

ORDINANCE NO. 4____-N –DRAFT ONLY

AN ORDINANCE OF THE TOWN OF GARFIELD, WASHINGTON, repealing Garfield Municipal Code Chapter 24.02, regarding zoning, and adopting a new zoning code regulating land use, incorporating a map designating various use zones, and establishing an effective date for this ordinance.

BE IT ORDAINED by the Council of the Town of Garfield as follows:

Section 1. Garfield Municipal Code Chapter 24.02 and those portions of Ordinance Nos. 110-N, 198-N, 320-N, 381-N, and 397-N which are codified as Garfield Municipal Code Chapter 24.02 are hereby repealed.

Section 2. There is hereby adopted as Garfield Municipal Code Chapter 24.04, “ZONING ORDINANCE,” the following:

**“CHAPTER 24.02
ZONING”**

SECTIONS:

24.02.010 – Purpose and Districts

24.02.020 – Official Map

24.02.030 – Amendments

24.02.040 – Administrative and Enforcement

24.02.050 – Board of Adjustment

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24.02.070 – Zones

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24.02.090 – Special Restrictions

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Minimum Parking Space Requirements: Not Specified in Zone Chart

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24.02.010 – PURPOSE AND DISTRICTS

For the purpose of promoting public health, safety, and general welfare and regulating and determining the areas within which certain uses of land and buildings may be conducted so as to provide for orderly community growth, and in accordance with Chapter 35.63, Laws of Washington, the following types of use districts are adopted:

- AG-1 Provide for spacious living and a wide variety of permitted activities.**
- AG-2 Provide for rural like settings with a wide variety of activities permitted**
- AG-3 Provide a country life style with town amenities while providing a wide variety of conditional uses.**
- C-1 Provide for normal commercial activities with an emphasis on retail trade**
- FI-1 Provide for retail and wholesale trade while permitting other industrial uses**
- FI-2 This is a mixed-use area with a history of permitted uses.**
- R-1 Primarily a residential area with various compatible uses permitted.**
- R-2 Primarily a residential area with small lots near the town center. A variety of activities are permitted.**
- R-3 Primarily a high-density residential area with many permitted activities that can take advantage of the highway location.**

The boundaries of these use districts shall be determined and defined by the adoption of a map on which are shown the boundaries of each district and filed in the office of the Town Clerk.

No land or premises shall be used, unless otherwise provided in this chapter except in conformity with the regulations herein prescribed for the use district in which such land or premises is located.

No building or structure shall be erected or structurally altered, or used, unless otherwise provided in this chapter, except in conformity with the regulations prescribed for the use district in which such building or structure is located.

24.02.020 – OFFICIAL MAP

ADOPTION:

The Town is divided into several zones or use districts as shown on the official map which, together with all explanatory matter thereon, is adopted by

reference and declared a part of this zoning chapter. It shall bear the signature of the Mayor and the date of the most recent ordinance adopting or amending the map.

STATUS:

The Official Map shall be located in the Town Hall and shall be the final authority as to the current zoning status of the town. Any amendments passed by the Town Council shall be duly recorded on the Official Map by the Town Clerk as expeditiously as possible after the action of the Town Council.

REPLACEMENT:

In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of the changes or additions thereto, the Town Council may, by resolution, adopt a new Official Zoning Map, in whole or in part, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct errors or omissions in the prior map, but no such corrections shall have the effect of amending the original ordinance or any subsequent amendment thereof.

24.02.030 – AMENDMENTS

(1) PURPOSE:

Whenever public necessity, health, safety, or general welfare requires amendment to the chapter, the procedure described hereafter shall be followed:

A. Amendments may be initiated by:

1. Any person or group with an interest in the proposed amendment
2. The Town Planning Commission
3. The Town Council

(2) PLANNING COMMISSION ACTION:

A. Public hearing – the Planning Commission shall hold at least one public hearing for any change in this zoning chapter including changes to the Official Zoning Map. Notice of the public hearing shall be published in a newspaper of general circulation at least 10 days prior to the meeting.

B. Finding of Fact – Whenever a proposed amendment to this zoning ordinance or the Official Zoning Map is considered by the Planning Commission at a public hearing, the Commission shall prepare Findings of Fact which shall support its actions. All relevant facts leading to the Commission’s decision shall be included in a list of facts which shall be transmitted to the Town Council with the Commission’s recommendation for or against the proposed amendment.

