Algona are classified as “community residential facilities (CRFs).” CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by Section 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use in Chapter 22.33.

B. CRFs are single-family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state-licensed adult family homes and foster family homes are exempt from the city’s numerical limit.

C. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in subsection E of this section.

D. In the single-family zone, CRFs are required to be a single-family structure compatible with the surrounding area.

E. Accommodation of Persons with Disabilities.

1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.

2. Application. Such exceptions may include:

a. Increasing the number of nonrelated persons allowed to live together in a single-family house;

b. Reducing setback requirements to retrofit a house with handicap accessible facilities;

c. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.

3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).

4. Accommodation Procedure.

a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.

b. Decision Process.

i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.

ii. Prompt Action. The director shall act promptly on the request for accommodation.

iii. No Fee. The director shall not charge a fee for responding to such request.

iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty-one days after the director's decision.

c. Decision Criteria.

i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.

ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.

iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.

iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.

d. Procedure Upon Change of Use.

i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.

ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD).

Home occupations.

A. Purpose. Home occupations are required to have a business license as issued by the city clerk, comply with all city codes and ordinances, and shall be consistent with the following provisions.

B. The following requirements apply to home occupations:

1. Only members of the immediate family residing on the premises may be employed.

2. No inventory is kept (other than incidental supplies necessary for and consumed in the conduct of such home occupation) or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises. No outside storage of commodities used in the conduct of the business allowed.

3. The home occupation(s) shall not use electrical or mechanical equipment that results in:

i. A change to the fire rating of the structure(s) used for the home occupation(s);

ii. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

iii. Fluctuations in line voltage off-premises.

4. Not more than one-fourth of the floor area of any building is devoted to such occupation, nor in any case to exceed three hundred square feet.

5. Such occupation shall not require internal or external alteration or involve construction features not customarily found in a family dwelling.

6. The conduct of any home occupations, including but not limited to the storage of goods and equipment, shall not reduce or render unusable, areas provided for the required off-street parking as per Section 22.40.020.

7. Only one sign is permitted, one square foot in area, nonilluminated and attached to a building.

8. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences.

9. No more animals are maintained on the premises than what may otherwise be permitted in the zone.

10. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, vibrations, or odor. (Ord. 817 § 2 (part), 1996).

C. Exemptions. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of subsection B of this section as long as the use does not operate for more than twenty days in any one calendar year or in violation of any other provisions of the Algona Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.

D. Special home occupation permits.

1. Special home occupation permits are required and must be applied for (in writing on appropriate forms supplied by the city) for the following uses even if the use meets all ten of the requirements listed above (Section 22.45.020(A) through (J)), but in no case shall any home occupation meet less than eight of the ten requirements.

i. Automobile repair and rebuild;

ii. Personal service shops;

iii. Music and dancing studios;

iv. Bed and breakfast inns (three to five rooms);

v. Home occupations that can only meet eight of the ten requirements outlined in subsection B of this section.

2. In considering applications for special home occupation permits, the city council shall consider the nature and conditions of all adjacent structures, and no such special home occupation permit shall be authorized unless the city council finds the authorizing of such special home occupation permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the authorization of such special home occupation permit will be consistent with the spirit and purpose of this title. In authorizing a special home occupation permit, the city council may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

3. A public hearing shall be conducted on all applications for a special home occupation permit in accordance with the provisions of Chapter 22.68.

E. Day care centers, home-based day care provisions.

1. It is provided that, for purposes of this title, the city's regulatory role for family day care, defined as day care centers providing in home care for twelve or fewer children and which are licensed by the state of Washington pursuant to Chapter 35.63 RCW, is limited to the provisions of subsection B of this section.

