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## Chapter 17.04

### General Provisions

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#### **17.04.010 Short title.**

The ordinance codified in this title shall hereafter be referred to as "The City of Craig Zoning Ordinance and Map." (Ord. 654 §100, 1985)

#### **17.04.020 Purpose.**

These regulations shall be for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the city by: the lessening of congestion in the streets and roads, or reducing the waste of excessive amounts of roads; promoting energy conservation; securing safety from fire and other damages; providing adequate light and air; classification of land uses; the distribution of land development and utilization; protection of the tax base; securing economy in governmental expenditures; fostering of the city's agricultural and other industries; and the protection of urban and nonurban development. (Ord. 654 §105, 1985)

#### **17.04.030 Authority.**

The "City of Craig Zoning Ordinance and Map" is authorized by Section 31-23-301, C.R.S., and is declared to be in accordance with all provisions of these statutes. (Ord. 654 §110, 1985)

## Chapter 17.08

### Definitions

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**17.08.005 Generally.**

For the purpose of this title, certain words and phrases used herein shall be defined or interpreted as follows:

- A. Words used in the present tense include the future.
- B. The word *person* includes a corporation as well as an individual.
- C. The word *lot* includes *plot* or *parcel*.
- D. The word *shall* is mandatory.

E. *Occupied* or *used* shall be construed to also include *intended, arranged or designed to be occupied or used*. (Ord. 654 §200, 1985)

**17.08.010 Accessory building.**

*Accessory building* means an auxiliary building or portion of a principal building, the use of which is incidental to that of the principal building. (Garage or building designed to contain garden equipment, etc.) (Ord. 654 §205(1), 1985)

**17.08.020 Accessory use.**

*Accessory use* means a use customarily incidental and subordinate to the principal use. (Ord. 654 §205(2), 1985)

**17.08.030 Agriculture.**

*Agriculture* means the science or art of cultivating the soil, producing crops, and raising livestock or poultry. (Ord. 654 §205(3), 1985)

**17.08.040 Alley.**

*Alley* means a secondary public right-of-way upon which the rear of building lots generally abut and which is normally employed for service purposes only. (Ord. 654 §205(4), 1985)

**17.08.045 Antique vehicle.**

*Antique vehicle* means any vehicle, at least twenty-five (25) years old, which is valued principally because of its early date of manufacture, design, historical interest or as a collector's item, or is

licensed as a collector's series or horseless carriage by the state of Colorado or another state with similar license provisions. (Ord. 768 §3(part), 1990)

**17.08.046 Architecturally compatible.**

*Architecturally compatible* refers to exterior finish on buildings, additions, roofs, etc. Materials shall be compatible in appearance to existing structures and surrounding areas. Uncolored galvanized metal shall not be allowed within the city limits, with the exception of those items or materials of uncolored galvanized metal required by the Uniform Building Code, Uniform Plumbing Code or Uniform Mechanical Code including, but not limited to, flashings, ductwork, venting, etc. Galvanized metal roofs shall be colored. (Ord. 755 §3, 1990)

**17.08.047 Auto salvage and/or wrecking yard.**

*Auto salvage and/or wrecking yard* means any building, structure, parcel of land, or portion thereof used for collecting or storing junk vehicles and machinery or parts thereof; for the dismantling, salvaging or demolition of vehicles or machinery or parts thereof; or for the sale of junk vehicles or machinery or parts thereof. (Ord. 768 §3(part), 1990)

**17.08.050 Boardinghouse, roominghouse or dormitory.**

*Boardinghouse, roominghouse or dormitory* means a building, other than a motel or hotel, where lodging or meals or both, for six (6) or more unrelated persons, are provided for compensation. (Ord. 654 §205(5), 1985)

**17.08.060 Building.**

*Building* means any structure used or intended for supporting or sheltering any use or occupancy. (Ord. 654 §205(6), 1985)

**17.08.070 Building heights.**

*Building heights* means the vertical distance measured from the grade line of the building to the highest point of the roof surface, if a flat roof; to the deck line, if a mansard roof; and to the average height level between eaves and ridge, if gable, hip or gambrel roof. (Ord. 654 §205(7), 1985)