- C. Voting – a recommendation for amendment shall be valid if passed by the affirmative vote of a majority of the total members of the Commission.

(3) TOWN COUNCIL ACTION:

- A. Public Hearing – the Town Council shall hold at least one public hearing for any change in this chapter, including changes to the Official Zoning Map. Notice of the public hearing shall be published in a newspaper of general circulation at least 10 days prior to the meeting.
- B. Findings of Fact – the Town Council must adopt a listing of factors considered in their decision on the proposed amendment. In preparing their list, they shall consult the Findings of Fact prepared and transmitted to them by the Planning Commission.
- C. Action by the Town Council – the Town Council shall consider the recommendation of the Planning Commission for amendment of this chapter or the Official Zoning Map. If the Planning Commission recommendation is satisfactory to the Council, it may be adopted by ordinance. If the Council wishes to substantially change the amendment as recommended by the Planning Commission, it must first transmit the proposed alternative to the Planning Commission for their review and comment. The Council shall consider the comments of the Planning Commission concerning its proposed alternative prior to taking final action on the Council-prepared ordinance.
- D. Effect – action by the Council shall be final and conclusive, unless within thirty (30) days from the date of said action the original applicant or a party adversely affected makes proper application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, a writ of mandamus, or other action as may be provided and allowed by law to review the action of the Town Council.

24.02.040 – ADMINISTRATION AND ENFORCEMENT

(1) ADMINISTRATIVE OFFICIAL:

The Town Building Inspector and/or appointees of the Town Council shall be the Administrative Official for this chapter. If the Administrative Official finds that any provision of the chapter is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and the action necessary to correct it. The Administrative Official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other

action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

The Administrative Official shall make available to the public application materials for approvals and amendments authorized by this chapter.

(2) PENALTIES:

Any person, firm, company, corporation, or organization who violates or otherwise fails to comply with the provisions of this chapter violation. Each day’s continuance thereof shall be deemed a separate and distinct violation.

The existence of a civil penalty or pendency of any proceedings to enforce and collect such civil penalty under the provisions of this chapter shall not be construed to affect the right of the Town to proceed with the enforcement of the provisions of this chapter by other civil proceedings, either at law or equity in any court of competent jurisdiction. Compliance may be enforced by injunctive order at the suit of the Town or by an owner or owners of land affected or anyone who may otherwise demonstrate that standing has been conferred upon them by law.

All court costs shall be paid by the party in violation of this chapter.

The Town, at its option, may also seek revocation of any permit or license previously granted pursuant to the provisions of this chapter.

(3) FEES:

No permit, conditional use permit, variance, or rezone shall be issued, nor shall any action be taken on proceedings before the Board of Adjustment or Planning Commission unless or until all charges and fees have been paid in full.

Rezone.....	\$100.00
Variance.....	\$50.00
Conditional Use.....	\$50.00

24.02.050 – BOARD OF ADJUSTMENT

(1) CONDITIONAL USE PERMIT:

The Board of Adjustment shall hear and decide all applications for Conditional Use Permits. The following standards, criteria, and procedures shall apply to any Conditional Use Permit authorized by this chapter:

- A. A Conditional Use Permit may only be granted for those uses specifically identified and allowed in the applicable use district, subject to the following limitations:
 1. That the conditional use and any conditions imposed by the Board of Adjustment will not adversely affect the public health, safety, and welfare;

2. That the proposed use, with any conditions imposed, will be in compliance with the standards set out in this chapter for the use district applicable to the proposed use;
 3. That the Findings of Fact adopted by the Board of Adjustment to support their decision clearly indicate that the above-listed criteria have been fulfilled.
- B. The Board of Adjustment may impose any conditions or safeguards upon granting a conditional use permit which are necessary to insure conformity with the provisions of this chapter and protection of the public health, safety, and welfare. Failure to fulfill any condition imposed by the Board of Adjustment shall be a violation of this chapter, and said permit may be revoked. Conditions may include, but are not limited to the following:
1. Specify a time limit within which action, for which the Conditional Use Permit is required, shall be begun, or completed, or both.
 2. Require a periodic review of an issued permit to assure compliance with any imposed conditions.
 3. Increase the required lot size and yard dimensions.
 4. Limit the height or total lot coverage of buildings.
 5. Control the number and location of vehicular access points to the property.
 6. Control the number of off-street parking or loading spaces.
 7. Require suitable landscaping or drainage control.
 8. Control signing.
 9. Control hours of operation.
 10. Control nuisance generating features in matters of noise, colors, air pollution, wastes, vibration, traffic, physical hazards, and glare. Subject features must be measurable by standard methods. Conditions must be measured in scientific terms and the continuance of the use permit is to depend on compliance. Measurement is to be at applicant's expense if proven in violation.

