

September 5, 1972

INPUT

Water Report - NoneBuildings Report - NoneDrainage Report - None

Resolution No. 4 "Relating to the levying of additional tax of \$15,000 for construction, maintenance and repair of streets" as provided for in Ordinance No. 371 read.

Nelson moved to accept the resolution. Seconded by Van Wieringen. Motion carried.

Resolution No. 5 "Authorizing filing of application with the Department of Housing and Urban Development, U.S. of America, for a grant under P.L. 89-117." aid in financing the construction of sewerage collection, pumping station, interceptor sewers, and treatment facilities.

Nelson moved to accept the resolution. Seconded by Overstreet. Motion carried.

Ordinance No. 371 - Additional Tax of \$15,000.00 for street levy read. Nelson moved to accept the Ordinance. Seconded by Van Wieringen. Motion carried.

Correspondence read from Prosecuting Attorney relative to "Tentative Recommendation of Justice Court Districting Committee". Instead of three part-time district court Judges, serving three districts be changed to one full-time District Court Judge-fixed salary at \$22,000.00. La Conner would be 1/20th or 1/4 day, fee of \$1,100.00. Council approved.

Mayor Martin reported that the Swinomish Indian Community has signed an agreement with the Town for Sewerage Disposal.

Correspondence read:

Copy of a letter, dated Aug. 9, 1972 from Lou St. John, Skagit County Planning Department, Mt. Vernon, to Mr. Bert Baron, Local Assistance Division, Planning and Community Affairs Agency, 1306 Capitol Way, Olympia, in which he noted advantages of La Conner for tourist trade and the need of approximately \$20,000.00 in "701" monies to accomplish the overall planning of historical area.

Progress Report for Skagit Regional Comprehensive Program received and noted by Council members.

Mr. Ken Paul, Chairman of Planning Commission presented a map to Council members showing area for "Historic Preservation". Overstreet moved that the Council accept the Planning Commission's map outlining the proposed Historical Preservation District. Seconded by Nelson. Motion carried.

Mr. Paul also mentioned that the Commission had retained Ross Hart to make a comprehensive plan of First Street, and asked that the Clerk write a letter to:

Mrs. Bette E Meyer, Chief - office of Archaeology and Historic Preservation, Consultation and Education Division at Olympia to notify her that the Town Council had adopted the "Historic Preservation District" at the regular meeting of the Council on Sept. 5.

Mr. Paul also spoke about the Town annexing land to the North of La Conner City Limits.

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The Town Council drew up an agreement between the "Town of La Conner and the Police Dept" defining overtime, classification vacation and clothing allowance. See detailed of report in file.

A discussion followed about what charges should be made to owners of private property when mowing grass, town employees doing the work. It was decided that the fee should be \$12.00 per hour.

No further business - Council adjourned. 11:12p.m.

Emma R Bjorklund  
Emma L. Bjorklund, Clerk

Fredrick S. Martin  
Fredrick S Martin, Mayor

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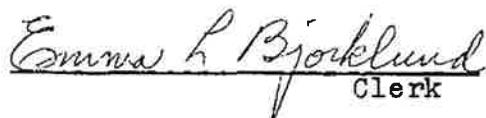
Current Expense Warrants- #	T-813 - 845	\$ 3683.35
Library "	71 - 74	97.09
Water "	T-706 - 723	4873.17
Street "	T-882 - 895	1921.90
Park & Port "	1371 - 1375	156.29
Drainage	614 - 615	53.72
Planning Commission "	2 - 3	20.07
Arterial Street "	1	12.07

(Treasurer's Report - page 288)

Council - Sept. 5, 1972

Treasurer's Report for August, 1972

Current Expense	24,369.06
City Street	11,313.80
Water Works	<del>(2,121.39)</del>
Library	<del>(504.18)</del>
Park & Port	319.20
Drainage	5,169.54
Cumulative Reserve	3,197.42
Arterial Street	658.34
Water Redem. 1950	5,011.42
Water Redem. 1956	583.61
Water Redem. 1965	750.00
Water Reser. 1950	2,368.43
Water Reser. 1956	5,730.00
Water Reser. 1965	5,655.00
Investment Control	25,437.28
Library Trust	271.35
Planning Commission	1,701.70
Water Redem. 1969	2,879.52
Water Reserve 1969	12,308.40
Fire Truck	101.15
	<u>105,199.65</u>

  
Fredrik L. Vartan  
Mayor  
Emma L. Bjorklund  
Clerk

REgular Council Meeting, Town of La conner, convened July 25, 1978 at 8:10 p.m., Judges Chambers.

Present: Mayor Martin

Councilwoman June Overstreet

Councilman Alfred J.Nelson, Frank Craig, Howard Zeiger

Absent: Councilman G. VanWieringen

Councilman Zeiger, seconded by Councilwoman Overstreet made the motion to dispense with the reading of the minutes of July 11, 1978 and July 18, 1978. Motion carried.

Councilman Nelson, seconded by Councilman Zeiger made the motion to pay the following bills: Flood Control Vouchers No. 1035 thru 1048 in the total amount of \$37,191.61. Motion carried.

COMMITTEE REPORTS:

Councilman Craig, Chairman Park and Port, read correspondence from the La Conner Merchants association asking permission from the Town Council to take the Street End of Calhoun Street and convert to a mini-park. The fire lane would not be disturbed. The Merchants Association would be responsible for the up keep of the area.

Councilman Craig, seconded by Councilman Zeiger made the motion to allow the La Conner Merchants Association to convert the street end at Calhoun Street to a mini-park, as outlined in their correspondence. Motion carried.

Councilman Zeiger, Chairman Drainage Committee, reported that he is to meet with the drainage advisory committee and make a list of priorities for 1979. He also asked the citizens present for any input or ideas they might have for a drainage system.

Councilman Nelson, Water and Sewer Committee Chairman, no report except he will meet with the Anacortes Water Department.

Councilwoman Overstreet, Chairman Building Committee, reported that she had called the unemployment Bureau re janitorial service but have received no response as of this date.

Mayor Martin opened the Public Hearing at 8:45 p.m. on the proposed Zoning Ordinance.

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Communications from residents of La Conner was read into the tape for further reference. The tape is on file at Town Hall.

Mary Hedlin Baker stated that her family owned the farm land on the East side of Maple Street since early 1900's and that they were against Multi-family zone on that side of Maple due to problems caused by children, debris and the drainage situation.

Ron Wolff stated that Multi family development next to farm land was incompatible and cited the present apartments on Maple Street next to farm land as an example, such as drainage problems on the east side of Maple Street, children playing in the crops. He also was in favor of the setback from farmland that doesn't allow high intensity use.

Mayor Martin asked for comments regarding the size of building lots. Discussion followed on the 5,000 sq ft building lots size in the Town of La Conner. Mayor Martin noted that the Town of La Conner, population wise, in the early 1900's was approximately 1,000 and now the population is approximately 650. Stated that there was room for growth in La Conner.

Mayor Martin closed the public hearing at 9:53 p.m. and comments from the Town Council were heard.

Discussion followed among the Council members centered on the setback of 50 to 100 ft from farmland and the size of the building lots of 5,000 sq ft.

Councilman Craig stated that the proposed Zoning Ordinance has tighter restrictions such as setbacks and parking, that the 5,000 sq ft size is not mandatory.

After much discussion Councilman Craig, seconded by Councilwoman Overstreet made the motion to accept the proposed Zoning Ordinance with the following changes: Page 1, paragraph 4, change to read "Town Limits"; page 23 two signs and on page 34 shall read Town Engineer or other duly authorized official of the Town Council. Motion carried.

Discussion followed on the remodeling of the Old Fire Hall on Commercial Street for the Police Department. Mr. Meacham noted that the material from Nelson Lumber Company totaled \$1,469.89, this is for wall board, no finish work, flooring to be brought up to standards, approximate cost of flooring \$300.00, approximate cost of electrical and plumbing \$1,400.00. Cal Fode of Hometown Builders Inc. stated that they hesitated to give a complete bid because of not knowing what the plumbing and floors would be like once it is tore up. They would have to rip up the floors before a complete bid could be made. He would bid time and materials on the project.

Town Council, Town of La Conner, meeting held November 28, 1978 at the Country Inn conference room, convened at 8:05 p.m.

Present: Mayor Fredrick S. Martin  
Councilwoman June Overstreet  
Councilman Alfred J. Nelson, Frank Craig, Howard Zeiger  
Gerrit VanWieringen

Councilman Nelson made the motion to approve and dispense with the readings of the minutes, motion seconded by Councilwoman Overstreet. Motion carried.

COMMITTEE REPORTS:

Councilman VanWieringen, Chairman Street Committee, reported that he and Councilman Nelson were working on the 6 year street plan and it will be turned in at the next council meeting. It will be the same as the 1978 plan as nothing has been done that was scheduled in the 1978 plan.

Councilwoman Overstreet, Chairman Labor Committee, reported that a meeting was held with Ruth Hansen, Union representative and negotiations should be completed shortly.

Councilman Zeiger, Drainage Committee Chairman, no report.

Councilman Craig, Chairman Park and Port Committee, reported on a meeting with the Port of Skagit County and they have agreed to use an environmental checklist form similar if not the same as that used by the Town of La Conner.

Councilman Nelson, Chairman Water and Sewer Committee, reported that Dale Carlson has three trainees working at the treatment plant under a state employment program.

PUBLIC HEARING BUDGET 1979 AND FEDERAL REVENUE SHARING FUNDS:

The public hearing was opened by Mayor Martin. Questions were raised by members of the audience about the repair of First Street. Mayor Martin noted that there should be monies available for the repair of Arterial Streets and this is being looked into. There was also a question raised about there being no monies in the budget for the expansion of the drainage system. Mayor Martin again responded saying that the funds were just not available in the Town and that funding for this project would have to be grants. There being no further questions from the audience, the public hearing was closed. The total operating budget for 1979 was entered at \$530,492.00. The preliminary budget was adopted by the Council and the final budget will be presented at the first meeting in December.

PUBLIC HEARING ON AMENDED COMPREHENSIVE PLAN MAP:

The Zoning Ordinance No. 458 which was adopted in September 1978 was presented in its codified form. Councilman Craig questioned 17.040.030 section regarding public morals and welfare and asked that the section be struck from the Ordinance. Mary Lam, Chairman Planning Commission, stated that this public hearing was to adopt the map and that the Ordinance was already adopted in September. Councilman Zeiger agreed and asked that comments be addressed to

the map and not the Ordinance. Councilman Craig moved to repeal and rewrite the zoning Ordinance. The motion died for lack of a second. Councilwoman Overstreet, seconded by Councilman Zeiger made the motion to accept the form of Ordinance No. 458 and to publish same.

Councilwoman Overstreet, Councilman Zeiger, Nelson, voting yea and Councilman Craig, and VanWieringen voting nay. Al Malden then stood and spoke against the form of the Ordinance and the confusing sections. At this point, Councilman VanWieringen moved to reopen the original vote accepting the Ordinance. Councilman Craig seconded the motion which failed with failed with Councilman Craig and VanWieringen voting yea and Councilwoman Overstreet and Councilman Zeiger and Nelson voting nay. Councilman Zeiger then defended the Planning Commission work and many hours donated and put into the ordinance. Mayor Martin agreed and commended the work done.