**17.08.080 Club.**

*Club* means any membership organization, including a lodge, catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational uses and, further, whose activities are not conducted principally for monetary gain. (Ord. 654 §205(8), 1985)

**17.08.090 Country club.**

*Country club* means a club operated in connection with outdoor recreational facilities. (Ord. 654 §205(9), 1985)

**17.08.100 Conditional use.**

*Conditional use* means a use of land which is permitted in a particular zoning district only after review by the planning and zoning commission and approval by the city council to assure that it meets the criteria as outlined in Section 17.12.070, and which may have specific requirements. A

one-year time limitation and review will be enforced unless otherwise specified by the planning and zoning commission and the city council. Conditional use is transferable. (Ord. 654 §205(10), 1985)

**17.08.110 Dwelling.**

*Dwelling* means a building designed or used as living quarters for one (1) or more persons or families, but not including motels, hotels or boardinghouses. (Ord. 654 §205(11), 1985)

**17.08.120 Dwelling unit.**

*Dwelling unit* means a building or portion thereof providing complete housekeeping facilities for one (1) person or one (1) family. (Example: a duplex is a dwelling containing two (2) dwelling units.) (Ord. 654 §205(12), 1985)

**17.08.130 Family.**

*Family* means one (1) or more individuals occupying a dwelling unit and living as a single housekeeping unit, but not a group of more than five (5) unrelated persons. (Ord. 654 §205(13), 1985)

**17.08.140 Floodplain.**

*Floodplain* means an area of special flood hazard, as defined in the floodplain regulations for the city of Craig, Moffat County, in Chapter 17.88. (Ord. 654 §205(14), 1985)

**17.08.150 Foster home.**

*Foster home* means a home licensed by the State Department of Social Services and supervised by the county department of social services that accepts children under the age of eighteen (18) who are in the temporary legal custody of the county department of social services. (Ord. 654 §205(15), 1985)

**17.08.155 Fowl.**

*Fowl* means and includes any chicken, duck, goose, turkey, peafowl or other feathered animal, which are only permitted in the agriculture and rural residential zone districts. (Ord. 874 §4, 1999)

**17.08.160 Garage, commercial parking.**

*Commercial parking garage* means a lot or structure where motor vehicles are parked or stored for remuneration, hire or sale. (Ord. 654 §205(16), 1985)

**17.08.170 Garage, private.**

*Private garage* means an accessory building or buildings on the same lot as a dwelling or dwellings, used for the storage of motor vehicles, also including carports. (Ord. 654 §205(17), 1985)

**17.08.180 Garage, service and repair.**

*Service and repair garage* means a building used for the maintenance, repair or equipment of motor vehicles for remuneration. (Ord. 654 §205(18), 1985)

**17.08.190 Gross floor area.**

*Gross floor area* means, for the purposes of this title, the sum of all the roofed-over floor area of a building, measured from its exterior walls. (Ord. 654 §205(19), 1985)

**17.08.200 Home occupation.**

*Home occupation* means a use that is allowed as a conditional use, provided that all the following conditions are met:

A. Such use shall be clearly incidental and secondary to the use of the dwelling purposes and shall not change the character thereof.

B. Such use shall be conducted entirely by the inhabitants in the principal dwelling and no others.

C. The total area used for such purposes should not exceed twenty-five percent (25%) of the total floor area of the user's dwelling unit.

D. There shall be no exterior advertising other than identification of the home occupation. Identifying signs must not exceed three (3) square feet maximum in size; shall be nonilluminated; shall be no higher than the roof line or parapet of the highest building on the premises; and no sign shall be constructed nearer than two (2) feet from the nearest property line when mounted flush to the building wall, in which case the sign shall not exceed twelve (12) inches in thickness.

E. There shall be only incidental sale of stocks, supplies or products conducted on the premises.

F. There shall be no exterior storage on the premises of material or equipment used as part of the home occupation.

G. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

H. Such home occupation shall not generate traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood.

I. In particular, a home occupation includes, but is not limited to, the following, provided that all requirements contained herein are met: dressmaking, sewing and tailoring; painting, sculpturing or writing; telephone answering; tutoring, limited to one (1) to four (4) students at a time.