(2) VARIANCES:

The Board of Adjustment shall hear and decide all applications for variances from the requirements of this chapter, PROVIDED that any variance granted shall be subject to such conditions as will insure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated, and that the Findings of Fact adopted by the Board of Adjustment to support their decision indicates that the following circumstances apply:

- A. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict interpretation of the zoning standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications.

- B. That the granting of the variance will not be detrimental to the public health, safety, and welfare or be injurious or adversely effect other properties and improvements in the vicinity of the subject property;
- C. That the variance is not required solely due to actions by the applicant which prevent direct compliance with use standards applicable to the subject property;
- D. That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property. However, if the finding of fact indicates the variance would normally be justified, it may be granted.

No variance shall be granted permitting a use, but shall be limited to those standards and requirements imposed on uses otherwise permitted by this chapter.

(3) HEARING NOTICE PROCEDURE:

Applications to the Board of Adjustment shall be filed with the Administrative Official on approved forms. Upon receipt of application for a conditional use or variance, the Administrative Official shall set the time and place for a public hearing, and written notice thereof shall be addressed through the United States Mail to all property owners of record within a radius of three hundred feet (300') of the exterior boundaries of the subject property. The written notice shall be postmarked not less than twelve (12) days prior to the hearing.

(4) EFFECT:

The action by the Board of Adjustment on an application for a Conditional Use Permit or a variance shall be final and conclusive unless within ten (10) days from the date of said action the original applicant or an adverse party make application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

24.02.060 – DEFINITIONS

1. **ACCESSORY BUILDINGS.** Any structure incidental, appropriate, and subordinate to the main use of the property, and located on the same lot.
2. **ADMINISTRATIVE OFFICIAL.** The Building Inspector of the Town of Garfield.
3. **ANIMALS FOR PROFIT.** Animals for profit must be raised on site. All animal ordinances must be complied with.
4. **APARTMENT.** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.
5. **BOUNDARY.** The lot lines describing a lot of record.
6. **BUILDING.** Any structure built for support, shelter, or enclosure of persons, animals, chattels, or structures of any kind.
7. **BUILDING HEIGHT.** Vertical distance measured from the average elevation of the proposed structure's finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

8. **COMMERCIAL ACTIVITIES.** An establishment or business that generally has retail or wholesale sales, office uses, or services which do not generate noise or other impacts considered incompatible with less intense uses.
9. **CONDITIONAL USES.** Uses for which a conditional use permit is required.
10. **COTTAGE INDUSTRY.** A commercial activity conducted from an accessory building of a residence, provided that no more than two outside individuals are employed at any given time. The business must be owned and operated by the person or persons living in the residence.
11. **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
12. **DUPLEX.** A dwelling unit containing two apartments or containing two families.
13. **DWELLING UNIT.** A structure containing one family.
14. **FRONT STREET.** A street most nearly aligned with the front or main entrance of a structure.
15. **HAZARDOUS WASTE.** All dangerous and extremely hazardous waste regulated by the Washington State Dangerous Waste regulations, Chapter 173-303 WAC, or its successor. (119-N, Section 24.02.060(10), 1981; amended by 198-N, Section 1, 1992)
16. **HOME OCCUPATION.** An accessory use of a service character conducted within a dwelling by the residents thereof, with no more than 2 outside employees, which is clearly secondary to the dwellings use for living purposes and does not change the dwelling's character.
17. **INDUSTRIAL USES.** All business activities outside the definition of "Commercial Activities" including all manufacturing.
18. **LOT AREA.** The total horizontal land area within the lot lines of a parcel of land, exclusive of public or private roads and easements of vehicular access to other property.
19. **MOBILE OR MANUFACTURED HOME.** (Subsequently referred to interchangeably as "manufactured home, or mobile home".) A structure that is transportable in one or more sections and assembled off site, and is built on a permanent chassis, and is designed to be used with or without a permanent foundation when connected to the required utilities as a dwelling. This definition does not include recreational vehicles or travel trailers.
20. **MOBILE HOME PARK.** A parcel of land (or contiguous parcels) divided into two or more mobile home lots for sale or rent.
21. **MODULAR HOME.** A factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not and never did include a mobile home or manufactured home.
22. **MULTIPLE FAMILY DWELLING.** A dwelling unit containing 3 or more units.
23. **NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of this chapter.
24. **NONCONFORMING USE.** Any use, building, and/or structure not in compliance with any one or all of the provisions herein contained, which existed legally at the time of the adoption of this ordinance.