2. Day care centers, home-based day care shall:

i. Comply with all building, fire, safety and health codes;

ii. Conform to lot size, building size, setbacks and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure;

iii. Include signage, if any, that conforms to applicable city regulations;

iv. Conduct hours of operation that are compatible with the neighborhood;

v. Provide proof of written notification of immediately adjoining neighbors to the city. This proof must be provided prior to state licensing. Written notification to neighbors must include the following elements:

a. Nature of the application;

b. Maximum number of children to be kept;

c. Maximum number of employees;

d. Days and hours of operation;

vi. Must apply for and obtain city home occupation license concurrently with state licensing. (Ord. 1059-12 § 20: Ord. 817 § 2 (part), 1996).

F. Termination. The city council may terminate any home occupation if they find, notwithstanding any provision of this chapter, that the use is being conducted in a manner which is detrimental to the public health, safety or welfare, or adversely affects the residential qualities of adjacent properties. In making such findings, the board of adjustment shall hold a public hearing in accordance with Chapter 22.68.

Live/work units.

The following standards and conditions apply to all live/work units:

A. The workspace component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.

B. The dwelling unit component must be located above or behind the workspace, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.

C. A total of two off-street parking spaces shall be provided for a live/work unit in addition to any off-street parking as specified in Chapter 22.40, located to the rear of the unit, or underground/enclosed.

D. The size and nature of the workspace shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building.

E. The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the zone, which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.

Manufactured homes.

A. Application. The following standards and conditions apply for:

1. Any person desiring to place a manufactured home owned by him/her on any building lot in the city shall make application at the public works department on forms furnished for that purpose.

2. Every application shall be made by the owner of the real estate upon which the manufactured home is to be placed or by his authorized agent.

3. The owner of the real estate and the owner of the manufactured home must be one and the same person.

4. Applicant shall agree to conform to all regulations and rules pertaining to the placing of a manufactured home on individual lots in the city set forth in this chapter and in other ordinances of the city in force at the time of the application. (Ord. 817 § 2 (part), 1996).

B. Manufactured home certification. No previously occupied manufactured home, even though having the HUD certification, shall be allowed into the city without first being approved by the building official or his agent who shall determine whether through misuse, neglect or accident the manufactured home has fallen below the standards for safety and livability imposed by the state. Cost of such inspection is to be borne by the applicant(s). Mobile homes as defined in this chapter are not allowed. (Ord. 817 § 2 (part), 1996).

C. Regulations. Any manufactured home placed on a lot in the city shall conform to the following requirements:

1. A manufactured home must have the HUD certification or state seal of approval meeting current HUD specifications;

2. The manufactured home unit shall display the HUD certification, state seal of approval and/or any seal, certification, etc.;

3. No manufactured home smaller in size than one thousand square feet exclusive of expandos and tongue shall be allowed;

4. Applicant must acquire all necessary state and local permits;

5. No occupancy without certificate of occupancy from building official;

6. Tie-downs as specified by the manufacturer or by the building official if no manufacturer's specifications exist;

7. Manufactured home skirting must be in place prior to issuance of a certificate of occupancy, but such skirting shall not provide a harborage for rodents or create a fire hazard. Screened vents shall be provided at the same minimum standards required for buildings by the Uniform Building Code;

8. Structural fill on lot as approved by the building official;

9. Manufactured homes shall have eighteen-inch wide, six-inch thick reinforced concrete runners, which shall be all connected at all corners in the same dimension, placed under load bearing portions of manufactured home;

10. A minimum of eighteen-inch crawl space must be allowed between concrete slab or runner and bottom of manufactured home support beams;

11. Conform to applicable provisions of Title 22 of this code and Chapter 43.63B RCW;

12. Owner of manufactured home and owner of real estate on which it is placed, must be and remain one and the same;

13. All manufactured homes shall have a composition or wood type roof to be compatible with existing structure built homes. (Ord. 817 § 2 (part), 1996).

D. Permit. When the applicant has completed the applications he/she/they shall be issued, following approval of the building official, a building permit which will allow the applicant to place a manufactured home in the city on a specified building lot. Fee for this permit shall be the same as for a stick-built house of the same size and value as set forth in the building code of the city. All future additions, accessory buildings or alterations shall be governed by Titles 15 and 22 of this code and state regulations. The building permit shall expire in six months with a possible extension of six months upon approval of the city council.