J. A home occupation shall not be interpreted to include the following: clinic, nursing home, tourist home, animal hospital or restaurant.

K. A home occupation shall be permitted only after the owner has obtained signatures of adjacent property owners (one hundred [100] feet from affected property).

L. A home occupation shall be permitted only after the owner has obtained a home occupation permit from the city zoning enforcement officer. (Ord. 654 §205(20), 1985)

**17.08.205 Junk vehicle.**

*Junk vehicle* means any vehicle not capable of traveling under its own powers, not bearing current registration plates, or which, for sixty (60) days or more, is inoperable or has not been in condition to be legally operated on the streets; provided, however, that such definition shall not include vehicles which are capable of travel under their own power but which do not bear current registration plates when such vehicles are located upon vehicle sale lots which hold current auto dealer's licenses or when such vehicles are being repaired at garages, body shops or other vehicle repair businesses which hold current state sales tax licenses. (Ord. 874 §5(part), 1999; Ord. 768 §3(part), 1990)

**17.08.210 Junkyard.**

*Junkyard* means a building, structure or parcel of land or portion thereof used for the collection, storage or sale of waste paper, rags, scrap metal or discarded material; for the collection or storage of junk vehicles or machinery or parts thereof; for the dismantling, salvaging or demolition of vehicles or machinery or parts thereof; or for the sale of junk vehicles or machinery or parts thereof. (Ord. 768 §4, 1990; Ord. 654 §205(21), 1985)

**17.08.220 Kennel.**

*Kennel* means a building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six (6) or more cats or dogs that are over four (4) months old. (Ord. 654 §205(22), 1985)

**17.08.222 Landscaping.**

*Landscaping* means an area set aside from structures, parking areas, loading areas and storage yards which is developed with plantings (i.e., trees, shrubs, sod, vines, hedges, bedding plants), vegetative ground covers, grass, mulch or inorganic material such as gravel or river cobble. (Ord. 801 §4, 1994)

**17.08.225 Livestock.**

*Livestock* means and includes any bovine animal, horse, mule, ass, sheep, goat or swine. (Ord. 686 §4(part), 1987)

**17.08.230 Loading space.**

*Loading space* means a parking place other than a public street for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise. (Ord. 654 §205(23), 1985)

**17.08.240 Lot.**

*Lot* means land occupied or designed to be occupied by a building, its secondary buildings and such unoccupied areas as are required under this title and having its principal frontage on a street, court or officially approved principal thoroughfare. A lot facing on an alley only shall not be employed as a location for dwellings. (Ord. 654 §205(24), 1985)

**17.08.250 Lot, corner.**

*Corner lot* means a lot bordered on two (2) adjacent sides by a street or streets whose turning angle or angle of intersection is less than one hundred thirty-five degrees (135°). (Ord. 654 §205(25), 1985)

**17.08.260 Lot, interior.**

*Interior lot* means a lot other than a corner lot. (Ord. 654 §205(26), 1985)

**17.08.270 Manufactured housing.**

*Manufactured housing* means a single-family dwelling which:

- A. Is partially or entirely manufactured in a factory;
- B. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- C. Is installed on a permanent foundation built according to the Uniform Building Code;
- D. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof with a minimum 3"/12" pitch; and
- E. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 *et seq.*, as amended. (Ord. 686 §4(part), 1987; Ord. 654 §205(27), 1985)

**17.08.280 Mineral resource.**

*Mineral resource* means an inanimate constituent of the earth in either solid, liquid or gaseous state which, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source or a raw material for manufacturing or construction material. The definition includes the metallic, nonmetallic and mineral fuels, as listed in Colorado Geologic Survey Special Publication No. 6, "Guidelines and Criteria for Identification and Land-Use Controls of Geologic Hazard and Mineral Resource Areas," 1974, or as amended. (Ord. 654 §205(28), 1985)

**17.08.290 Mobile (manufactured) home.**

*Mobile (manufactured) home* means a structure, transportable in one (1) or more sections, which, in traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of the U.S. Department of Housing and Urban Development and complies with the Federal Manufactured Home Construction and Safety Standards. Note: This definition does not include any types of recreational vehicles (including so-called "park models" or travel trailers) which may equal or exceed the body length specified herein. (Ord. 654 §205(29), 1985; Ord. 795 §4, 1992)