25. **OFF-STREET PARKING SPACE.** An off-street surfaced area of not less than nine feet by twenty feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway.
26. **OUTSIDE INDIVIDUALS.** Those persons not living on the property.
27. **OUTRIGHT USES.** Uses for which no use permit is required.
28. **PERMITTED USE.** The specific purpose for which land and/or buildings is designated, arranged, intended, or for which it may be occupied or maintained. The term “permitted use” or its equivalent shall be deemed to include any nonconforming use.
29. **PRIVATE CLUB.** A non-profit, social organization whose premises are restricted to its members and their guests, and which premises may include certain structures and buildings used primarily for the accommodation of its members.
30. **PRIVATE AGRICULTUREAL STORAGE.** Means of storing agricultural products raised and owned by the property owners.
31. **PRIVATE PARKS.** Recreation facilities privately owned but available to the general public
32. **PUBLIC BUILDING.** A building constructed for public purposes and usage by agencies and departments of local, county, state, or federal government.
33. **SALES OUTLET.** A facility for conducting business that is primarily selling.
34. **SETBACK.** The distance in feet as measured from a lot line to the sill line of a building, or the closest point to the lot line of a structure.
35. **SIDE STREET.** Any street that does not qualify as a front street.
36. **SIGN.** An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a structure or land, and which directs attention to a product, place, activity, person, institution, business, or profession.
37. **STRUCTURE.** A walled and roofed building or mobile home that is principally above ground.
38. **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
- a. before the improvement or repair is started, or
 - b. if the structure has been damaged and is being restored, before the damage occurred.
- “Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. “Substantial improvement” does not, however, include either:
- any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
39. **YARD, FRONT.** An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward, and depth of which shall

be the least distance between the front lot line and the front of the main building.

40. **YARD, REAR.** An open space extending the full width of the lot between the rear-most main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, the depth of which will be the least distance between the rear lot line and the rear of such buildings.
41. **YARD, SIDE.** An open space extending from the front yard to the rear yard, between a main building and a side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yards shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

24.02.70 – ZONES

- A. **AG-1 Purpose:** Provide for spacious living and a wide variety of permitted activities.
Minimum Lot Size: 20,000 ft²
Outright Uses: One single family dwelling per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; raising of animals with restrictions; accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property; agricultural and horticulture activities, including but not limited to cropping, tree fruit production, vegetables, and berries.
Conditional Uses: Home occupation; schools and churches; community club houses; public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; private storage for agricultural purposes; green houses; industrial uses; cottage industry use of accessory buildings for commercial activities, sales outlet for commodities grown and processed on site; public buildings.
Lot Dimensions and Setback Requirements: Minimum length of any lot side is 100 ft; 30 ft maximum variance can be granted on sides; front and side street setbacks are 20 ft; accessory buildings may be 10 ft from center of alleys; animal shelters must be at least 20 ft from property lines; all other setbacks 15 ft.
Uncovered Space Requirements: None
Structural Regulations: 1,000 ft² minimum on main floor of home; maximum building height 35 ft.
Parking Requirements: 2 off street parking minimum.
- B. **AG-2 Purpose:** Provide for rural like settings with a wide variety of activities permitted.
Minimum Lot Size: 40,000 ft²
Outright Uses: One single family dwelling per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; raising of animals with restrictions; accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of

property; agricultural and horticulture activities, including but not limited to cropping, tree fruit production, vegetables, and berries.

Conditional Uses: Home occupation; schools and churches; community club houses; public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; private storage for agricultural purposes; green houses; industrial uses; cottage industry use of accessory buildings for commercial activities, sales outlet for commodities grown and processed on site; public buildings.

Lot Dimensions and Setback Requirements: Minimum length of any lot side is 150 ft; front and side street setbacks are 30 ft; accessory buildings may be 10 ft from center of alleys; animal shelters must be at least 20 ft from property lines; all other setbacks 15 ft.

Uncovered Space Requirements: 20,000 ft²

Structural Regulations: 1,250 ft² minimum on main floor of homes; maximum building height 35 ft.