E. Violation – Penalty. To violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed five hundred dollars. Each additional calendar day shall constitute a new and separate violation.

Recreational vehicles.

A. Purpose. The purpose of this section is to protect the visual character and identity of the city by regulating the use of recreational vehicles within city limits.

B. Overnight use – Regulation. No recreational vehicle shall be used as a permanent place of residence or dwelling for indefinite periods of time in the city of Algona. No recreational vehicle shall be occupied for more than seventy-two hours unless approved as follows:

1. Permission may be granted for up to thirty days by the mayor upon receipt of written request by the property owner stating the nature of the request.

2. Permission may be granted over thirty days by the city council upon receipt of written request by the property owner to the city clerk's office stating the nature of the request.

C. Regulation – Utility connection/external appurtenances prohibited. No recreational vehicle approved as above shall:

1. Connect to or be supplied any public utility from the main residence except as approved by the mayor.

2. Attach any external appurtenances, such as carports, cabanas, or patios, except as approved by the mayor.

D. Commercial use prohibited. No recreational vehicle shall be occupied for commercial purposes within the city of Algona.

Temporary buildings for use during construction.

The use of temporary buildings during construction shall not exceed six months.

Chapter 22.60

LANDSCAPING

Sections:

- 22.60.010 Purpose of provisions.
- 22.60.020 Areas of application.
- 22.60.030 General provisions.
- 22.60.040 Front yards.
- 22.60.050 Site screening.
- 22.60.060 Parking lots.
- 22.60.070 Storage yards.
- 22.60.080 Maintenance.
- 22.60.090 C-1 mixed use commercial.
- 22.60.100 C-2 general commercial.
- 22.60.110 C-3 heavy commercial.
- 22.60.120 M-1 light industrial.
- 22.60.130 R-M medium density residential.
- R-L low density residential.
- 22.60.140 Site screening matrix.
- 22.60.150 Submittal requirements.

22.60.010 Purpose of provisions.

The purpose of this chapter is to achieve the following:

- A. Provide an opportunity for the development of visually pleasing environments in the city, from the viewpoint of the local resident and the visitor passing through the city;
- B. Ensure the preservation of land values in the city;
- C. Encourage the preservation of existing vegetation patterns that contribute to the beauty and utility of a development;
- D. Provide not only for the health, safety and general welfare of the citizens and minimize discordant and unsightly surroundings, but also to provide for the beauty and balance of the city, as are the necessary concerns of local government;
- E. Assure the continued existence and proliferation of trees within the city;
- F. Break up visual blight created by large expanse of barren asphalt;
- G. No artificial lawn or shrubbery will be permitted in landscaped areas;
- H. Provide adequate control over the application of landscaping standards so the above objectives are accomplished in the most effective manner. (Ord. 965-05 § 9 (part)).

22.60.020 Areas of application.

The standards of this chapter shall apply to all development within the city, except:

- A. Single-family dwellings ~~detached residence (R-L zone)~~. (Ord. 965-05 § 9 (part)).

22.60.030 General provisions.

Preservation of natural vegetation and healthy, existing mature trees (particularly conifers) is preferred if available on the site. Otherwise, street trees and/or landscaping items (including irrigation if appropriate) shall be furnished and installed as may be specifically required by the city. If such is required, landscaping shall be of one of the

referenced types as specified in the Development Guidelines and Public Works Standards or in the Puget Sound Energy document “Energy Landscaping” available at Algona City Hall, and/or as otherwise may be approved by the city. These landscaping items, including trees and irrigation, shall be furnished and installed at the city’s sole discretion, direction, and approval.

All plant material sizes listed shall be the minimum sizes at the time of installation, unless otherwise stated in this section.