Mary Lam, Chairman Planning Commission, presented the amended Comprehensive Plan Map. Two changes were noted on the map. One change is that on the original map the Port of Skagit County property was mistakenly shown wrong and has now been corrected to Industrial. The other change is that a piece of property east of Moore Clark is now shown as Industrial rather than residential. Mayor Martin opened the public hearing on the Comprehensive Plan map. Brian Earp, Moore Clark, spoke saying it is imperative that this property be industrial and it should never have been residential. Kirby Johnson spoke and does not like the classification of his property east of Maple Street and also the property behind Tillinghast. He claims to have been down-zoned by putting PURD on his property. Otto, Wahlburg, Skagit County Planning Department, stated that these two pieces of property are not before the public hearing tonight. The only two pieces that were advertised for public hearing were the Port's and Moore Clark property. Michael Strong also spoke and he has a piece of property on Second across from town Hall. He feels that this should be taken care of now. He was told that this change could not be done now as it was not advertised and he would have to go through a rezone procedure or else the Town Council could instruct the Planning Commission to initiate a rezone to change this property at the town expense. At this point, the public hearing was closed. Councilman Craig, seconded by Councilman Zeiger made the motion to accept the Amended Comprehensive Plan Map. Councilman VanWieringen abstaining. Motion carried.

#### PUBLIC HEARING ON AMENDED ZONING MAP:

Mary Lam presented the amended zoning map. the changes are that the school property is changed to public use, Kirby Johnson's property east of maple being changed to single family. The public hearing was opened. Kirby Johnson objected to the downzoning of his property east of Maple Street from multifamily to residential. There being no further comments from the audience, the public hearing was closed. Councilman Nelson, seconded by Councilman VanWieringen, made the motion to approve of the findings of the Planning Commission. Motion carried. Noted that the Zoning Map is exhibit A of the Zoning Ordinance.

Councilwoman Overstreet, seconded by Councilman Zeiger, made the motion to approve and accept the zoning map as amended. Motion carried with Councilman Craig abstaining.

ENVIRONMENTAL CHECKLIST:

Moore Clark - Environmental checklist was presented by Moore Clark for a pole building for truck and storage shed. Councilman Craig seconded by Councilman Nelson made the motion to declare this proposal a Declaration of Non-Significant. Councilman VanWieringen abstained. Motion carried.

HAWTHORN MARINE: Councilwoman Overstreet, seconded by Councilman Craig moved to give this proposal a declaration of Non-Significant. Motion carried.

Town of La Conner - this was for tract 23 diking. Councilman Craig seconded by Councilman Zeiger, made the motion to give this proposal a declaration of Non-significant. Motion carried.

WATER TOWER PROGRESS REPORT:

Fred Balster, Fakkema and Kingma reported that Maltby Tank and Barge has completed the demolition of the existing structure on the site. It is removed except for the rubble. The foundation work will be done this week. The tank itself has been fabricated. It needs paingtin and then will be transported via truck to the site in La Conner.

STREET NAMING:

The street naming project tabled from the November 14, 1978 meeting was brought up. Councilman VanWieringen had no report at this time.

BUSINESS LICENSE RE NON-PROFIT ORGANIZATIONS:

Questions have arisen about whehter or non-profit organizations must have business licenses for one-day events such as the Smelt Derby. It is felt that the intent of the Ordinance is to make special one day events exempt from the Ordinance except that they should have a permit. Councilman Craig seconded by Councilwoman Overstreet made the motion that non profit organizations must get a non-profit permit before each use and must prove their non-profit status. Motion carried.

ORDINANCE NO. 458

AN ORDINANCE pertaining to the comprehensive zoning of the Town of La Conner, adopting the zoning map and repealing certain ordinances.

BE IT ORDAINED by the Town Council of the Town of La Conner:

Section 1: The following act and map shall constitute the Zoning Ordinance of the Town of La Conner.

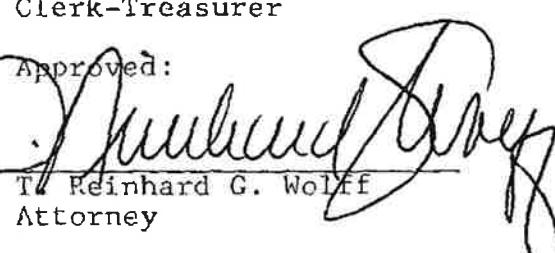
Adopted this 28<sup>th</sup> day of November, 1978

  
Frederick S. Martin  
Mayor

Attest:

  
Kathleen Ernst  
Clerk-Treasurer

Approved:

  
T. Reinhard G. Wolff  
Attorney



## CHAPTER 17.04

### GENERAL PROVISIONS

SECTIONS	17.04.020	TITLE
	17.04.020	PURPOSE
	17.04.030	SCOPE AND INTERPRETATION
	17.04.040	SCHEDULE OF FEES

17.04.020 TITLE

The Ordinance codified in this Title shall be known as Zoning Ordinance of the Town of La Conner.

17.04.020 PURPOSE

The purpose of the Title is to further the objectives and goals of the Comprehensive Plan. It is to assure orderly community growth, conserve the value of property, and safeguard public welfare by:

- A. Encouraging the most appropriate use of land;
- B. Providing for efficient and safe traffic flow;
- C. Providing adequate light, air, access and privacy;
- D. Providing safety from fire and other dangers;
- E. Providing an appropriate allotment of land for all requirements of community life;
- F. Preserving and restoring the historic value of La Conner
- G. Conserving the Town's natural beauty and other natural resources.

17.040.030 SCOPE AND INTERPRETATION

- A. The provisions of this Title shall be held to the minimum requirements for protection of public health safety, morals and general welfare.
- B. This Title supersedes a private agreement only when this Title is more restrictive or imposes higher standards.
- C. No building, structure, or use which was unlawful prior to the Ordinance codified in this Title shall become lawful solely by reason of the adoption of the Ordinance codified in this Title.
- D. When not specifically mentioned, the use, requirement, or regulations shall be determined by the Town Council upon review and recommendation by the Planning Commission.

17.04.040 SCHEDULE OF FEES

The following schedule of fees shall apply:

- A. Change in Zone.....\$50.00
- B. Variance.....\$50.00
- C. Conditional Use Permit.....\$20.00
- D. Certificate of Zoning and Comprehensive Plan  
Compliance, if planned expenditure does not  
exceed \$250.00.....NO COST
- E. If planned expenditure does exceed  
\$250.00.....\$10.00

CHAPTER 17.08.010

**DEFINITIONS**

**17.08.010      GENERALLY**

For the purpose of this Title certain terms or words used shall mean the following:

- A. "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. "Shall" is a mandatory requirement, "May" is a permissive requirement, and "Should" is a preferred requirement.
- D. "Used" or "Occupied" include the words "Intended, designed, or arranged to be used or occupied."
- E. "Lot" includes the words "Plot" or "Parcel".

**17.08.020      ACCESSORY USE OR STRUCTURE**

Use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**17.08.030      ALLEY**

See thoroughfare

**17.08.040      ALTERATIONS, STRUCTURAL**

Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**17.080.050      APARTMENT HOUSE**

See Dwelling, Multi-family

**17.08.060      BOARDINGHOUSE, ROOMINGHOUSE, LODGING HOUSE OR DORMITORY**

A building or part thereof other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

17.08.070 BUILDING

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

17.08.080 BUILDING, ACCESSORY

A subordinate building detached from, but located on, the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

17.08.090 BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs.

17.08.100 BUILDING LINE

See setback line.

17.080.110 BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which the building is situated.

17.08.120 CLUB

A building or portion thereof or premises owned or operated by persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

17.08.130 COMPREHENSIVE PLAN

A plan or any portion thereof, adopted by the Planning Commission and/or the legislative authority of the Town of La Conner showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, and community facilities. This plan establishes the goals, objectives and policies of the community.

17.08.140 CONDITIONAL USE PERMITS

A limited permission to locate a particular use at a particular location. Permission is required to assure that the use shall not prove detrimental to surrounding properties, shall not be in conflict with the comprehensive plan, and shall not be contrary to the public interest.

17.08.150 CORNER LOT

See Lot types.

17.08.160 CUL-DE-SAC

See Thoroughfare

17.08.170 DEAD-END STREET

See Thoroughfare

17.08.180 DENSITY

A unit of measurement, the number of dwelling units per acre of land.

17.08.190 DENSITY, GROSS

The number of dwelling units per acre of the total land to be developed.

17.08.200 DENSITY NET

The number of dwelling units per acre of land when the acreage involved includes only the sum of the individual lots.

17.08.210 DWELLING, MULTI-FAMILY

A building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

17.08.220 DWELLING SINGLE FAMILY

A building consisting of a single dwelling unit only, separated from other dwelling units by open space.

17.08.230 DWELLING, TWO-FAMILY (DUPLEX)

A building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

17.08.240 DWELLING UNIT

Space within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, toilet facilities, all used by only one family and its household employees.

17.08.250 FAMILY

One or more persons occupying a single dwelling unit, related by blood, adoption, or marriage.

17.08.260 USABLE FLOOR AREA

Measurement of "usable floor area" is the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

17.08.270 FLOODPLAIN

The relatively flat area or low lands adjoining the channel of a river, stream, watercourse, or other similar body of water which has been or may be covered with floodwater.

17.08.280 FLOODWAY

The channel of watercourse or drainway and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwaters of the watercourse or drainway as designated by the U. S. Army Corps of Engineers, and/or Federal Insurance Administration.

17.08.290 HOTEL, MOTEL OR APARTMENT HOTEL.

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to boarding house, roominghouse, lodginghouse, or dormitory which is separately defined in section 17.08.060 of this Title.

17.08.300 KENNEL

Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold.

17.08.310 LOT

For the purposes of this Title, "lot" is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required by this Title.

Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portion of lots of record.

17.08.320 LOT COVERAGE

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

17.08.330 LOT FRONTAGE

Means the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

17.08.340 LOTS OF RECORD

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

17.08.350 LOT TYPES

Terminology used in this Title with reference to corner lots, interior lots and through lots is as follows:

- A. "Corner Lot" is defined as a lot located at the intersection of two or more streets.
- B. "Interior Lot" is a lot other than a corner lot with only one frontage on a street.
- C. "Through lot" is a lot other than a corner lot with frontage on more than one street.

17.08.360 MOBILE HOME PARK

Any site, or tract of land under single ownership, upon which two or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; .

including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

17.08.365 NEGLECT OF DUTY

Neglect of duty includes missing four consecutive Planning Commission meetings.

17.08.370 NONCONFORMING USE

A building, structure, or use of land existing at the time of enactment of the Ordinance codified in this Title, and which does not conform to the regulations of the district or zone in which it is situated.

17.08.380 ONE HUNDRED YEAR FLOOD

The flood having a one percent chance of occurrence or its being equalled or exceeded in any given year.

17.08.390 PARKING SPACE, OFF-STREET

For the purpose of this Title, "Off-Street, Space," consists of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or ally right of way.

17.08.400 RIGHT OF WAY

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates, the curbs, lawn strips, sidewalks, lighting, and drainage facilities.

17.08.410 SETBACK LINE

A line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line, or right-of-way line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in such regulations.

17.08.420 STRUCTURE

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, "structures" include buildings, mobile homes, walls fences and billboards.

17.08.430 SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.

17.08.440 THOROUGHFARE, STREET OR ROAD

The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Cul De Sac - a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- C. Dead End Street - temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

17.08.450 USE

The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

17.08.460 VARIANCE

Modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of the action of the applicant,

a literal enforcement of the regulations would result in unnecessary and undue hardship.

17.08.470 VETERINARY ANIMAL HOSPITAL OR CLINIC

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation.

17.08.480 WALKWAY

A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of the road or not.

17.08.490 WATERTIGHT

Completely dry without human intervention during flooding

17.08.500 YARD

A required open space unoccupied and unobstructed by any structure or portion of a structure.