Parking Requirements: 2 off street parking minimum or 1 per bedroom whichever is greater.

- C. **AG-3** **Purpose:** Provide a country life style with town amenities while providing a wide variety of conditional uses.

Minimum Lot Size: 2 acres

Outright Uses: One single family dwelling per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; raising of animals with restrictions; accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property; agricultural and horticulture activities, including but not limited to cropping, tree fruit production, vegetables, and berries.

Conditional Uses: Home occupation; schools and churches; community club houses; public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; private storage for agricultural purposes; green houses; industrial uses; cottage industry use of accessory buildings for commercial activities, sales outlet for commodities grown and processed on site; public buildings.

Lot Dimensions and Setback Requirements: Minimum length of any lot side is 150 ft; front and side street setbacks are 30 ft; accessory buildings may be 10 ft from center of alleys; animal shelters must be at least 20 ft from property lines; all other setbacks 15 ft.

Uncovered Space Requirements: 60% of lot

Structural Regulations: 1,250 ft² minimum on main floor of homes; maximum building height 35 ft.

Parking Requirements: 2 off street parking minimum or 1 per bedroom whichever is greater.

- D. **C-1** **Purpose:** Provide for normal commercial activities with an emphasis on retail trade.

Minimum Lot Size: None.

Outright Uses: One single family dwelling on any lot used for residential purposes on October 25, 2005; one single family apartment behind a store front or upstairs in a commercial building, provided the primary use of the property remains commercial; accessory buildings such as but not limited to outlying sheds appropriate and incidental to permitted use of property; agriculture machinery sales, supplies and service; building supplies; rental yards; general store or grocery store; gas stations or garage; mechanic shop; restaurants; motel or hotel; professional offices; general commercial use; personal service: shops, barber, beauty, car wash, and Laundromats; health care facilities, including long term.

Conditional Uses: Schools and churches; community club houses; buildings for public utilities; industrial uses; apartments; petroleum and storage and shipping; cottage industry use of accessory buildings for commercial activities; sales outlet for commodities grown and processed on site; public buildings.

Lot Dimensions and Setback Requirements: accessory buildings front and side street 15 feet, accessory buildings non-streeted property line setback is 5 ft, accessory buildings may be 10 feet from center of alleys

Uncovered Space Requirements: None.

Structural Regulations: Maximum building height 40 ft.

Parking Requirements: Any new construction must include adequate off-street parking for the intended use.

- E. FI-1 **Purpose:** Provide for retail and wholesale trade while permitting other industrial uses.

Minimum Lot Size: 40,000 ft²

Outright Uses: Agriculture machinery sales, supplies and service; building supplies; rental yards; general store or grocery store; gas stations or garages.

Conditional Uses: Public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; grain storage apart from farmstead; grain dryer; green houses; industrial uses; chemical storage and shipping; petroleum and storage and shipping; hazardous waste treatment storage pursuant to RCW 70.105.210; public buildings.

Lot Dimensions and Setback Requirements: 50 ft from adjacent property lines for building; 20 feet from arterial streets.

Uncovered Space Requirements: None

Structural Regulations: Maximum building height 35 ft; variances in height are permitted for conditional uses.

Parking Requirements: Adequate to meet needs of intended use.

- F. FI-2 **Purpose:** This is a mixed-use area with a history of permitted uses. **Minimum Lot Size:** None.

Outright Uses: 1 family dwelling or duplex per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; raising of animals with restrictions; accessory buildings such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property; agriculture machinery sales, supplies and service; gas stations or garage, mechanic shop; blacksmith; general commercial uses; personal

service: shops, barber, beauty, car wash, and laundromats; and health care facilities, including long term.

Conditional Uses: Home occupation; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; private storage for agricultural purposes; grain storage apart from farmstead; grain dryer; green houses; industrial uses; chemical storage and shipping; petroleum and storage and shipping; hazardous waste treatment storage pursuant to RCW 70.105.210; cottage industry use of accessory buildings for commercial activities; public buildings.

Lot Dimensions and Setback Requirements: 20 ft off streets; 50 ft from adjacent property lines for industrial uses; 15 ft setback from adjacent property lines for commercial and residential uses; 10 ft setback required from center of alleys; animal shelters must be at least 20 ft from property lines.

Uncovered Space Requirements: None

Structural Regulations: Maximum building height 35 ft; variances in height are permitted for conditional uses.

Parking Requirements: Adequate to meet needs of intended use.