**17.08.300 Mobile home park.**

*A mobile home park* shall consist of four (4) or more mobile homes and/or manufactured housing located on a minimum acreage of three and one-half (3.5) acres and developed in accordance with city subdivision regulations for mobile home parks and the Colorado Department of Health sanitary standards and regulations for mobile home parks. (Ord. 654 §205(30), 1985)

**17.08.310 Mobile home subdivision.**

*Mobile home subdivision* means an area of land subdivided for placement of mobile homes and/or manufactured housing in accordance with city subdivision regulations. (Ord. 654 §205(31), 1985)

**17.08.320 Multifamily residence.**

*Multifamily residence* means a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family; i.e., apartment, condominium or townhouse. (Ord. 654 §205(32), 1985)

**17.08.330 Natural resource.**

*Natural resource* means any animate or inanimate object occurring naturally on or within the crust of the earth, or in the atmosphere of the earth, that has aesthetic or economic value. (Ord. 654 §205(33), 1985)

**17.08.340 Nonconforming structure.**

*A nonconforming structure* means any building or structure which was lawfully erected and maintained prior to such time as it came within the purview of this code or any amendments thereto and which fails to conform to all applicable zoning or building regulations and restrictions of this code. (Ord. 781 §3, 1991)

**17.08.350 Nonconforming use.**

*A nonconforming use* means any use lawfully established prior to such time as it came within the purview of this code or any amendments thereto and which fails to conform to all applicable regulations and restrictions of this code. (Ord. 781 §3, 1991; Ord. 654 §205(35), 1985)

**17.08.360 Open space.**

*Open space* means an area intended to be unoccupied and unobstructed by building from the ground upward but may contain parking areas and streets. (Ord. 654 §205(36), 1985)

**17.08.370 Parking area.**

*Parking area* means an open area or an enclosed structure or building used exclusively for the temporary storage of motor vehicles. (Ord. 654 §205(37), 1985)

**17.08.380 Parking space.**

*Parking space* means that part of an area, exclusive of drives, turning areas or loading spaces, devoted to parking for one (1) motor vehicle. (Ord. 654 §205(38), 1985)

**17.08.390 Parking, off-street.**

*Off-street parking* means the area on private or public property designated to accommodate a parked motor vehicle and/or recreational vehicle, with adequate access to a public street. (Ord. 654 §205(39), 1985)

**17.08.400 Planned unit development (PUD).**

*Planned unit development (PUD)* means an area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or a combination of the foregoing, the plan for which may vary in lot size, bulk, type of use, lot coverage, open space or other restriction from the existing land use regulations except as related to density standards. (Ord. 654 §205(40), 1985)

**17.08.410 Predominant setback.**

*Predominant setback* means a setback line established on the basis of the average of existing front yard setbacks within a block frontage. (Ord. 654 §205(41), 1985)

**17.08.420 Predominant use.**

*Predominant use* means the purpose for which any land, structure or building is designed, maintained or occupied as established on the basis of existing land use within a block. (Ord. 654 §205(42), 1985)

**17.08.430 Public building.**

*Public building* means any building open to the general use, participation or enjoyment of the public; owned by a municipality, county, state or federal government or any subdivision thereof. (Ord. 654 §205(43), 1985)

**17.08.440 Public safety facilities.**

*Public safety facilities* means fire, police and rescue stations, and similar facilities. (Ord. 654 §205(44), 1985)

**17.08.450 Public utility.**

*Public utility* means for the purpose of this title: transportation, transmission, distribution and communication facilities or systems, and associated facilities or systems. (Ord. 654 §205(45), 1985)

**17.08.460 Reclamation.**

*Reclamation* means the employment, during and after the exploration for, development of, or transportation of a mineral or natural resource, of procedures reasonably designed to minimize as much as practical the disruption from the operation, and to provide for the rehabilitation of any surface resources adversely affected by the operations through the rehabilitation of plant cover, soil stability, water resources and other measures appropriate to the subsequent beneficial use of such reclaimed land, the result of which shall be that the affected area, and the adjacent area, are restored

to a stable condition capable of supporting the use or uses which they were capable of supporting prior to the operation or an equivalent use suitable to the locality. (Ord. 654 §205(46), 1985)