17.08.510 YARD, FRONT

A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

17.08.520 YARD, REAR

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

17.08.530 YARD, SIDE

A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

## CHAPTER 17.12

### DISTRICTS AND BOUNDARIES

Sections: 17.12.010 Zones  
17.12.020 Map-Boundaries  
17.12.030 Boundaries - Determination  
17.12.040 Vacated Streets and Alleys-Boundaries

#### 17.12.010 ZONES

For the purpose of this Title, the Town of La Conner is divided into four zoning districts or classifications as follows:

<u>Subsection:</u>	<u>Abbreviated Designation</u>	<u>Zone Classification</u>
A	RSD	Single Family Residential District
B	C	Commercial
C	Ind.	Industrial
D	PU	Public Use

#### 17.12.020 MAP --BOUNDARIES

This Title consists of the text together with a map, which is on file in the Office of the Town Clerk showing the boundaries of the different use districts. Unless otherwise specified the zone boundary lines are the centerlines of the street, public alleys, highways or waterways. In case of navigable water, the centerline of the Swinomish Channel shall be the boundary line.

#### 17.12.030 BOUNDARIES - DETERMINATION

When any uncertainty exists, the Planning Commission shall recommend and the Town Council shall determine by survey the location of boundaries.

#### 17.12.040 VACATED STREETS AND ALLEYS - BOUNDARIES

Vacated streets and alleys shall assume the zone classification of abutting property with the former centerline as the new boundary.

## CHAPTER 17.16

### RSD SINGLE FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.16.010 General Provisions
- 17.16.020 Permitted Uses
- 17.16.030 Conditional Uses
- 17.16.040 Dimensional Standards-Single Family
- 17.16.050 Dimensional Standards-Multifamily
- 17.16.60 Conditional Use Permit - Multifamily
- 17.16.70 Conditional Use Permit -Plot Plans-Multifamily
- 17.16.80 Conditional Use Permit-Development-Multifamily
- 17.16.90 Conditional Use Permit-Modifications-Multifamil
- 17.16.100 Mobile Home Standards
- 17.16.110 Unsuitable Land
- 17.15.120 Parking Standards

#### 17.16.010 GENERAL PROVISIONS

The purpose of this zone is to provide for and protect areas of single family residential and related uses and to promote the safety, efficiency and convenience of the residents of the town. It is the intent of this section to allow multi family dwellings interspersed in the single family zone based on individual approval to insure harmonious selection of uses and grouping of buildings, services, parking areas, circulation and open spaces. It is recognized that expansion of the population of the Town of La Conner must occur primarily within the present limits. Development of multi-family residences shall be compatible with the natural character of the surroundings; and due consideration shall be given to flood protection, preservation of trees outstanding natural topography, geologic features, prevention of soil erosion and aesthetics.

#### 17.16.020 PERMITTED USES

- A. Single family dwellings including mobile homes. For mobile home standards see Section 17.16.060 of this Chapter.
- B. Off-street parking as set forth in Section 17.16.040 accessory uses and buildings normally incidental to single family residences;
- C. Private, non-commercial swimming and wading pools;
- D. Private, non-commercial docks, piers, and boathouses provided they meet the requirements of the La Conner Shoreline Master Program;
- E. Gardens, orchards, private, non-commercial greenhouses;
- F. Planned Unit Residential Developments (PURD);
- G. Mobile home parks as PURD'S.

#### 17.16.030 CONDITIONAL USES

In RSD district, the following are conditional uses:

- A. Multi-family Residential Units, to include Duplexes. See Section 17.16.050 of this Chapter for standards;
- B. Home occupations; any business occupation or profession which meets the following:

1. Is carried on exclusively by a member or members of a family residing in the dwelling unit;
2. Is clearly incidental and secondary to the use of the property for dwelling purposes, with the floor area devoted to the home occupation not exceeding 40% of living area of the dwelling unit;
3. Signs are limited to a total of six square feet; identification only permitted;
4. Has no outside storage nor other exterior indication of the home occupation or variation from the residential character of the property;
5. Does not require the truck delivery or pick-up nor the installation of heavy equipment, large power tools or power sources not common to a residential dwelling;
6. Does not create a level of noise, vibration, smoke, dust, odors, heat or glare beyond that which is common to a residential area;
7. Does not create a level of parking demand beyond that which is normal to a residential area;

C. Roominghouses and Boardinghouses not to exceed six unrelated persons;

D. Day nurseries provided no play equipment is used or stored in the front yard and an adequate off-street parking and loading area is provided for the safe arrival and departure of children. Adequate fencing shall be required for the safety of the children,

E. Churches provided the building has setbacks of at least 25 feet feet on all sides from any other lot in the RSD zone;

F. Rest/convalescent homes provided the building (s) is (are) setback at least 50 feet on all sides from property lines;

G. Private or public lodges, clubs and community organizations;

H. Personal service establishments;

I. Professional office/clinics offering recognized professional services such as: dentists, doctors, lawyers, architects, engineers;

J. Utility uses except offices and power generating units provided, that no above ground structure shall be built closer than 50 feet to any property line.

K. Museums, libraries, noncommercial art galleries.

17.16.040 DIMENSIONAL STANDARDS - SINGLE FAMILY

- A. Minimum Lot Size - 5,000 square feet in area, connected to a public sewer and water.
- B. Minimum lot Width - 50 feet in width at building line.
- C. Maximum Lot Coverage - 40% for house, garage, tool sheds, other buildings and any impervious surfacing.
- D. Maximum Height - 30 feet as measured from the average grade level of the building site.
- E. Minimum Building Setbacks:
 

	Front	Side	Rear
Residence	20'	5' (total 15')	10'
Accessory (garage, tool shed) less than 75' from front property line.	20'	5'	5'
Accessory greater than 75' from front property line.	N/A	1'	1'
Corner Lot	20'	15' street side	10'
- F. The Planning Commission shall specify an extended building setback line of up to one hundred (100) feet but not less than fifty (50) feet for all types of residential structures on lots that border agricultural land to prevent shadows or other intrusions onto or conflicting with agricultural land or uses.

## 17.16.050 MULTI-FAMILY - DIMENSIONAL STANDARDS

Duplex and above; Conditional Use Permit required in all Zones:

- A. Minimum Lot Size - 10,000 square feet for the first two units; 3,300 square feet for each additional unit;
- B. Minimum Lot Width - 100 feet at the building line;
- C. Maximum Lot Coverage - 50 % for all buildings and imperious surfacing;
- D. Maximum Height - 30 feet; exceptions: Chimneys and vents on each dwelling unit.

E. Minimum Building Setbacks: Front      Side      Rear

Primary Buildings, interior Lot	30'	10' (total 20')	25'
Primary Buildings, corner lot	30'	30' street side	25'
Accessory (garage, tool shed) less than 75' from front property line	20'	15' (20' corner)	15'
Accessory greater than 75'	N/A	10' (20' corner)	10'

F. The Planning Commission shall specify an extended building setback line of up to one hundred (100) feet but not less than fifty (50) feet for all types of residential structures on lots, and to prevent shadows or other intrusions onto or conflicting with agricultural land and uses.

17.16.06.0 CONDITIONAL USE PERMIT - PROCEDURE - MULTI FAMILY

- A. Developer or applicant obtains a SEPA checklist from the Town Clerk and determination of environmental impact from the Town Council.
- B. Application for Conditional Use Permit; public hearing scheduled approximately 30 days from the date of application.
- C. Two sets of plot plans shall be submitted at least fourteen days prior to the public hearing; one set for the Town Engineer and one set for the Planning Commission.
- D. Public Hearing: The Planning Commission has the Plot Plans and either a negative declaration or the final environmental impact statement for the proposal.
- E. The Planning Commission makes recommendation to the Town Council.
- F. The Town Council gives final approval or disapproval.
- G. Zoning Compliance is given with the Conditional Use Permit.

17.16.07.0 CONDITIONAL USE PERMIT - PLOT PLANS - MULTI FAMILY

Prior to the Public Hearing the developer or applicant

shall submit two copies of plot plan to the Town of La Conner. The plot plan will be at an appropriate scale to present to the Planning Commission and to make the map at least seventeen (17) by twenty-five and one-half (25½) inches.

The plans shall be prepared and signed by a licensed engineer, land surveyor, architect or landscape architect authorized to practice in the State of Washington.

The plot plan shall include the following features when applicable:

1. Name, address and phone number of owner or developer;
2. Contour intervals of five feet or less, unless otherwise determined by the Planning Commission;
3. Location and dimensions of all vehicular points of ingress and egress drives, channelizations, traffic, circulation, and parking facilities;
4. Location and dimensions of pedestrian entrances, exits, walks and walkways;
5. General drainage system;
6. Location, materials and height of all existing and proposed walls and fences;
7. A general landscaping plan showing existing tree cover, tree cover to be preserved, and landscaping to be added;
8. Ground cover, banks, ditches, streams, rock outcroppings, marshlands or other unusual features of the site;
9. Any other information deemed necessary by the Planning Commission;
10. On a separate sheet, not necessarily to scale include a vicinity sketch, showing names and location of property lines, adjacent streets and roads and the approximate location of developments on adjacent property within five hundred (500') feet of the site, indicating major development structures.

17.16.080 CONDITIONAL USE PERMIT - DEVELOPMENT SCHEDULE-MULTI FAMILY

The development shall be started within six (6) months following approval of the development project by the Town Council, and shall be substantially complete within two (2) years from the starting date.

The application shall be accompanied by a development schedule, indicating to the best of the applicant's knowledge the approximate date of commencement of construction, anticipated rate of development, and a completion date.

The owner or developer shall submit a development report to the Planning Commission at least once every six (6) months, which report shall be reviewed by the Planning Commission. At the time of submitting any development report the developer may request a variance and extension of time from the original development schedule. In the event that any developer fails to actively pursue construction in accordance with the development schedule originally submitted, the Planning Commission, at its discretion, may conduct a public hearing on the continuation of the development. At the conclusion of the public hearing, the Planning Commission shall make a recommendation to the Town Council for either continuation or termination of the development.

17.16.090 CONDITIONAL USE PERMIT -- MODIFICATIONS MULTIFAMILY

If more detailed plans are submitted the Planning Commission may allow dimensional requirement modifications if the plans provide for open space, recreational facilities, architectural style or energy efficient siting or design.

17.16.100 MOBILE HOME STANDARDS

Mobile homes whether sited in parks (PURD'S) or individual lots shall meet the following conditions:

- A. Shall be placed on a permanent foundation or footings and piers and shall meet all manufacturer's specifications for support.
- B. Be securely tied down or anchored to the ground prior

to Building Inspector approval and be in conformance with manufacturer's specifications;

- C. A minimum of eighteen inches (18") be left as a crawl space under the entire mobile home;
- D. The tongue or tow bar shall be removed;
- E. All running gear including axles shall be removed when placed on a full foundation with a basement;
- F. Permanent steps shall be installed at all exits;
- G. Skirting shall be securely attached between the mobile home and the ground on all sides within thirty (30) days of home installation;
- H. The mobile home must have HUD (U. S. Department of Housing and Urban Development) certification;
- I. The mobile home shall not be occupied without approval of the Building Inspector; and
- J. Siting and installation of the mobile home shall be in conformance with all town zoning ordinances;
- K. Mobile Home Parks shall conform to the requirements of the town's Planned Unit Residential Development (PURD) Ordinance Number 447.

#### 17.16.110 UNSUITABLE LAND

Land which the Planning Commission finds to be unsuitable for building purposes due to flooding, bad drainage, steep slopes, rock formations or other features likely to be detrimental to the public health, safety and welfare of the future residents, shall not be built upon unless adequate safeguards are formulated by the owner and approved by the Planning Commission.

#### 17.16.120 PARKING STANDARDS

- .. See Chapter 17.36 parking and loading regulations of this Title.

## CHAPTER 17.20

### COMMERCIAL ZONE

Sections: 17.20.010 Purpose  
17.20.020 Permitted Uses  
17.20.030 Conditional Uses  
17.20.040 Dimensional Standards

#### 17.20.010 PURPOSE

The purpose of the Commercial Zoning District is to allow for a variety of commercial activities and facilities necessary to serve the needs of residents and visitors.