G. R-1 **Purpose:** Primarily a residential area with various compatible uses permitted.

Minimum Lot Size: None; newly platted lots after January 25, 2011 must be at least 10,000 ft²

Outright Uses: 1 family dwelling or duplex per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property.

Conditional Uses: Home occupation schools and churches; community club houses; public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; multiple family dwellings; green houses; apartments; cottage industry use of accessory buildings for commercial activities; sales outlet for commodities grown and processed on site; public buildings.

Lot Dimensions and Setback Requirements: Minimum length of any lot side is 75 ft; variance to be based upon usage and terrain; front and side street setbacks are 20 ft; non-streeted property line setback is 5 ft; accessory buildings may be 10 ft from center of alleys; animal shelters must be at least 20 ft from property lines; all other setbacks 15 ft.

Uncovered Space Requirements: None

Structural Regulations: 1,000 ft² minimum of living space; maximum building height 35 ft; variance may be granted for extra height for multiple family dwellings and apartments of conditions uses.

Parking Requirements: 2 off street parking minimum.

H. R-2 **Purpose:** Primarily a residential area with small lots near the town center. A variety of activities are permitted.

Minimum Lot Size: 5,000 ft²; newly platted lots after January 25, 2011 must be at least 10,000 ft²

Outright Uses: 1 family dwelling or duplex per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property.

Conditional Uses: Home occupation; schools and churches; community club houses; public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; multiple family dwellings; green houses; apartments; cottage industry use of accessory buildings for commercial activities; public buildings.

Lot Dimensions and Setback Requirements: Minimum length of any lot side is 50 ft; front street setback is 20 ft; non-streeted property line setback is 5 ft; accessory buildings may be 10 ft from center of alleys; animal shelters must be at least 20 ft from property lines; all other setbacks 15 ft.

Uncovered Space Requirements: None

Structural Regulations: 1,000 ft² minimum of living space; maximum building height 35 ft; variance may be granted for extra height for multiple family dwellings and apartments of conditions uses.

Parking Requirements: 2 off street parking minimum.

- I. **R-3 Purpose:** Primarily a residential area with small lots near the town center. A variety of activities are permitted.
Minimum Lot Size: 5,000 ft²; newly platted lots after January 25, 2011 must be at least 10,000 ft²

Outright Uses: 1 family dwelling or duplex per lot; activities typically associated with and incidental to a single family residential use, including but not limited to keeping of household pets and gardening; accessory structures such as but not limited to barns and outlying sheds appropriate and incidental to permitted use of property.

Conditional Uses: Home occupation; schools and churches; community club houses; public parks and recreation areas; private parks and recreation operated by a non-profit as a community facility; buildings for public utilities; animals for profit if all densities and other regulations are followed, and animals are raised onsite; mobile home parks; multiple family dwellings; green houses; apartments; cottage industry use of accessory buildings for commercial activities; public buildings.

Lot Dimensions and Setback Requirements: Minimum length of any lot side is 50 ft; front street setback is 20 ft; non-streeted property line setback is 5 ft; accessory buildings may be 10 ft from center of alleys; animal shelters must be at least 20 ft from property lines; all other setbacks 15 ft.

Uncovered Space Requirements: None

Structural Regulations: 1,000 ft² minimum of living space; maximum building height 35 ft; variance may be granted for extra height for multiple family dwellings and apartments of conditions uses.

Parking Requirements: 2 off street parking minimum.

24.02.080 – FLOOD PLAIN OVERLAY DISTRICT

Chapter 22.14 of the Garfield Town Ordinances establishes floodplain regulations. Those areas defined in the "Floodplain Construction Regulations" area of special flood hazard, floodway and are of shallow flooding, which correspond to zones on the Flood Insurance Rate Map (FIRM) overlay the districts defined in this zoning chapter. This Overlay District does not add to the uses specified in this chapter but may restrict certain specified uses. The provisions of the "Floodplain Construction Regulations" are not intended to repeal, abrogate, or impair the restrictions of this chapter or vice versa. However, where the districts established in the zoning chapter and the areas defined in Chapter 22.14 overlap or conflict, whichever imposes the more stringent restrictions consistent with flood protection, shall prevail.

24.02.090 SPECIAL RESTRICTIONS

(1) OFF-STREET PARKING

In all districts defined in this chapter, there shall be provided at the time of erecting new structures, or at the time of enlarging, moving, or increasing the capacity of existing structures, a minimum of off-street parking spaces provided according to the following requirements.