Recommended trees for bioretention areas are referenced in Appendix 1 of the Low Impact Development Technical Guidance Manual for Puget Sound. Any landscaping elements meeting the requirements listed herein that are included as part of a low impact development (LID) facility may be counted toward meeting the city landscaping requirements, as approved by the city. It is preferable that trees planted next to a low impact facility such as porous pavements have minimal tree litter. (Ord. 1114-15 § 1; Ord. 965-05 § 9 (part)).

22.60.040 Front yards.

A. Front yards (the area between a public right-of-way property line and buildings and/or parking) shall be landscaped to include evergreen or deciduous trees and shrubs, perennial or annual flowers, ground cover plants or lawn, or a combination of such materials.

B. Landscaped areas shall include at least one tree, a minimum height of six feet, for every five hundred square feet or a fraction thereof. The trees may be clustered or dispersed throughout the area.

C. Landscape areas shall include shrubs, a minimum height of two feet, at a rate of one for every twenty-five square feet or fraction thereof. The shrubs may be clustered or aligned in a row.

D. The landscape area not covered by trees and shrubs shall be planted in ground cover or lawn. (Ord. 965-05 § 9 (part)).

22.60.050 Site screening.

The following site screening standards shall be required in all zones where site screening landscaping is mandatory.

A. Landscaped areas shall include use of evergreen or deciduous trees and shrubs, perennial or annual flowers, ground cover, lawn, or a combination of such materials. In particular this means:

1. All landscape plants shall be trees and shrubs that are drought-tolerant and adapted to the Pacific Northwest region. (No invasive or noxious plants).
2. Each individual landscaped site screening area one hundred square feet or less shall include at least one tree a minimum of six feet in height.
3. Each individual landscaped site screening area one hundred square feet or less shall include at least ten shrubs a minimum of two feet in height.
4. Each individual landscaped site screening area not covered by trees and shrubs shall be planted in ground cover or lawn.

B. Where developments face or adjoin the front, side, or rear yard of residential zones, the proposed developments shall observe and respect the established character of the existing residences and shall be required to provide compatible site development and landscaping. The boundary shall be screened by one of the following methods:

1. Screen Type I. Trees and shrubs planted to provide a solid screen within three years after planting;
2. Screen Type II. Fencing a minimum of six feet in height and shall include the planting of screen-type trees spaced a maximum of ten feet on center and screen type shrubs a minimum of two feet in height.

C. Motels and motor hotels shall provide and maintain a Screen Type II with one hundred percent planting of evergreen trees and evergreen shrubs a minimum width of ten feet on any boundaries adjoining a residential zone or adjoining a right-of-way separating a commercial zone from a residential zone.

D. Where landscaping areas are along street frontages within twenty feet of the corner of a driveway, alley, or street intersection, no shrubs shall be allowed to grow higher than twenty-four inches and no tree shall have branches or foliage below six feet.

E. Where a fire hydrant is located, shrubs shall be placed a minimum of five feet away from a hydrant. Trees shall be placed a minimum of ten feet away from a hydrant. (Ord. 965-05 § 9 (part)).

22.60.060 Parking lots.

A. Parking lots shall include landscape areas as a part of their design and shall include tree and shrub planting areas within the parking lot.

B. Where a primary building is so situated on the property and separated from a public right-of-way by a parking lot, the parking area shall be landscaped and maintained in accordance with the provisions of this chapter, but shall not be less than the following:

1. A two-foot-wide planting area shall be required along the entire right-of-way frontage, except for driveways.

2. No parking stall shall be located more than fifty feet from a landscaped area.

3. Interior parking lot landscape areas shall include at least one tree for every two hundred square feet of landscape area.

4. Parking lots adjacent to residential zones will be required to provide the minimum site screening by one of the following methods:

a. Screen Type I. Trees and shrubs planted and sized to provide a solid screen within three years after planting;

b. Screen Type II. Fencing a minimum of six feet in height, and shall include the planting of trees spaced a maximum of ten feet on center, and screen type shrubs a minimum of two feet in height. (Ord. 965-05 § 9 (part)).