#### 17.20.020 PERMITTED USES

- A. Retail services such as grocery stores, pharmacies, bakeries, clothiers, bookstores, craft shops, etc.
- B. Personal service establishments;
- C. Self-service laundries, dry cleaning establishments;
- D. Specialty shops;
- E. Banks, professional offices and clinics, printing shops, newspaper offices;
- F. Hotels, motels, inns, boatels, restaurants, taverns;
- G. Entertainment and recreation facilities;
- H. Marinas and boat launches, marina and boat related services and shops;
- I. Laboratories;
- J. Art, music and dance studios;
- K. Furnitures, antique and woodworking shops;
- L. Lumber, feed and seed businesses;
- M. Service stations, auto repair shops, tire shops and machine or repair shops, provided that front yard space may not be used for storage, display or sale of used vehicles or equipment;
- N. Public or quasi-public uses such as parks, floats, governmental buildings and libraries;
- O. Private schools, day care centers, nurseries.

Appropriate screening shall be provided if any of these uses and zones are adjacent to residential uses and zones as directed by the Planning Commission.

17.20.030 CONDITIONAL USES

- A.. Single-family residential dwellings, dimensional standards to be determined on a case by case basis;
- B. Multi-family residential dwellings, dimensional standards to be determined on a case by case basis;
- C. Commercial or light industrial uses which would emanate noise, light, odors, or dust not normally associated with commercial operations; provided that:
  - 1. The use, operations and buildings design are compatible with surrounding uses and/or buildings
  - 2. There shall be no unusual fire, explosion, or safety hazards;
  - 3. There shall be no production of noise at any property line of any use in the Commercial District in excess of the average intensity of street and traffic noise found in the District;
  - 4. Pollution standards set up by Regional, State or Federal Pollution Control Commissions or Boards shall apply to all uses;
- D. Planned Commercial Development:  
Any building or development consisting of two or more shops or retail uses provided that:
  - 1. A development plan is submitted at the time of application, sufficient to show building size and uses; property lines, access, traffic circulation and parking facilities on proposed development and adjacent land within three hundred (300) feet;
  - 2. A conditional use permit shall constitute a permanent permit for the uses regardless of transfers of ownership. However, any increase in size, change in use or departure from conditions attached to the original permit shall require review by the Planning Commission and, if deemed necessary, submission of a new Conditional Use application.
- E. Animal hospitals and kennels, on a case by case basis.

17.20.040 DIMENSIONAL STANDARDS:

- A. Minimum Lot Size - No minimum lot size.
- B. There shall be no minimum lot width unless so specified by the Planning Commission.
- C. Maximum Lot Coverage shall be 100% unless specified otherwise by the Planning Commission and the provisions of Subsection D of this section.
- D. Minimum Building Setbacks - there shall be no minimum; provided that if the commercial use is adjacent to a RSD zone, the side yard setback shall be 10 feet and the rear yard setback 25 feet.
- D. The Planning Commission shall specify an extended building setback line of up to one hundred feet (100) but not less than fifty (50) feet for all types of structures on lots that border agricultural land to prevent shadows or other intrusions onto or conflicting with agricultural land and uses.
- F. Maximum floor area shall be two times the property area.
- G. Maximum Height shall be 35 feet, except in Historic Preservation area where the height is limited to 30 feet; exception, chimneys and vents.

## CHAPTER 17.24

### IND INDUSTRIAL DISTRICT

Sections:	17.24.010	Purpose
	17.24.020	Permitted Uses
	17.24.030	Conditional Uses
	17.24.040	Dimensional Standards
	17.24.050	Other Standards and Limitations

#### 17.24.010 PURPOSE

The purpose of the Industrial Zoning District is to provide areas for light to medium industrial uses and manage the development of these uses to minimize or eliminate nuisance factors and hazards to surrounding areas and the Town.

#### 17.24.020 PERMITTED USES

- A. Any light or medium industrial use, provided their performance is of such a nature that they do not inflict smoke, dirt, glare, odors, vibration, heat, noise, radiation, excessive traffic, other hazards and increased surface water runoff upon the surrounding residential commercial, public use, or other industrial uses;
- B. Accessory uses such as employee and visitor parking, loading facilities, and storage yards per standards of this section and Chapter 17.36 of this Title.

#### 17.24.030 CONDITIONAL USES

All non-industrial uses with dimensional standards to be determined on a case by case basis.

#### 17.24.040 DIMENSIONAL STANDARDS

- A. There shall be no minimum lot size.
- B. No minimum lot width unless so specified by the Planning Commission.
- C. Maximum lot coverage by all buildings shall be 100% unless specified otherwise by the Planning Commission and the provisions of Subsection D of this section.
- D. Minimum Building Setbacks - There shall be no minimum provided that if the industrial use is adjacent to or across the street from a RSD or Public Use Zone, the following setbacks apply:

	Front	Side	Rear
All building (interior lot)	50'	15' (total 30)*	50'*
Storage	25'	no storage	25*
All buildings (corner lot)	50'	50'	25'*
Storage	25'	25'	25'*

\*Applicable only if directly adjacent to RSD or PU Zone.

- E. The Planning Commission shall specify an extended building setback line of up to one hundred feet, but not less than fifty feet for all buildings on lots bordering agricultural land to prevent shadows or other intrusions onto or conflicting with agricultural land and uses.
- F. Maximum Height - 35 feet for all buildings and major structures; variance application necessary for chimneys, vent stacks, smoke stacks, etc.

#### 17.24.050 OTHER STANDARDS AND LIMITATIONS

- A. All uses shall meet the requirements of the Northwest Air Pollution Authority and other applicable Federal and State regulatory agencies.
- B. There shall be no pollution of surface or subsurface drainage waters.
- C. Screening and Fencing - concurrent with the development of industrial property, a sight-obscuring fence or wall at least six feet high shall be installed along the side of any part of the property facing a RSD Commercial, or Public Use Zone and shall meet the appropriate setbacks of Section 17.24.040 of this Chapter.
- D. In all areas and cases, storage yards shall be screened by a fence or wall at least six feet high.

## CHAPTER 17.28

### PU PUBLIC USE DISTRICT

Sections: 17.28.010 Purpose  
17.28.020 General Provisions  
17.28.030 Permitted Uses  
17.28.040 Dimensional Standards

#### 17.28.010 PURPOSE

The purpose of this designation is to provide for areas or facilities that are used by the public or utilized for the benefit of the public.

#### 17.28.020 GENERAL PROVISIONS

- A. The Planning Commission shall specify an extended building setback of up to one hundred feet, but not less than fifty feet for all types of structures on lots that border agricultural land to prevent shadows or other intrusions onto or conflicting with agricultural and uses.
- B. Advertising by signs is not permitted. The names of the institution or building may be displayed, provided it does not exceed twenty square feet in area. In addition, a building directory or schedule of services may be provided which is illuminated, but not a source of light, provided it does not exceed twenty square feet for each face.
- C. Along the boundary between the site and any adjacent residential district, the Planning Commission may require either a solid wall or sight-obscuring fence between five and six feet in height, or vegetative buffer.
- D. Where such a use is located across the street from a residential district the street frontage shall be planted to a depth of at least eight feet with substantial trees, shrubbery and ground cover.

#### 17.28.030 PERMITTED USES

- A. Public or private schools subject to the following conditions:

1. Setback a minimum of thirty five feet from any adjacent lot;
2. Setback a minimum of forty-five feet from any public right of way;
3. An abutting area of at least one-fourth acre devoted to playfield purposes;

- B. Hospitals and rest homes, provided there is a distance of fifty feet or more between the buildings and the property line;
- C. Churches, clubs, memorial buildings, community clubhouses, and museums;
- D. Governmental buildings including police and fire stations, office buildings, public libraries;
- E. Public utility buildings, provided they are located twenty feet or more from any other lot, and screened by landscaping or fences.
- F. Parks, playgrounds and public recreation uses such as ball fields, athletic fields, tennis courts, golf courses, swimming beaches, pools, launching ramps and public rest rooms.

17.28.040 DIMENSIONAL STANDARDS

- A. There shall be no minimum lot size.
- B. There shall be no minimum lot width.
- C. Maximum lot coverage - compatible with surrounding areas.
- D. Maximum height shall be compatible with surrounding areas.
- E. Minimum building setbacks, except for uses specified in Section 17.28.030 of this chapter shall be compatible with surrounding areas.

**17.32.010 FENCES, WALLS, SHRUBS AND HEDGES**

- A. Fences and walls, when not within the building area shall not exceed seven feet in height.
- B. Shrubs and hedges, subject to same height restrictions as fences.
- C. Planting for screening purposes must have five feet minimum at the time of planting and expected minimum height of twelve feet at maturity.

**17.32.020 VISIBILITY AT INTERSECTIONS**

On a corner lot in any district, nothing shall be erected placed, planted or allowed to grow in such a manner as materially to impair vision between height of two and one-half feet and ten feet above the centerline grades of the intersecting streets within a triangle formed by the road right of way lines of such corner lots and a line joining points along the road lines thirty feet from the point of the intersection. After notification of property owner by certified letter, the town crew shall remove obstruction.

**17.32.030 ANIMALS**

Small animals considered as pets are permitted in all zones provided they do not become a nuisance or health hazard.

**17.32.040 ANNEXATION**

At time of annexation, after proper evaluation and recommendation by the Planning Commission based upon the Comprehensive Plan and the current use of the area, the Town Council will assign to the area an appropriate classification.

## CHAPTER 17.36

### PARKING AND LOADING

Sections:	17.36.010	Required Generally
	17.36.020	Exemptions
	17.36.030	Increased Use
	17.36.040	General Parking Requirements
	17.36.050	On-Site Parking Requirements-Exceptions
	17.36.060	Off-Street Parking Lots
	17.36.070	Minimum Off Street Parking Requirements
	17.36.080	Loading Requirements

17.36.010 REQUIRED GENERALLY

Every building or use hereafter erected or enlarged shall provide off-street parking and loading spaces in the amount and form set forth in this Chapter.

17.36.020 EXEMPTIONS

Retail businesses fronting on First Street from Washington to Commercial Street end are exempt from parking requirements.

17.36.030 INCREASED USE

Any change of use requiring more parking shall comply with these provisions.

17.36.040 GENERAL PARKING REQUIREMENTS

- A. All off-street parking spaces shall be accessible to a public or private street, but the spaces may not project into any public street or right-of-way.
- B. Parking facilities for family dwellings of any type shall be located on the same property.
- C. Travel trailers or boats shall not be kept in any front yard unless no other space is available.
- D. For rest homes and boardinghouses, parking should be located within 200 feet; For all other uses, within 500 feet. No off-street parking facilities serving institutions or the general public shall be located in residential areas.
- E. Two or more buildings or uses may collectively provide the required off-street parking; provided that the number of spaces provided is no less than the sum of the required spaces for the several individual uses computed separately. Legally binding documents between the users shall be filed with the Town. If parking for the separate uses is needed at different times of the day or week, the applicant shall furnish satisfactory evidence that joint facilities shall not create a conflict of overlapping uses.

F. Screening shall be provided when a parking property abuts a residential area.

17.36.050 ON-SITE PARKING REQUIREMENTS -- EXCEPTIONS

A lot may be developed without meeting the specific parking space requirements if a variance request is submitted and approved. The applicant must submit or show:

- A. Plot Plan;
- B. Distance to other local parking;
- C. Show where customers will park;
- D. Show hardship;

17.36.060 OFF-STREET PARKING LOTS

- A. A lot used for parking five or more vehicles shall be improved to eliminate problems of dust, wind, grading and drainage.
- B. A parking area shall be developed and completed as required in this Title before an occupancy permit for the building is issued.