**17.08.470 Seat.**

*Seat* means an individual chair designed to seat one (1) person, or part of a bench designed to seat one (1) person, but measuring at least eighteen (18) inches in width. (Ord. 654 §205(47), 1985)

**17.08.480 Setback line.**

*Setback line* means a line parallel to the property line beyond which no exposed portion of a building, including covered porches, covered decks and eaves, may extend, but excluding steps. Enclosed steps are not permitted within a setback. (Ord. 654 §205(48), 1985)

**17.08.490 Sewage disposal system, community.**

*Community sewage disposal system* means a system for the collection, treatment and disposal of sewage with a design capacity of two thousand (2,000) gallons or more per day, whether owned and operated by a municipality, district or owner's association. (Ord. 654 §205(49), 1985)

**17.08.500 Sewage disposal system, individual.**

*Individual sewage disposal system* means a system for the collection, treatment and disposal of sewage with a design capacity of less than two thousand (2,000) gallons per day. (Ord. 654 §205(50), 1985)

**17.08.510 Sign and outdoor advertising device.**

*Sign or outdoor advertising device* means an object or device which is used for the primary purpose of conveying a message by means of letters, numbers, figures, symbols, colors or other similar means. (Ord. 654 §205(51), 1985)

**17.08.520 Single-family residence.**

*Single-family residence* means a detached building designed or used exclusively for the occupancy of one (1) family, and having kitchen and toilet facilities for only one (1) family; including site-built and manufactured housing. (Ord. 654 §205(52), 1985)

**17.08.530 Single-family residence/attached.**

*Single-family residence/attached* means a building designed or used exclusively for the occupancy of two (2) families living independently of each other, and having separate kitchen and toilet facilities for each family; i.e., duplex, patio home or zero-lot-line home, including site-built and manufactured housing. (Ord. 654 §205(53), 1985)

**17.08.540 Solar collectors.**

*Solar collectors* means for the purpose of this title: solar collectors, heat pumps, storage facilities and distribution components (for domestic space heating and cooling and water heating), whether attached or unattached to a structure. (Ord. 654 §205(54), 1985)

**17.08.545 Storage yard.**

*Storage yard* means a parcel of land or portion thereof used for the collection and storage of automobiles and other vehicles or large equipment and machinery commonly used by farmers, builders and contractors, provided that no repair, rebuilding, reconditioning, demolition or salvaging of vehicles, equipment and machinery is performed on the premises. Junk vehicles may not be stored in a storage yard. (Ord. 768 §5, 1990)

**17.08.550 Street.**

*Street* means any street, avenue, boulevard, road, lane, parkway, viaduct or other way for the movement of vehicular traffic, and including the land between street lines, whether improved or unimproved, and which may comprise pavement, shoulders, gutter, sidewalks, parking areas and other areas within the right-of-way. (Ord. 654 §205(55), 1985)

**17.08.560 Street, principal.**

*Principal street* means a street on which the lots of a block or subdivision generally face. (Ord. 654 §205(56), 1985)

**17.08.570 Street, side.**

*Side street* means a street intersecting a principal street. (Ord. 654 §205(57), 1985)

**17.08.580 Structure.**

*Structure* means an assembly of materials forming a construction and including among others: building, dwelling, stadium, tents, reviewing stands, platforms, stagings, observation towers, radio and television towers, and display signs. (Ord. 654 §205(58), 1985)

**17.08.590 Temporary.**

*Temporary* means twelve (12) months or less. (Ord. 654 §205(59), 1985)

**17.08.600 Travel trailer.**

*Travel trailer* means any vehicle, eight (8) feet by thirty-five (35) feet or less, self-propelled or towed by or on another vehicle, designed and used for temporary sleeping or dwelling purposes or for leisure time activities, including truck campers, camping vans, vacation trailer houses and tent trailers. (Ord. 654 §205(60), 1985)