- A. An off-street parking area shall consist of a surfaced area of not less than 9 feet by 20 feet, exclusive of maneuvering areas and access areas, permanently reserved for the temporary storage of one automobile and be connected with a street surfaced driveway.
- B. Location: for one to three-family dwellings, the off-street parking shall be provided on the same lot with the building they are required to serve.
- C. Location: for multiple-dwelling units over three apartments in size, the off-street parking spaces shall be within 200 feet of the unit which they are required to serve.
- D. Location: for other uses than residential, the spaces shall be within 800 feet of the structure which they are intended to serve.
- E. All off-street parking spaces shall be adequately surfaced so as to provide drainage from the spaces to avoid standing water and to allow year-round access and use of said spaces.

(2) MINIMUM PARKING SPACE REQUIREMENTS: NOT SPECIFIED IN ZONE CHART

- A. Residential structure, single-family, duplex, triplex: one space per dwelling unit plus one.
- B. Apartment structures over three units: one and one-half space per dwelling unit.

- C. Boarding, lodging, or rooming house: one space fore each sleeping room.
- D. Motel or hotel: one space per sleeping unit.
- E. Hospital, nursing home, or institution: one space for every three beds.
- F. Theater: one space for every four seats.
- G. Church, auditorium, or similar enclosed place of assembly: one space for each 6 seating spaces, and one space for every 50 sq. ft. of floor area for assembly not containing fixed seats.
- H. School or library: one space for every 250 sq. ft. of gross floor area.
- I. Bank business or professional office with on-site customer service: one space for each 400 sq. ft. of gross floor area.
- J. Office not providing customer services on premises: one space per 800 sq.ft. of gross floor area.
- K. Mortuary: one space for each four seats.
- L. Warehouse, storage, or wholesale business: one space for each employee.
- M. Food/beverage place with sale and consumption on premises: one space for each four seats.
- N. Retail store: one space for each 300 sq. ft. of gross floor area.
- O. Manufacturing uses, processing, assembly, and all industrial uses: one space for each employee on the maximum working shift.
- P. Mobile home parks: one space for each mobile home space.

(3) SIGNS

No new sign shall be erected nor any sign structurally altered, that is not in compliance with this section.

- A. All signs must be constructed of durable material and shall be maintained in good condition and repair at all times.
- B. In a residential district, a sign not exceeding 4 sq. ft. is permitted which announces the name, address, and professional or occupation of the occupant of the premises on which said sign is located.
- C. A bulletin board not exceeding 32 sq. ft. is permitted in connection with any church, school, or similar public structure. If illuminated, this sign shall be shielded in such a way as to produce no glare, undue distraction, confusion, or hazard to the surrounding area or vehicular traffic. If illuminated, it shall not be of a flashing, animated, or moving nature of illumination. If said structure and its associated sign are located in a

residential district, the illumination of such sign shall not affect adjacent residential property.

- D. A temporary real estate or construction sign not exceeding 32 sq. ft. is permitted on the property sold, lease, or developed. Said sign shall be removed promptly when it has fulfilled its function.
- E. In the Business/Industrial Districts, one freestanding sign and one sign attached to the building is permitted for each business establishment, in addition to residential use signs as in No. 2 above. The sign may be illuminated but not of an intermittent, flashing, animated, or motion type and no exposed bulbs, neon tubing, or florescent tubing shall be allowed, except that this provision does not apply to signs providing public interest information nor seasonal or holiday signs. All signs in the Business/Industrial Districts shall not exceed 32 sq. ft. in size.
- F. All signs over sidewalks shall be at a minimum of 12 feet over the sidewalk surface, and shall extend over the sidewalk to a distance of no further than 2 feet from the flanking street.
- G. Abandoned or out-of date signs shall be removed by the owner or lessee of the premises or land upon which the sign is located no later than 60 days after the date of the abandonment.
- H. Any signs not maintained in good condition shall be repaired, removed, or replaced within 60 days upon notice of the Administrative Official.
- I. Political signs, with a maximum surface area of 24 sq. ft. are allowed on private property with the consent of the owner and shall be removed no later than 10 days after the election for which they were made.
- J. Seasonal agricultural signs not to exceed 32 sq. ft., providing the produce sold is raised upon the same parcel of land. Seasonal agricultural signs may also be placed on property bordering arterial streets with the property owner's permission.