17.36.070 MINIMUM OFF-STREET PARKING REQUIREMENTS

Minimum off-street parking requirements shall be determined in accordance with the following table:

<u>Use</u>	<u>Number of spaces required per unit of measure</u>
Residential, single-family duplex, mobile homes	2 per dwelling unit
Multifamily dwellings, apartments, condominiums	2.2 per dwelling unit
Banks, businesses and professional offices, medical and dental clinics	1 space for each 200 sq. ft. of floor area *
Boat moorage or boat landing (public, private or pleasure)	1 per moorage slip excluding transient moorage
Churches, funeral homes	1 for each 4 seats
Dance or exhibition halls, or places of assembly; skating rinks, and other commercial recreation places.	1 for each 75 square feet of gross floor area of the building

Drive-in restaurants or similar drive in uses serving customers outside the building	1 for each 15 square feet of gross floor area
Food stores, markets	1 for each 150 square feet of usable retail floor area of the building*
Hotels, motels, boarding-houses	1 for each bedroom or suite*
Industrial and manufacturing uses including food processing plants and printing shops	1 for each 1.5 employees on largest shift
Hospitals, rest homes	1 for each 3 beds, and one for each regular employee and 1 for each staff physician
Other retail establishments such as furniture, appliance hardware, clothing, equipment service shops	1 for each 200 feet of usable retail floor area of the building up to 1,000 square feet; 1 for each 400 square feet of usable retail floor area over 1,000 square feet
Eating and drinking establishments	1 for each 100 square feet of gross floor area of the building*
Schools: Elementary	2 per classroom
Junior High	2 per classroom
Senior High	5 per classroom
Stadiums, sports areas, auditoriums, and other places of assembly with fixed seats	1 space for each 3 seats
Mixed uses, not specifically defined, including lumber and hardware store	1 for each 100 square feet of gross floor area up to 1,000 square feet. 1 for each 200 square feet of gross floor area in excess of 1,000 square feet

\*Adequate parking for employees shall be provided in addition to stated requirements.

- 17.36.080 LOADING REQUIREMENTS

An off-street loading space having access to a public thoroughfare shall be required adjacent to each business hereafter erected or enlarged if the use of such building includes deliveries to it or shipments from it. Such loading space shall be adequate size to accommodate the maximum number and size of vehicles simultaneously loading or unloading in connection with the business conducted in such building. The minimum loading space requirements shall be determined by the Planning Commission.

## CHAPTER 17.40

### SIGNS

Sections:	17.40.010	Purpose - Intent
	17.40.020	General Requirements
	17.40.030	Permits Not Required - Regulations
	17.40.040	Permits Required - Regulations

#### 17. 40.010 PURPOSE -- INTENT

The purpose of this Chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, and/or signs. It is intended to create a more attractive economic and business climate, enhance and protect the physical appearance of the community and reduce distractions and safety hazards to motorists.

#### 17.40.020 GENERAL REQUIREMENTS

The regulations contained in this section shall apply to all signs and all use districts:

- A. Signs which interfere with the view of traffic signs, signals or devices, and approaching or merging traffic are prohibited.
- B. Any sign containing flashing, moving, intermittent or uncomfortably intense light; or any sign which revolves is prohibited.
- C. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than six feet.
- D. No wall or roof sign shall extend beyond the top of the roof of the building, or the top of an existing parapet or false front. Bracing guy wires shall not be exposed.
- E. Directional signs and traffic signs intended to be viewed from a public right-of-way permanently erected or permitted by the Town, County or State to denote names, route, public facilities, transportation service or for the direction or safety of the public shall not be limited or require a permit.
- F. Off-premises signs, outdoor advertising structures, or billboards containing advertising material or the name of any advertiser are prohibited, except off-premises informational-directional outdoor advertising signs may be permitted by the Planning Commission provided the

the applicant can demonstrate that a significant portion of the potential users use a given road not adjacent to the business site, and that the business will lose a substantial portion of business or suffer economic hardship without the use of the informational-directional sign. In no case shall such off-premise directional sign exceed sixteen square feet, and no business shall be allowed more than two such signs.

- G. No sign, or part thereof shall contain or consist of banners, pennants, ribbons, streamers or other similar moving devices.
- H. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter or name of any advertiser, shall be permitted on any property.
- I. Signs erected or maintained on trees, rocks, or other natural features; signs becoming unsafe or obsolete or in danger of falling; signs erected or attached to a fire escape, or to any door or window giving access to any fire escape, are prohibited.
- J. Projecting signs must be located at a safe height above grade level, at least ten feet, except that the Planning Commission may specify a greater height when the sign is located over a public right-of-way.

#### 17.40.030 PERMITS NOT REQUIRED -- REGULATIONS

Signs permitted in all districts, not requiring a permit, shall be subject to:

- A. Residential name plate: Maximum two square feet, unlighted, mounted flat on the wall. One sign per family unit.
- B. Temporary signs endorsing political candidates, rodeos or other public events, to be removed within fifteen days following election or cessation of activity;
- C. Temporary real estate signs not to exceed four square feet in area, one sign per unit advertised.

- 17.40.040 PERMITS REQUIRED -- REGULATIONS

Signs requiring a permit shall be subject to the following:

- A. In a commercial or industrial district, each business shall be permitted two flat or wall signs;
- B. One free standing or projecting sign shall be allowed for each building in the commercial or industrial zone regardless of the number of businesses conducted in the building;
- C. All signs except informational -directional signs, and signs allowed in Section 17.40.030 of this Chapter shall be designed to be a part of the architecture of the building;
- D. All free standing signs are subject to the height and setback requirements of their respective zones. In the RSD zone, no sign shall exceed the height of their respective zones. In the RSD zone, no sign shall exceed the height of the primary use structure.
- E. Signs denoting construction in progress or identifying architect, engineer, or contractor, one sign per construction site, maximum eight square feet.-
- F. Signs giving information pertaining to public or semi-public institutions; maximum sixteen square feet.
- G. Professional name plates or signs pertaining to home occupations; maximum three square feet, unlighted, mounted flat on the wall, one sign per occupation.

CHAPTER 17.44

NONCONFORMING CONDITIONS  
AND USES

Sections: 17.44.010 Nonconforming Buildings  
17.44.020 Nonconforming Lots  
17.44.030 Nonconforming Use of Land  
17.44.040 Nonconforming Signs  
17.44.050 Unsightly Uses  
17.44.060 Effect of Annexation  
17.44.070 Exceptions

17.44.010 NONCONFORMING BUILDINGS

- A. Any nonconforming building already existing or under construction may be continued and maintained, provided it is not enlarged or altered so as to increase its nonconformity.
- B. Reconstruction of nonconforming building may be done if the damage does not exceed fifty percent of the existing assessed value, and if reconstruction is started within nine months and is completed within eighteen months of the date of damage. The extent of damage shall be determined by three appraisers, one to be chosen by the town, second by the owner, and the third by the first two. All costs incurred are to be paid by the owner.

17.44.020 NONCONFORMING LOTS

- A. A single lot of record in use prior to adoption of the ordinance which does not meet the minimum requirements for that zone, may continue to be used.
- B. If two or more lots with continuous frontage are in a single ownership, and if any of these lots fail to meet requirements, the land involved shall be considered to be an undivided parcel; and no portion of the parcels shall be sold or used which fails to meet the requirements of that zone.

17.44.030 NONCONFORMING USE OF LAND

- A. Any nonconforming use of a building or structure may be continued or maintained, provided the use is not altered in any way. If the use is discontinued for a period of six consecutive months, or for a total of eighteen months in any three year period, or if superseded by a conforming use, it may not revert back to the nonconforming use.
- B. Any permit issued for a nonconforming use shall be non-transferable.

C. The nonconforming use of land, where no building is involved, may be continued; provided, that it is not enlarged, changed, or extended. If the use ceases for a period of more than ninety days, any subsequent use shall be a conforming use.

#### 17.44.040 NONCONFORMING SIGNS

Nonconforming signs shall have to be removed or altered to comply with regulations within three years of the adoption of the ordinance codified in this title.

#### 17.44.050 UNSIGHTLY USES

Junkyards, fuel yards, supply yards, and other unsightly uses which after adoption of the ordinance codified in this title exist as nonconforming uses in any zone shall within three years revert to a conforming use, be discontinued, or removed.

#### 17.44.060 EFFECT OF ANNEXATION

Nonconformance as a result of annexation will be subject to the regulations set forth in this chapter.

#### 17.44.070 EXCEPTIONS

A conditional use permit may be granted if the planning commission determines that conformance with the requirements would constitute a hardship to the owner greater than the public benefit expected through the compliance with the requirements, or if the nonconforming use of the structure has historic value.

## CHAPTER 17.48

### FLOODPLAIN MANAGEMENT

Sections: 17.48.010 Purpose  
17.48.020 General Requirements - Floodway  
17.48.030 General Requirements - Floodplain  
17.48.040 Special Requirements  
17.48.050 Planning Commission Responsibilities

#### 17.48.010 PURPOSE

The purpose of this section is to maintain eligibility for the National Flood Insurance Program, to prevent or minimize loss of life and property from floods, to protect the floodplain environment, and to protect the health, safety and general welfare of the citizens of the town.

#### 17.48.020 GENERAL REQUIREMENTS -- FLOODWAY

All construction or structures on land within the floodways that are or will be established by the U.S. Army Corps of Engineers shall be permitted by conditional use permit only. Such permits shall be issued only when structures are designed not to be damaged or dislocated by floodwaters, and not to restrict, alter, or hinder flow of floodwaters.

#### 17.48.030 GENERAL REQUIREMENTS -- FLOODPLAIN

All construction or structures on land situated within the floodplain that is or will be established by the U.S. Army Corps of Engineers shall be subject to these provisions:

- A. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor elevated to or above the regulatory one hundred year frequency flood level. Nonhabitable space, cellars, garages and other accessory buildings are allowed without elevating; provided; that no finished surfaces susceptible to flood damage are below the one hundred year flood level, and no insurable contents are contained in non-watertight space below the one hundred year flood level.
- B. Commercial, Industrial, Agricultural, or Other Construction. New construction or substantial improvements of any commercial, industrial, or agricultural structure shall have the lowest floor elevated to or above the regulatory one hundred year frequency flood level, or be floodproofed so that below the regulatory one hundred year flood level, the structure is watertight with walls

impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered engineer or architect shall certify that the standards of this subsection are satisfied.

- C. Accessory buildings are allowed without elevating; provided, that no finished surfaces susceptible to flood damage are located below the regulatory one hundred year flood level, and no insurable contents are contained in non-watertight space below the regulatory one hundred year flood level.

#### 17.48.040 SPECIAL REQUIREMENTS

- A. Sanitary sewer and storm drainage systems that have openings below the one hundred year flood level are to be constructed with automatic backwater valves installed in each discharge line passing through an exterior wall.
- B. Firm anchoring of all floatable structures including mobile homes or tanks is required. Anchoring of such structures must meet Flood Insurance Administration Regulations. (1910. 3(b) (8))
- C. All furnace fire pots, electrical distribution panels and like utilities are to be placed one foot above the one hundred year flood level. Those electrical outlets and facilities below the one hundred year flood level must be on a separate circuit.
- D. Materials which are flammable, explosive, or toxic to plant or animal life when exposed to floodwaters must be firmly secured against floatation, and/or sealed or elevated to avoid exposure to flood waters.
- E. Infiltration of floodwaters into new or replacement water and sewer systems is to be minimized or eliminated.

#### 17.48.050 PLANNING COMMISSION RESPONSIBILITIES

The planning commission shall have the following responsibilities:

- A. Empowered to delineate the flood hazard area for the town;
- B. Reviews all building permit applications for new construction or substantial improvements to determine flood hazard requirements;
- C. Provide information on present uses and occupancy requirements of the floodplain;
- D. Provide available flood elevation data upon request.