22.60.070 Storage yards.

Outdoor storage yards, garbage storage yards, loading docks and permanent equipment storage areas that are visible from a public right-of-way or adjacent to residential zones shall be screened by the planting of evergreen trees, evergreen shrubs, or fencing, or a combination of both and shall conform to one of the following standards:

A. Screen Type I. Trees and shrubs planted and sized to provide a solid screen within three years after planting;

B. Screen Type II. Fencing a minimum of six feet in height, and shall include the planting of trees spaced a maximum of ten feet on center and screen type shrubs a minimum of two feet in height. Width of planting area shall be a minimum of two and one-half feet. (Ord. 965-05 § 9 (part)).

22.60.080 Maintenance.

A. All landscape areas shall be maintained in a healthy, growing condition. Broken, dead or dying trees, shrubs or plants shall be replaced.

B. Low water use irrigation systems for watering landscaped areas shall be encouraged.

C. Any trees, shrubs, or plants which are susceptible to injury by pedestrians or motor vehicle traffic should be protected by appropriate curbs, tree guards or other protective devices. (Ord. 965-05 § 9 (part)).

22.60.090 C-1 mixed use commercial.

A. A minimum of fifteen percent of the gross site area shall be landscaped.

B. Site screening shall be provided at the minimum widths listed below:

1. Adjacent to: C-1, five feet.

2. Adjacent to: C-2, five feet.

3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, five feet.
6. Adjacent to: R-L, ten feet. (Ord. 965-05 § 9 (part)).

22.60.100 C-2 general commercial.

- A. A minimum of ten percent of the gross site area shall be landscaped.
- B. Site screening shall be provided at the minimum widths listed below:

1. Adjacent to: C-1, five feet.
2. Adjacent to: C-2, five feet.
3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, fifteen feet.
6. Adjacent to: R-L, fifteen feet. (Ord. 965-05 § 9 (part)).

22.60.110 C-3 heavy commercial.

- A. A minimum of five percent of the gross site area shall be landscaped.
- B. Site screening shall be provided at the minimum widths listed below.

1. Adjacent to: C-1, five feet.
2. Adjacent to: C-2, five feet.
3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, ten feet.
6. Adjacent to: R-L, fifteen feet. (Ord. 965-05 § 9 (part)).

22.60.120 M-1 light industrial.

- A. A minimum of five percent of the gross site area shall be landscaped.
- B. Site screening per Section 22.60.050 shall be provided at the minimum widths listed below:

1. Adjacent to: C-1, ten feet.
2. Adjacent to: C-2, ten feet.
3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, fifteen feet.
6. Adjacent to: R-L, fifteen feet. (Ord. 965-05 § 9 (part)).

22.60.130 R-M medium density residential.

- A. A minimum of fifteen percent of the gross site area shall be landscaped.
- B. Site screening per Section 22.60.050 shall be provided at the minimum widths listed below:
 1. Adjacent to: C-1, five feet.
 2. Adjacent to: C-2, five feet.
 3. Adjacent to: C-3, five feet.
 4. Adjacent to: light industrial, five feet.
 5. Adjacent to: R-M, five feet.
 6. Adjacent to: R-L, ten feet. (Ord. 965-05 § 9 (part)).

R-L low density residential.

A. For conditional uses in the R-L low density residential district, site screening per Section 22.60.050 shall be provided at the minimum widths listed below:

- 1. Adjacent to: C-1, 5 feet.
- 2. Adjacent to: C-2, 5 feet.
- 3. Adjacent to: C-3, 5 feet.
- 4. Adjacent to: light industrial, 5 feet.
- 5. Adjacent to: R-M, 5 feet.
- 6. Adjacent to: R-L, 5 feet.