(4) MOBILE HOME PARK REGULATIONS

- A. The minimum area of any mobile home park shall be 12,000 sq. ft.
- B. No mobile home sites shall be less than 2,000 sq. ft., nor less than three times the area of the mobile home situated thereon.
- C. No mobile home space shall be less than 30 feet wide.
- D. No mobile home in a mobile home park shall be placed closer than 20 feet from any road or street or highway or other public right-of-way, or any public park or playground or public school grounds.
- E. No mobile home in a mobile home park shall be placed closer than 10 feet from any property line.

- F. No mobile home shall be placed closer than 15 feet from another mobile home or buildings in the mobile home park, provided however, that two mobile homes may be placed a minimum of 10 feet apart if end-to-end.
- G. For each mobile home space, there shall be provided a space for automobile parking. This space will be in addition to the requirements for mobile home space listed elsewhere herein and shall not be less than 200 sq. ft. per mobile home space. Each parking space will be within 200 feet of its mobile home space.
- H. Adequately surfaced access roads 25 feet wide shall be provided to each mobile home space. Each access road shall connect with a street or highway and shall be well marked in the daytime and adequately lighted at night.
- I. Walkways shall be provided to all service buildings and to all recreation, play, and all other areas reserved for general occupant use. Said walkways shall be at least five feet wide of which three feet shall be appropriately surfaced.
- J. Before any mobile home park may be occupied, the owner of said park shall file with the Planning Commission, a plan of the proposed mobile home park containing, but not limited to, the following information:
 - 1. name and address of owner,
 - 2. legal description and dimensions of the tract of land,
 - 3. location and dimensions of all mobile home spaces,
 - 4. location and dimension of each automobile parking space,
 - 5. location and width of all roadways and walkways,
 - 6. locations of service buildings and any other buildings and structures,
 - 7. sizes and location of play areas, recreational spaces, and all other areas reserved for general occupant use.
- K. No changes, alterations, or additions may be made to any part of the mobile home park as shown in the plan required by Section 17 without the approval of the Planning Commission.
- L. The provisions of Sections 8 through 19 shall apply to the expansion of any existing mobile home park which would, by the expansion, result in two or more spaces being present in said park. The provisions of these sections shall apply to all new mobile home spaces added to said existing park.

24.02.100 - NONCONFORMING USES

Any use, building, structure, or portions thereof, including signs, which were legally established before the effective date of this chapter, but because of the application of this chapter are no longer a conforming use or building, may continue after the following conditions.

- A. Any nonconforming building, structure, or portion thereof, may be altered, provided such alteration does not contribute to further nonconformity. A nonconforming building, structure, or portion thereof may be moved or relocated if such building, structure, or portion thereof may be moved or relocated if such action brings the building or structure into closer conformance with this chapter.
- B. Any structure that has been vacant for less than one year prior to the adoption of this chapter shall be classified as in use. A structure, which has been vacant longer than one year prior to the adoption of this chapter, shall conform to the provisions of the use district in which it is located.
- C. Any nonconforming building, structure, or sign which is less than 50% destroyed or damaged by fire, explosion, or Act of God, may be restored. Such restoration must begin no more than six months from the date of such destruction, and shall not contribute to it being any more in nonconformity than it was prior to being damaged.
- D. Any nonconforming use, which has been discontinued for a period of one year or more after the effective date of this chapter, shall not be reactivated nor operated, and an occupancy permit shall be granted only when the structure or use has been brought into conformity with this chapter. When a building or structure is vacant, the use therein shall be deemed discontinued.
- E. A nonconforming use may be continued provided it is not enlarged or extended. A nonconforming use may be converted to a permitted use at any time.

24.02.110 ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are topographical contour lines, section lines, lot line, or the center lines of streets, alley, railroad right-of-way, or such lines extended.

24.02.120 SEVERABILITY

If any section or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction such section or portion of a section shall be deemed a separate provision of this chapter, and such holding shall not affect the validity of the remaining portions of this chapter.

24.02.130 EFFECTIVE DATE

This chapter shall be effective immediately upon its passage and publication.

Section 3. This ordinance shall be in full force and effect five days after it or a summary thereof, is published in the official newspaper of the Town of Garfield as required by law.

PASSED by the Town Council of the Town of Garfield at its regular meeting on this _____ day of _____, 2013.

Jarrod Pfaff, Mayor

Attest: _____
Annie Pillers, Clerk-Treasurer

Approved as to form:

Stephen Bishop, Attorney

Passed: _____

Published: _____

Effective date: _____