CHAPTER 17.56  
CONDITIONAL USE PERMITS

Sections: 17.56.010   Granting Authority  
                 17.56.020   Application-Requirements-Approval or Denial  
                 17.56.030   Appeals  
                 17.56.040   Review

#### 17.56.010 GRANTING AUTHORITY

The planning commission shall have the authority to grant conditional use permits for such uses and under such circumstances as set forth in this title.

#### 17.56.020 APPLICATION -- REQUIREMENTS -- APPROVAL OR DENIAL

The applicant shall have to demonstrate, and the planning commission shall consider, the following in approving or denying an application:

- A. The use will conform to the comprehensive plan in respect to existing and future land use and circulations.
- B. The use will cause no adverse effects on the surrounding community due to automobile circulation and parking.
- C. The use will not produce excessive noise, odors, air or water pollution, or otherwise disrupt the convenience and enjoyment of the environment.
- D. The use will not cause intrusion on privacy.
- E. The use will not interfere with the preservation of historic value of the community.
- F. The design of the site and structure will be such as avert blight, and be compatible with the surrounding area.

#### 17.56.030 APPEALS

Decision of the planning commission is appealable to the town council within ten days.

#### 17.56.040 REVIEW

A conditional use permit constitutes a permanent permit for the uses regardless of transfers of ownership. However, any increase in size, change in use, or departure from conditions attached to the original permit shall require review by the planning commission and if deemed necessary, submission of a new conditional use application.

## CHAPTER 17.52

### HISTORIC PRESERVATION

Sections: 17.52.010      District Created - Purpose  
17.52.020      Description of District  
17.52.030      Commission Created  
17.52.040      Commission-Meeting Procedures and Records  
17.52.050      Certificate of Approval- Required  
17.52.060      Certificate of Approval-Application-General  
                    Criteria  
17.52.070      Standards for Construction or Modification  
17.52.080      Certificate of Approval- Approval and Denial  
                    Procedures

#### 17.52.010 DISTRICT CREATED -- PURPOSE

In order that buildings in the commercial and business area of downtown may not be injuriously affected; to promote the public welfare and to provide for the enhancement of the town and its structures, thereby contributing to the social, cultural and economic welfare of the citizens of the town, by developing an awareness of its historic heritage; returning unproductive structures to useful purposes and attracting visitors to the town; and in order that a reasonable degree of control may be exercised over the site development and architecture of private and public buildings, the historic preservation ordinance codified in this chapter is adopted and a historic preservation district created.

#### 17.52.020 DESCRIPTION OF DISTRICT

The physical boundaries of the historic preservation district are illustrated on a map which was adopted by the town council on the 5th day of September 1972, and is on display at the town hall. The town council on recommendation of the planning commission, and after public hearings, shall have the power to designate areas to be included within the historic preservation district.

#### 17.52.030 COMMISSION CREATED

The mayor, with approval of the town council, shall appoint a historic preservation commission to consist of six members, each of whom shall serve a term of three years. Three members shall constitute a quorum to do business, and the chairman, who shall be elected by the members, shall vote only in case of a tie.

#### 17.52.040 COMMISSION -- MEETING PROCEDURES AND RECORDS

The planning commission, or its chairman, shall have the responsibility for preparation of documents, public notification, and the scheduling of meetings by the historic preservation commission in all matters to be reviewed by the Historic

preservation commission

17.52.050 CERTIFICATE OF APPROVAL -- REQUIRED

No person shall alter, demolish, construct, reconstruct, restore or remodel, or make any material change in the exterior appearance of any existing structure, or construct any new structures in the historic preservation district without first obtaining a certificate of approval from the planning commission, following recommendation by the historic preservation commission.

17.52.060 CERTIFICATE OF APPROVAL -- APPLICATION -- GENERAL CRITERIA

In consideration of such application, the historic preservation commission shall be guided by the criteria proposed by the National Trust for Historic Preservation for the determination of historic districts, as follows:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in history; or
- C. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

17.52.070 STANDARDS FOR CONSTRUCTION OR MODIFICATION

The planning commission in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of exterior appearance of any building shall keep in mind the purpose of this chapter and shall consider, among other things, the historical and architectural value and significance,

architectural style, the general design, arrangement, texture, material, and color of the building or structure in question or its appurtenant fixtures including signs, the relationship of such features to similar features of other buildings within the historic district, and the position of such building or structure in relation to the street or public way and to other buildings and structures.

17.52.080 CERTIFICATE OF APPROVAL -- APPROVAL AND DENIAL  
PROCEDURES

- A. If after considering the provisions of this chapter, the planning commission determines that the proposed changes are consistent with the criteria and standards for historic preservation as set forth in this chapter, it shall issue the certificate of approval.
- B. In the event of a determination to deny a certificate of approval, the planning commission or a designated representative shall consult with the owner within a period of sixty days for the purpose of considering means of preservation that will be in keeping with the criteria. If additional time is necessary, the commission may, before the sixty days have expired, extend the time not to exceed an additional thirty days. If, at the end of this time, an acceptable solution has not been achieved, the certificate of approval shall finally be denied and the applicant shall be so notified by letter, provided the applicant may appeal to the town council in writing within seventeen days of the date of the letter denying the application; and the town council may, with or without a public hearing, reverse or modify the decision of the planning commission only if it finds that:
  1. Every reasonable effort has been made by the applicant to agree to the recommendations of the commission; and
  2. Owing to special conditions pertaining to his specific

piece or property, the full application of the recommended requirements will cause undue and unnecessary hardships.

In which case, the certificate of approval shall be issued notwithstanding such prior determination.

CHAPTER 17.60  
CERTIFICATE OF ZONING AND  
COMPREHENSIVE PLAN COMPLIANCE

Sections: 17.60.010 Required  
17.60.020 Compliance with Certain Conditions  
17.60.030 Required Information and Review by Commission

17.60.010 REQUIRED

For any construction requiring a building permit, the applicant first must obtain from the planning commission a certificate of zoning and comprehensive plan compliance.

17.60.020 COMPLIANCE WITH CERTAIN CONDITIONS

The applicant must be able to demonstrate to the planning commission that the intended structure or development will meet the conditions set forth in this title including parking requirements, sign regulations, and performance standards for industry, and is in conformance with the goals, objectives; and standards of the comprehensive plan.

17.60.030 REQUIRED INFORMATION AND REVIEW BY COMMISSION

Site development plans, drawn to scale, showing location of buildings, landscaping, signs, lighting, access and parking arrangements, and elevation drawings of proposed buildings must be submitted together with the application for certificate of compliance. In addition, any development within the declared historic preservation area will be subject to historic preservation commission's review with final approval by the planning commission.

CHAPTER 17.64

VARIANCES

Sections: 17.64.010 Application - Contents  
17.64.020 Application-Filing-Hearing-Notice  
17.64.030 Findings by Board  
17.64.040 Action By Board - Record  
17.64.050 Prohibited

17.64.010 APPLICATION -- CONTENTS

A variance from the terms of this title shall not be granted unless and until a written application for variance is submitted to the town containing:

- A. Name, address and phone number of applicant;
- B. Name and notarized signature, address and phone number of legal owner of subject property;
- C. Legal description of property;
- D. Description of variance being requested and plot plan;
- E. A narrative statement demonstrating that the requested variance conforms to the following standards:
  1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district,
  2. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title,
  3. That the special conditions and circumstances do not result from the actions and the applicant,
  4. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district.

17.64.020 APPLICATION -- FILING -- HEARING -- NOTICE

- A. Upon the filing of an application for variance, the town clerk shall schedule a public hearing before the board of adjustment at their next regularly scheduled meeting date.

- B. A notice containing sufficient explanation shall be published twice in the legal newspaper of the town, at least once ten days prior to the intended public hearing.
- C. Written notices of the public hearing shall be sent to adjacent property owners within three hundred feet of the property upon which the variance is requested.
- D. The applicant shall appear at the public hearing in person, by agent, or by attorney.

17.64.030 FINDINGS BY BOARD

- A. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- B. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

17.64.040 ACTION BY BOARD -- RECORD

The board of adjustment shall, in making an order, requirement, decision or determination, include a brief nonverbatim written record of the case and findings of fact upon which the action was based.

17.64.050 PROHIBITED

Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.

CHAPTER 17.68

AMENDMENTS

Sections: 17.68.010    Generally  
                  17.68.020    Procedure

17.68.010 GENERALLY

Valid amendments must be in harmony with the principle of orderly growth and development expressed in the comprehensive plan and zoning ordinance as codified in this title. Such amendments must also bear relation to the public health, safety, morals, and general welfare.

17.68.020 PROCEDURE

Amendment of this title may be initiated by:

- A. A petition of one or more owners of the property which is proposed for reclassification; or
- B. A recommendation by the planning commission. In all cases, final approval must be voted by the town council.

CHAPTER 17.72

PLANNING COMMISSION

Sections: 17.72.010      Established - Members-Rules  
                  17.72.020      Meetings  
                  17.72.030      Powers and Duties  
                  17.72.040      Recommendations - Procedures

17.72.010. ESTABLISHED -- MEMBERS -- RULES

- A. A planning commission is established which shall consist of six members, appointed by the mayor with approval of the town council. Members may be removed from office by the mayor for neglect of duty, or malfeasance in office after a public hearing with consent of town council. Vacancies shall be filled by appointment by the mayor with approval of the town council. The term of office on the planning commission is three years.
- B. The planning commission shall elect a chairman and vice chairman from among its members, shall appoint a secretary who need not be a member of the commission, and shall adopt rules for transaction of business and shall keep a record of transactions, findings and determinations.

17.72.020 MEETINGS

No less than one regular meeting shall be held each month unless no matters are pending on the commission calendar. Four members shall constitute a quorum to conduct business. The chairman shall vote only in case of a tie.

17.72.030 POWERS AND DUTIES

The planning commission shall have the following powers and duties:

- A. Preparation and approval of the comprehensive plan, and amendments or additions to the plan, for referral to the town council;
- B. Promote public interest in, and understanding of, the comprehensive plan and its purpose;
- C. Provide recommendations to the town council on conformance of public or private projects to the comprehensive plan, including recommendations which would make nonconforming projects conform;

- D. Cooperate with other agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally with relation to carrying out the purpose of the comprehensive plan;
- E. Preparation, holding of hearings, and recommendations to town council on official controls, and amendments to official controls, which when adopted will further the objectives and goals of the comprehensive plan;
- F. Review and make recommendation on all proposed land plats and subdivisions, including modifications necessary to assure conformance to the general purposes of the comprehensive plan and to standards and specifications established by state law or local controls;
- G. Hold hearings, take testimony and make recommendations to the town council on amendments to the town zoning map or zoning text;
- H. Hear and decide on zone compliance sign permits, certificates, and other duties delegated by the town council and/or town ordinances.

17.77.040 RECOMMENDATION -- PROCEDURE

- A. Before recommending an official control or amendment to the town council for adoption, the planning commission shall hold at least one public hearing.
- B. Recommendation to the town council on any official control or amendment thereto shall be by an affirmative vote of not less than a majority of the total members of the commission. Recommendations shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its actions.

CHAPTER 17.76

BOARD OF ADJUSTMENT

Sections: 17.76.010    Established - Members  
                  17.76.020    Officers - Meetings  
                  17.76.030    Rules and Records  
                  17.76.040    Powers and Duties

17.76.010 ESTABLISHED -- MEMBERS

A board of adjustment is established which shall consist of five members, one of whom shall be the chairman of the planning commission, the members to be residents of the town, to be appointed by the mayor with approval of the town council. Members of the board of adjustment may be removed from office by the mayor with the consent of the town council after a public hearing, for neglect of duty or malfeasance in office. Vacancies shall be filled by appointment by the mayor with approval of the town council, and the term shall be for a period of three years.