22.60.140 Site screening matrix.

DEVELOPMENT	ADJACENT TO:					
	Mixed Use Commercial (C-1)	General Commercial (C-2)	Heavy Commercial (C-3)	Light Industrial (M-1)	Medium Density Residential (R-M)	Low Density Residential (R-L)
Mixed Use Commercial (C-1)	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet
General Commercial (C-2)	5 feet	5 feet	5 feet	5 feet	15 feet	15 feet
Heavy Commercial (C-3)	5 feet	5 feet	5 feet	5 feet	10 feet	15 feet
Light Industrial (M-1)	10 feet	10 feet	5 feet	5 feet	10 feet	15 feet
Medium Density Residential (R-M)	5 feet	5 feet	5 feet	5 feet	5 feet	10 feet
<u>Low Density Residential (R-L)</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>

(Ord. 965-05 § 9 (part)).

22.60.150 Submittal requirements.

A. For any permit request having a landscaping component as part of the project, a plan drawn to scale shall be submitted to the city showing the boundaries of the property, location of buildings, driveways, loading docks, outside storage areas, size, type of plantings, and location of landscaping areas.

B. A written explanation of how each landscape provision of this chapter is complied with shall accompany the plan.
(Ord. 965-05 § 9 (part)).

Chapter 22.XX

DESIGN GUIDELINES

Sections:

22.XX.010

22.XX.020

22.XX.030

22.XX.040

22.XX.050

22.XX.060 Duplexes and townhouses.

22.XX.070 Multiple unit residential development.

22.XX.080 Commercial street frontage.

22.XX.090 Flood protection – Finished floor elevation requirements.

22.XX.100 Courtyard apartments.

Duplexes and townhouses.

A. All duplexes and townhouses where defined in AMC 22.08 and where allowed by Chapter 22.33 Land Use Table shall meet the following standards unless otherwise regulated within this code:

1. Porch.

a. Each house shall contain either: a porch of at least sixty square feet, with a minimum depth of six feet; or a pronounced entryway. Pronounced entryways shall include rounded doors, articulated entrances, columns, and other similar features.

b. Each unit shall have a designated pedestrian connection from the front door to the sidewalk.

2. Roof Design.

a. Roof shall be pitched at a ratio of at least five to twelve.

b. Roofs shall have dormers, or gables, or similar variations in roof planes in order to break up the roof mass.

c. Roof pitches shall complement the building style.

d. Roof materials shall provide variety in the use of materials and color including tile, compositional, metal, shake or shingle.

3. Corner Lots. Structures on corner lots shall take advantage of the dual frontage and make an architectural statement. This may be accomplished by providing the following:

a. Wrap around porches;

b. Bay windows, porches, turrets or trellises;

c. Varied exterior materials that are consistent with one another, roof features, or articulation.

4. Garages.

a. Garages may be attached or detached and accessed from a side drive.

b. Garages located in the front facade or “front loaded” shall conform to the following:

c. Upper level dormers shall be used to de-emphasize the garage.

d. The porch shall protrude at least five feet beyond the garage facade or if no porch is included the garage shall be set back five feet from the main structure.

e. Garage openings and trims shall include sufficient detail work to de-emphasize the garage.

Multiple unit residential development.

A. Applicability. The specified standards of this section shall apply to all new apartment developments, new townhouse developments, new duplex developments, new courtyard apartment developments, new custodial care facilities and new group residences that have more than four units and/or have proposed densities of at least ten units per acre. Expansions of existing developments that result in densities of at least ten units per acre shall also be subject to compliance with this section.

B. Buildings that contain a grouping of attached townhouse units shall not exceed a one-hundred-twenty-foot maximum length without a separation of at least twenty feet from other groupings or rows of townhouses.

C. Vehicular Access and Parking Location.

1. Apartments, duplexes, townhouse developments, courtyard apartment developments, and custodial care facilities and all group residences shall have parking areas placed to the rear or side of buildings or within the interior of the lot except when waived by the board of adjustment due to physical site limitations.