17.76.020 OFFICERS -- MEETINGS

The board of adjustment shall elect a chairman and vice-chairman from among its members, and shall provide a secretary who need not be a member of the board. Not less than one regular meeting shall be held in each month of each year; provided, that if no issues over which the board has jurisdiction are pending upon its calendar, a meeting may be cancelled. All meetings shall be open to the public.

17.76.030 RULES AND RECORDS

The board of adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

17.76.040 POWERS AND DUTIES

The board of adjustment shall hear and decide on variances. The board of adjustment may authorize, upon appeal in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship.

CHAPTER 17.80

APPEALS

Sections: 17.80.010    Generally

17.80.010 GENERALY

The board of adjustment shall announce its decision within ten days following the hearing. The action by the board of adjustment on an application for a variance shall be final and conclusive, unless within ten days from the date of the action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, mandamus, or prohibition.

CHAPTER 17.84  
ENFORCEMENT AND PENALTY

Sections: 17.84.010 Enforcement  
17.84.020 Violation -Complaint-Procedure  
17.84.030 Complaint-Violation  
17.84.040 Violation-Penalty  
17.84.050 Severability  
17.84.060 Validity  
17.84.070 Zoning Map  
17.84.080 Repeal of Ordinance No. 339 and 413

17.84.010 ENFORCEMENT

The town council has the authority to enforce this title. The planning commission has the duty to investigate complaints and shall file a report of its findings and recommendation with the council. The commission or its designee may enter upon lands provided that such entries do not damage or interfere with the land of those persons lawfully entitled to the possession thereof.

17.84.020 VIOLATION -- COMPLAINT -- PROCEDURE

Any person may file a written complaint with the planning commission or the town clerk to report a violation of this title. The planning commission shall notify the person against whom the complaint has been lodged, and that person shall be afforded an opportunity to respond to the complaint within thirty days.

17.84.030 COMPLAINT -- COMPLIANCE

If a complaint can be brought into compliance with this title through the work of the planning commission and the parties involved, no report need be made to the town council.

17.84.040 VIOLATION -- PENALTY

Violation of this title shall constitute a misdemeanor. Anyone violating or failing to comply with the provisions of this chapter shall upon conviction thereof, be fined in a sum not exceeding five hundred dollars or imprisoned for a term not exceeding six months, or may be both so fined and imprisoned, and each day's violation or failure to comply will constitute a separate offense.

17.84.050 SEVERABILITY

In the event that any section, paragraph, or part of this title is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

17.84.060 VALIDITY

If any part of this title shall be held invalid or unconstitutional, the remainder of the title shall remain in full force and effect.

17.84.070 ZONING MAP

The map annexed hereto and marked Exhibit A is hereby incorporated as part of this Ordinance as though set out in full.

17.84.080 REPEAL OF ORDINANCE NO. 339 and 413

And any other Ordinances in direct conflict with this Ordinance are hereby repealed.

File with Zoning Ord.

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11/9/76

Approved

John

## PART I ORGANIZATION

### A. ORDINANCE - Chapter X, Zoning Ordinance of the Town of La Conner. Adopted \_\_\_\_\_, 1974.

A. Purpose. In order that buildings in the commercial and business area of downtown La Conner may not be injuriously affected; to promote the public welfare, and to provide for the enhancement of the Town and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of La Conner by developing an awareness of its historic heritage; returning unproductive structures to useful purposes and attracting visitors to the Town, and in order that a reasonable degree of control may be exercised over the site development and architecture of private and public buildings, this historic preservation ordinance is adopted and a historic preservation district created.

B. Description. The physical boundaries of the historic preservation district are illustrated on a map which was adopted by the Town Council on the 5th day of September, 1972, and is on display at the Town Hall. The Town Council, on recommendation of the Historic Preservation Commission and the Planning Commission, and after public hearings, shall have the power to designate areas to be included within the historic preservation district.

C. Commission Created. The Mayor, with approval of the Town Council, shall appoint a Historic Preservation Commission to consist of six (6) members, each of whom shall serve a term of three (3) years. Three members shall constitute a quorum to do business, and the chairman, who shall be elected by the members, shall vote only in case of ties.

D. Approval of Changes to Buildings, Structures and Other Visible Elements Within the Historic District. No person shall alter, demolish, construct, reconstruct, restore or remodel or make any material change in the exterior appearance of any existing structure, or construct any new structures in the Historic Preservation District without first obtaining a certificate of approval from the Planning Commission, following recommendation by the Historic Preservation Commission.

E. General Criteria. In consideration of such applications, the Historic Preservation Commission shall be guided by policies and guidelines adopted by the Historic Preservation Commission and approved by the Planning Commission. These policies and guidelines are to be established and periodically reviewed by the Historic Preservation Commission to determine that appropriate consideration is given to but not limited to the historical and architectural value and significance, architectural style, the general design,

lot size coverage, height, arrangement, texture, material, fenestration, lighting and color of the building or structure in question, or its appurtenant fixtures, including signs, the relationship of such features to similar features of other buildings within the historic district, and the position of such buildings or structures in relation to the Town's existing characteristics, street or public way and to other buildings and structures in the immediate neighborhood. These policies, guidelines and evaluation of applications proposals shall be available for public review.

In the consideration for recommendations to the Town Council on the Historic Districts or Sites, the Historic Preservation Commission shall be guided by the criteria proposed by the National Trust for Historic Preservation for the determination of historic districts, as follows:

Districts, sites, buildings, structures, and objects of national, state and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. That are associated with the lives of persons significant in history; or
- c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. That have yielded, or may be likely to yield, information important in prehistory or history.

F. Approval and Denial Procedures. If after considering the foregoing, the Planning Commission determines that the proposed changes are consistent with the criteria and standards for historic preservation as set forth herein, it shall issue the certificate of approval.

In the event of a determination to deny a certificate of approval, the Planning Commission or a designated representative shall consult with the owner within a period of sixty (60) days for the purpose of considering means of preservation that will be in keeping with the criteria. If additional time is necessary, the commission may, before the sixty (60) days have expired, extend the time not to exceed an additional thirty (30) days. If, at the end of this time, an acceptable solution has not been achieved, the certificate of approval shall finally be denied and the applicant shall be so notified by letter, providing the applicant may appeal to the city council in writing within seventeen days of the date of the letter denying the application, and the city council may with or without a public hearing, re-

verse or modify the decision of the Planning Commission only if it finds that:

- (1) Every reasonable effort has been made by the applicant to agree to the recommendations of the commission; and
- (2) Owing to special conditions pertaining to his specific piece of property, the full application of the recommended requirements will cause undue and unnecessary hardship,

in which case the certificate of approval shall be issued notwithstanding such prior determination.

G. Meeting Procedures and Records. The Planning Commission, or its chairman, shall have responsibility for preparation of documents, public notification, and the scheduling of meetings by the Historic Preservation Commission in the review of all applications for construction within the Historic District ~~if it is deemed necessary that it be held other than at~~ scheduled meetings established by the Historic Preservation Commission.

H. Penalty. Violation of this ordinance shall constitute a misdemeanor. Anyone violating or failing to comply with the provisions of this chapter shall, upon conviction thereof, be fined in a sum not exceeding five hundred dollars or imprisoned for a term not exceeding six months, or may be both so fined and imprisoned, and each day's violation or failure to comply shall constitute a separate offense.

I. Severability. In the event that any section, paragraph or part of this chapter is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

## PART I ORGANIZATION

### B. FUNCTIONS

1. Official Functions. The functions of the Historic Preservation Commission as set forth in Chapter X of the Zoning Ordinance of the Town of La Conner (1974) are as follows:

- a. To make recommendations to the Planning Commission regarding any and all acts to alter, demolish, construct, reconstruct, restore or remodel or make any material change in the exterior appearance of any existing structure or construct any new structure in the Historic Preservation District.
- b. To establish, in coordination with, and with approval of the Planning Commission, criteria for evaluation of said acts and procedures under which proposals for such acts will be presented and reviewed.
- c. To make recommendations to the Planning Commission and Town Council regarding the addition or removal of areas to or from the Historic Preservation District.

2. Additional Functions. Functions not officially designated, but pursuant to the purposes of the Commission, may include the following:

- a. Research and Documentation of historical aspects of the Town of La Conner, its people, its structures, its activities, its culture, etc.
- b. Consideration of additional districts, sites, buildings, structures, and objects of national, state and local importance for inclusion in the State and National Register of Historic Places.
- c. Undertake an educational program to further a local and regional appreciation and awareness of La Conner's heritage, and clarify functions and activities of the Historic Preservation Commission.

## PART II HISTORIC PRESERVATION

### A. GOALS STATEMENT

*Adopted October 1971*  
As an advisory body to the Planning Commission, the Historic Preservation Commission adopts the basic goal established by the Planning Commission "to achieve and maintain a stabilization of the physical environment to allow the community to continue as a viable organization while avoiding detrimental changes in the existing individual behavior patterns", and further, adopts the applicable policies of the Planning Commission, including the following:

1. Discourage rapid, uncontrolled growth of population and physical development.
2. Stop present decay and misuse of land.
3. Avoid a complete or primary reliance upon tourism for an economic base.
4. Appreciate an individual's freedom of choice and expression.
5. Encourage the development of personal service and commercial facilities.
6. Avoid the development of heavy industrial establishments.
7. Preserve the physical scale and character of the Town for the benefit of its residents.
8. Preserve elements of historic significance for the appreciation and enjoyment of present and future generations.

## PART II HISTORIC PRESERVATION

### B. POLICY STATEMENT

To further the goals and policies of the Planning Commission, and to provide guidance for its own functions, the Historic Preservation Commission adopts the following policies:

1. Follow a specific set of criteria, guidelines and review procedures in the consideration of development applications and evaluation of potential areas to be included into the Historic Preservation District.
2. Establish all policies, guidelines and procedures of this Commission in coordination with, and with the approval of the Planning Commission.
3. Make a reasonable effort to keep the citizens of La Conner informed of the policies and Guidelines of the Commission, as well as the intent and rationale behind those policies.
4. Periodically review all policies, guidelines and procedures and make necessary changes in a manner similar to original adoption.
5. Periodically review areas of potential inclusion into the Historic Preservation District and make recommendations to the Planning Commission and Town Council.
6. Make available to any interested citizen the policies and guidelines, as well as operational procedures, under which any development in the Historic Preservation District will be reviewed.
7. In recognition of the potential economic commitment of the applicant, make all reasonable efforts to expedite the review process.
8. Review all applications in the most objective manner possible within the established criteria and guidelines and avoid any influence of personal involvement or interests.
9. Record all decisions, recommendations and other official activities and make them available for public review.
10. Work with the applicant during the early design stages to assure an understanding of the policies and guidelines.