2. Vehicular access shall be provided via one entry/exit off of a public street.

D. Building Facade Modulation. Apartments, duplexes, townhouse developments, courtyard apartment developments, custodial care facilities and all group residences shall provide building facade modulation on facades exceeding sixty feet in length. The following standards shall apply:

1. The maximum wall length without modulation shall be thirty feet;

2. The minimum modulation depth shall be three feet; and

3. The minimum modulation width shall be eight feet.

E. Roofline Variation. Apartments, duplexes, townhouse developments, and courtyard apartments shall provide roofline variation on rooflines exceeding sixty feet in length according to the following standards:

1. The maximum roof length without variation shall be thirty feet;

2. The minimum horizontal or vertical offset shall be three feet;

3. The minimum variation length shall be eight feet; and

4. Roofline variation shall be achieved using one or more of the following methods:

a. Vertical off-set in ridge line;

b. Horizontal off-set in ridge line;

c. Variations of roof pitch;

d. Gables; or

e. Any other technique approved by the board of adjustment that achieves the intent of this section.

Commercial street frontage.

A. This section shall apply to all new commercial development and substantial remodels of existing commercial structures.

B. Building Facade Articulation. Commercial developments shall provide building facade articulation with the use of windows, entries, balconies and/or bays on facades. The following standards shall apply to the articulation:

1. Windows shall be frequent and coordinate with the articulation of any bays or balconies;
2. Display windows must line facades facing public streets and sidewalks, with no more than ten feet of blank nonwindow wall space in every twenty-five feet storefront;
3. All window frames shall provide a reveal with the exterior finish (i.e., not flush);
4. Reflective glass curtain walls are prohibited;
5. Facades shall not consist of an undifferentiated blank wall when facing a public street or pedestrian connection.

C. Entries. To ensure that commercial development is easily visible and accessible to pedestrian and vehicular traffic, the following guidelines for entries shall apply:

1. Primary entries shall be located adjacent to a public street and must be visible from that street;
2. Entries shall be sheltered with an overhang or portico with a depth of at least four feet.

Flood protection – Finished floor elevation requirements.

All new construction, including manufactured home or homes moved pursuant to Chapter 15.16 of this code, within the city limits of Algona shall have a finished floor level of at least seventy-one feet above sea level or one foot above the level of any abutting street, whichever is higher.

Courtyard apartments.

Courtyard Apartment housing developments shall comply with the following requirements:

A. Courtyard. The development shall contain a courtyard or usable landscaped open space area for the shared use and enjoyment of the residents of the dwellings. All residential units shall have direct access to the courtyard.

B. Site Design. Dwelling units shall be located on at least two (2) sides of the courtyard. Open space shall be provided as follows:

1. A minimum of four hundred fifty (450) square feet of private, contiguous, usable, open space shall be provided adjacent to each dwelling unit. No dimension of this open space area shall be less than ten (10) feet in any direction.
2. A minimum of fifteen hundred (1,500) square feet or two hundred (200) square feet per unit, whichever is more, shall be provided in common open space (e.g., available for the use of all residents of the development). This open space shall be contained in a contiguous area with no dimension less than twenty (20) feet. A substantial portion of such open space shall be sufficiently level (e.g., less than five (5) percent slope) and well drained to enable active use, as determined by the city.
3. Parking and maneuvering areas for automobiles do not count toward open space areas.

C. Number of Units. The development shall include no less than four (4) and no more than twelve (12) dwelling units per courtyard. The units may be attached to or detached from each other.

Chapter 22.XX

ADDITIONAL DEVELOPMENT STANDARDS

Sections:

<u>22.XX.010</u>	
<u>22.XX.020</u>	
<u>22.XX.030</u>	
<u>22.XX.040</u>	
<u>22.XX.050</u>	Density calculations.
<u>22.XX.060</u>	Lot coverage calculations.
<u>22.XX.070</u>	Screening for exterior mechanical devices.
<u>22.XX.080</u>	Yard projections and permitted intrusions into required yards.
<u>22.XX.090</u>	Screening of trash receptacles.