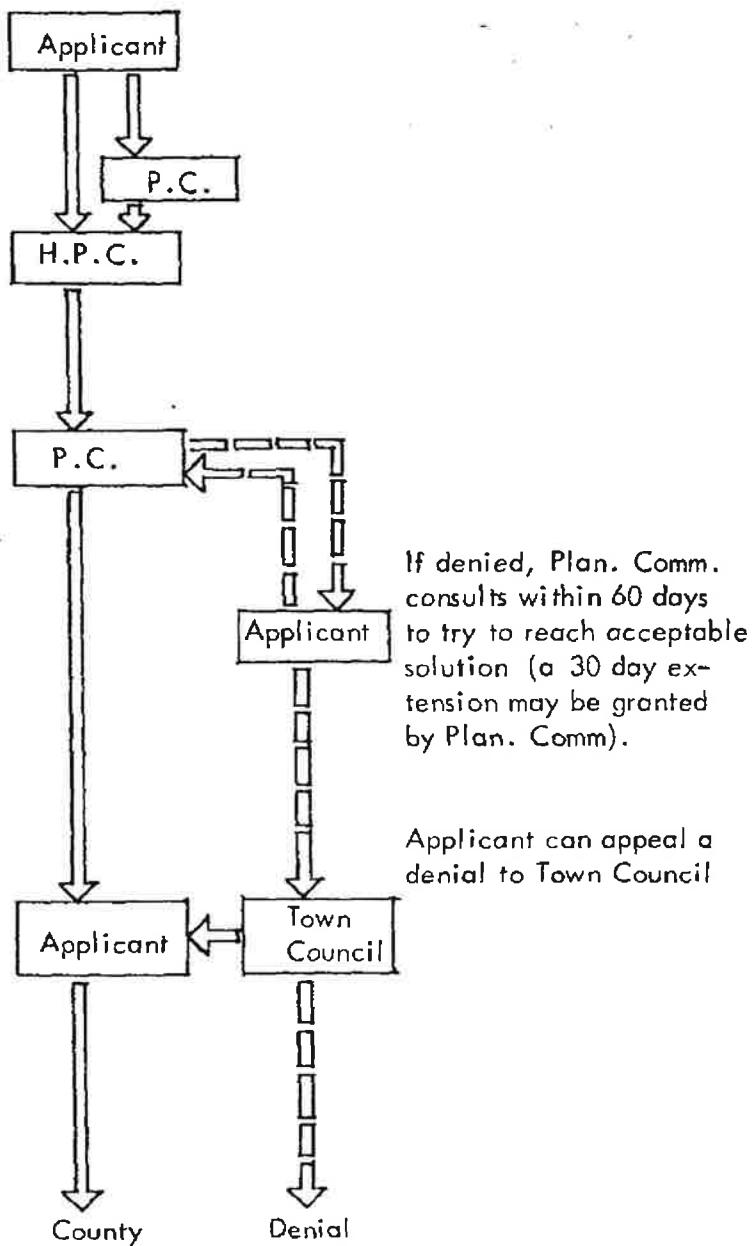
## PROCEDURES FOR HISTORIC PRESERVATION

1- It is recommended that Applicant and HISTORIC PRESERVATION COMMISSION hold preliminary design conferences.

2- Applicant submits proposal to either Plan. Comm. or Hist. Pres. Comm.

3- Hist. Pres. Comm. submits recommendations to the Plan. Comm.

- 4- Plan. Comm. certifies compliances (Historic, Zoning, Comprehensive Plan.)



## PART II HISTORIC PRESERVATION

### C. DESIGN REVIEW

#### 1. Intent

The intent in establishing a design review procedure on proposed construction in the Historic Preservation District is to help insure the continuing compatibility of future projects with the characteristics of the existing community. It is not the intent to stop or impede growth or improvements, but to allow them to be implemented without detrimental consequences to the adjacent properties and the Historic District as a whole. Additional purposes of this procedure are to stabilize and improve property values and to encourage new building developments and improvements to existing structures. The primary purpose of the guidelines for the design review is to allow this area to develop, not as a relic of the past, but as a vital area to the well being of La Conner, in which each succeeding generation may build within the general framework of past generations.

It is also the intent of this Commission to establish guidelines for the review process that can be used in the evaluation and analysis of proposed projects in a fair and objective manner that recognizes the existing characteristics of the Historical District while allowing growth and improvements to be generated.

The purpose is not to restrict creativity, but to allow it to flourish within the existing community's conditions and structures, utilizing the existing environment as the basic design medium.

It is intended that in establishing a set of evaluation criteria, each project will be analyzed on how compatible it is within the existing physical setting of the community without emphasizing any one specific characteristic of a project or design; thereby allowing the individual designers to have the opportunity to express *propose* their own interpretations of the important characteristics they wish to emphasize.

The basis for the evaluation will be the comparison of the proposed project to the existing surrounding characteristics or the "averages" of these characteristics.

#### 2. Review Procedures

One purpose of establishing a review procedure is to enable an Applicant for a proposed project to understand what is expected of him during the evaluation procedure and the chain of events of establishing the recommendation the Commissioners will be forwarding to the Planning Commission.

The second purpose of establishing a review procedure is to allow new commission members the opportunity to become familiar with the guidelines before being called upon to evaluate any specific project.

Drawings and Material to be submitted by the Applicant:

-Site Plan showing:

- Building (Project) placement in relation to other improvements
- Setbacks from property lines
- Parking
- Landscapeing
- Direction of North and the drawing scale

-Floor Plan with direction of North and the drawing scale

-Exterior Elevations noting:

- Materials
- Colors
- Roof pitches
- Height dimensions
- Signing
- Lighting
- Scale of drawings

-Exterior Perspective is not required, but helpful in explaining project.

-Occupancy of building

-For improvements to existing buildings:

- Estimated original construction date
- Any historical data the Applicant wishes to present to the Commission to substantiate his proposal.

The material being submitted should be drawn in a clear and orderly fashion that will enable the Historic and Planning Commissions to gain a complete understanding of the proposed project without any further explanation.

Procedure for Review:

1. The Applicant will be given the opportunity to present his proposal and make any comments he feels pertinent to the project and the design.
2. The Historic Preservation Commissioners will then have the opportunity to ask the Applicant questions related to the project.
3. The Chairman of the Historic Preservation Commission will then invite comments from the public and will read any signed correspondence this Commission might have received on the proposed project.

4. The Chairman will then close the meeting to public input and allow the Commissioners to discuss the project amongst themselves and to mark the evaluation sheets.  
If the Applicant has not given the Commissioners prior notice of the project, the Commissioners may decide to postpone the evaluations until a future date, to allow them the opportunity to personally visit the site.
5. After the evaluation sheets have been marked, the Chairman will then tabulate the results and notify the Applicant of the Commission's recommendations to the Planning Commission.
6. After the evaluation has been tabulated, the Chairman will entertain a motion from the Commissioners on the recommendation to the Planning Commission.
7. If an Applicant's project is given an unfavorable evaluation, the Applicant will be given the opportunity to review the evaluation sheets and re-present the project at a future date to be re-evaluated.\*

Before the Applicant presents the proposed project at a scheduled Historic Preservation Commission meeting, it is recommended the Applicant meet with the Commissioners at the design stage of a project and notify the Commissioners of the application before the scheduled meeting; thereby allowing the members to visit and become familiar with the site.

\* The Applicant can request a further explanation of the reasons for rejection of his proposal.

### 3. Guidelines

In establishing guidelines for the evaluation of a proposed project, the Historic Preservation Commission is trying to achieve two major objectives. One would be to allow an Applicant to review the guidelines before he has committed funds to the design of a project, and the other is to try to avoid capricious or discriminatory evaluations by members of the Commission.

The following guidelines are intended to serve as a guide on proposed projects and are not meant to be interpreted as unwavering standards.

### Site Considerations

1. Landuse/Occupancy: The bases for evaluation on the landuse or occupancy of a site would be its compatibility within the neighborhood and if adequate safeguards have been observed to guarantee screening of objectionable or non-compatible activities. The Historic Preservation Commission does not have the authority to recommend changes in zoning of the land, but is concerned on how the proposed activities will affect the design characteristics of the proposed improvement or its neighborhood. Consideration should be given to: visual, olfactory and noise pollutants.
2. Scale of Building: Primary concern with the scale or bulk of a structure would be on how close to the "average" building size in the neighborhood by which the proposed structure could be compared. The scale of a building will be analyzed on both over or under sized structures for the neighborhood and occupancy.
3. Lot Coverage: The total area the building occupies on the site will be compared with the average lot coverage for that neighborhood. Here, as with the scale, both over and under average coverage should be taken into consideration. Ideally, the coverage would fall within 10% of the neighborhood average.
4. Building Placement (Setbacks): Here, as with the previous three items, major consideration will be given to the neighborhood averages. A different consideration for building placement would govern if an extreme variety of setbacks are encountered for the neighborhood; then the average would be forward recognizing this variety.
5. Recognition of Natural Building Restrictions: Consideration will be given to designs that recognize site restrictions and how effectively they are handled. These restrictions would include: Waterfront Erosion, Steep Terrain, Existing Vegetation and Flood Control.
6. Parking: The visual elements of automobiles and parking lots will be given consideration. The neighborhood averages on parking provisions will be the guideline on whether too much or not enough parking is provided to be compatible with the surroundings.

### Shape of Structure

7. Elevations and Roof Lines: The total shape and size of each elevation of a building will be given consideration in the evaluation of the design. By comparing a building's side, rear and front elevations along with the roof

lines or pitch against the "average" or predominant sizes and shapes of the existing; the consistency within a neighborhood can be evaluated and detrimental forms can be quickly spotted.

#### Site Improvements

8. Landscaping, Seating, Ground Surface Material, etc.: In evaluating or grading proposed site improvements, another factor besides rating against an average should be considered. This factor is the enhancement of the environment by adding desired amenities in the form of landscaping, paving materials, lighting fixtures, seating, etc. The important criteria in evaluation of proposed site improvements would be the functional and esthetic quality they offer to or detract from a project and the adjacent structures. When landscaping is indicated, especially in raised planters, a schedule on how the material will be maintained and watered should be indicated.

#### Signing

9. General Appearance:
  - a. The overall sign impact, size, shape, texture, method of attachment, color and lighting will be evaluated in relationship to the size of the building and to the street. The placement of a sign on a building must reflect the established idiom of other signs in the District. Deviations from the standard or average will be reviewed in the context of adjacent signs and the validity or desirability of introducing such variations.
  - b. Adherence to or enhancement of sightlines, both parallel to the sidewalks and perpendicular to them, should be considered. The primary reference will be oriented to the average pedestrian's eye level view; although views into or down the street from adjacent buildings will be an integral feature of the review..
10. Specific Details - Size, Location, Materials, Method of Attachment, Lighting, etc.:
  - a. Size: The size of any sign should respect the integrity of the building's design and general character of the signs and buildings in the immediate vicinity. If possible, the sign should reflect the character and the use within the structure.
  - b. Sign Location: Signs should not be placed on a structure so that they will disfigure or conceal architectural features or details of a structure.
  - c. Materials: Wood, wrought iron, steel, metal grillwork, handpainted, etc., which were used in the early twentieth century are desirable. Simplicity and restraint of the use of material selection should be given consideration.
  - d. Method of Attachment: The attachment of the sign should respect the

architectural integrity of the structure and relate to or become an extension of the architecture. Projecting signs not an integral part of an arcade or building feature should appear as a separate entity from the building by creating a space between the sign and building.

- e. Lighting Method: In general, no signs that flash, blink, revolve, or are otherwise animated, will be permitted. An indication of the foot candle power and intensity should be noted, so that the Commission may gauge the effectiveness and impact of the lighting intensity on the immediate surroundings. Subdued lighting will be given the highest evaluations.
- f. Quality: High quality signs and designs will strengthen the integrity of the District. Craftsmanship and construction are important to prevent a shoddy image.

#### Architectural Details:

- 11. Building Materials: In evaluating proposed buildings against the existing average materials, the cost and/or a misunderstanding of the cost, could be a significant factor in any major deviations from the desirable or existing materials in the area. If any significant substitution of materials is proposed, it should be accompanied with a cost breakdown comparing materials, maintenance and durability.
- 12. Openings for Doors and Windows: In reviewing a proposed project, not only should the proportions of windows and doors be given consideration, but the spacing of these elements in a compatible relationship to adjacent structures will be reviewed.
- 13. Color: The prerequisite of avoiding garish, startling, clashing and multi-color schemes of different hues will be the guideline in this evaluation.
- 14. Lighting: The main intent in establishing a review for exterior lighting and lighting visible from public access, is to prevent glaring lights of strong intensity distracting from a subdued lighting district. Spot lights should be discouraged unless an actual security problem exists, or unless a hazardous condition becomes apparent and flood lamps are used as a temporary measure.