Density calculations.

A. Calculations for Determining Maximum Density, Where Expressed in Dwelling Units per Acre. The entire site area may be used in the calculation of the maximum allowed residential density.

B. How to Calculate Density. Maximum density for an individual site shall be calculated by multiplying the site area (in acres) by the maximum dwelling units/acre in the applicable zone. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above are rounded up.

2. Fractions below 0.50 are rounded down.

Lot coverage calculations.

Lot coverage refers to the area of a lot which is covered/occupied by a roofed building or buildings, usually expressed in square feet (sf) or percentage (%) of land on the lot.

A. Lot Coverage Calculation Details and Clarification.

1. The area measured horizontally at the outside of external walls or supporting members of all primary and accessory structures.

2. The roof overhang shall not be included in the lot coverage unless it exceeds two feet, in which case only the outer two feet is excluded from the calculation of lot coverage.

3. Open beams and lattice work without a roof are not considered part of the lot coverage.

4. Minor appurtenances such as bay windows, chimneys and trim not extending more than two feet from the primary wall, and not extending the enclosed floor area, do not count in lot coverage.

5. Covered porches or decks that are not enclosed, are less than 120 square feet in footprint and are less than 42 inches above grade do not count as lot coverage.

6. For lots which share an access easement (e.g., for a shared drive) the easement may be counted as lot area for the purpose of lot coverage calculation for the lot on which the easement is placed.

Screening for exterior mechanical devices.

Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace.

Yard projections and permitted intrusions into required yards.

Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:

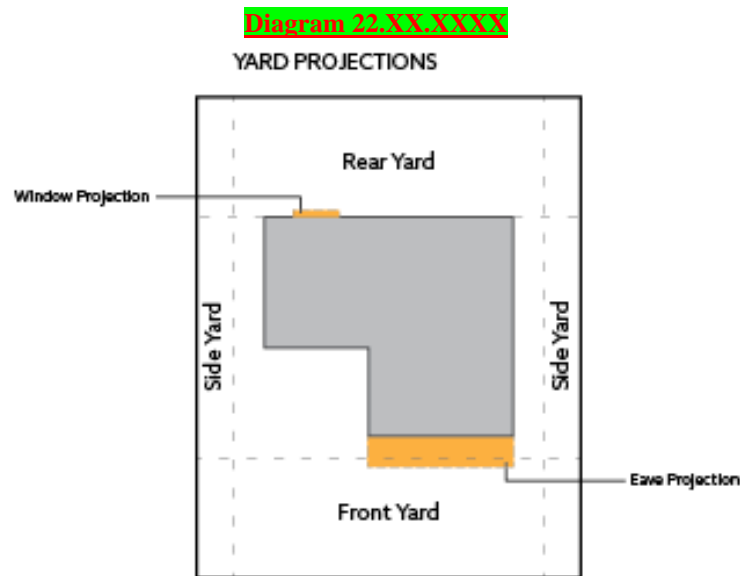
A. Fences and walls as specified and limited may project into the front, rear and side yards.

B. Cornices, sills, eave projections and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches, provided the width of any required interior side yard is not reduced to less than two feet, six inches, and any yard abutting a street is not reduced to less than five feet.

C. Open, unenclosed, unroofed decks may project into any required rear or interior side yard; providing, however, that the decks are constructed at grade elevations, or in no event exceed thirty inches above adjoining grade.

D. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any yard abutting a street is not reduced to less than five feet.

E. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.



Screening of trash receptacles.

Except on trash pickup days, all trash receptacles shall be screened from neighboring properties and public rights-of-way by an opaque visual barrier no lower than the maximum height of the receptacles. Provision of recycling bins shall be made. These shall be located near the trash receptacles and screened as required above.