**17.08.610 Travel trailer park.**

*Travel trailer park* means any area used to park two (2) or more travel trailers for purposes of rental space, developed in accordance with city subdivision regulations. (Ord. 654 §205(61), 1985)

**17.08.620 Use.**

*Use* means the purpose for which any land, structure or building is designed, maintained or occupied (Ord. 654 §205(62), 1985)

**17.08.630 Use-by-right.**

*Use-by-right* means any use listed as a principal permitted use in these regulations in any given zone or district. (Ord. 654 §205(63), 1985)

**17.08.640 Water system, community.**

*Community water system* means a system for the collection, treatment, storage and distribution of potable water to serve four (4) or more dwellings or two (2) or more commercial buildings, whether owned and operated by a municipality, district or owner's association. (Ord. 654 §205(64), 1985)

**17.08.650 Water system, individual.**

*Individual water system* means a system for the collection, storage and distribution of potable water to serve no more than three (3) dwellings or one (1) commercial building. (Ord. 654 §205(65), 1985)

**17.08.660 Yard.**

*Yard* means the space on the same lot as a building or structure that is unoccupied and open to the sky. (Ord. 654 §205(66), 1985)

**Chapter 17.12**

**District Regulations**

Sections:

- 17.12.010 Districts; designated
- 17.12.020 Districts; maps; boundaries
- 17.12.030 Applicability
- 17.12.040 Use criteria generally
- 17.12.050 Permitted uses
- 17.12.060 Accessory uses
- 17.12.070 Conditional uses
- 17.12.080 Temporary uses

**17.12.010 Districts; designated.**

A. For purposes related to the orderly development of the city and in order to carry out the provisions of this title, the city is divided into the following districts:

1. A Agricultural. This district is designed for all agricultural, farming, forest, recreation, residential, natural resource exploration and production, and other uses that require protection from encroaching commercial, industrial and urban density residential uses.
2. R-R Rural Residence. This district is composed of certain rural areas where limited agriculture may be practiced and where single-family dwelling units are the primary use.
3. R-1 Low Density Residence. This district allows for the standard urban density subdivision, composed of single-family residences.

4. R-2 Medium Density Residence. this district allows for duplexes.
5. R-3 Multifamily. This district allows multifamily residences.
6. MH-1 Mobile Home Subdivision. This district allows for mobile home subdivisions.
7. MH-2 Mobile Home Parks. This district allows for mobile home parks.
8. B Business. This district allows for stores, shops or businesses conducted within an enclosed building.
9. C Commercial. This district allows for stores, shops, businesses, recreational or service-oriented enterprises where outdoor storage is permitted.
10. L-I Light Industrial. This district provides for industrial operations that would not be considered detrimental to adjoining land uses because of excessive light, noise, smoke, vibration, heat, odor, dust or vulnerability to fire or explosion.
11. H-1 Heavy Industrial. This district provides for industrial uses that may be considered detrimental to adjoining land uses because of excessive light, noise, smoke, vibration, heat, odor, dust or vulnerability to fire or explosion.
12. O Open. This district is primarily for areas where prohibition of all types of building is desired, for reasons of flood hazard, fire protection, geologic hazards or other public safety reasons. Recreation, wildlife preserve and other open uses are desirable for this district.

B. All of the above districts are subject to certain conditional use limitations. (Ord. 736 §4, 1989; Ord. 654 §300, 1985)

#### **17.12.020 Districts; maps; boundaries.**

A. The location of the zoning districts established herein are shown on the accompanying map, entitled "Official Zoning Map of the City of Craig," which are dated and hereby made, along with explanatory matter, a part of the ordinance codified in this title.

B. The official map shall be filed and on display at the office of the city and shall be kept current at all times. All amendments to the map, made in conformity with Section 17.80.010, shall be recorded on the map within a reasonable amount of time after adoption, showing the general location, effective date and the nature of the change.

C. Unless otherwise specified on the official zoning map, zone boundaries shall be construed to lie: on the center line of streets or alleys; on lot lines of platted subdivisions; on railroad right-of-way boundaries; or on section lines or a division thereof. (Ord. 654 §305, 1985)

#### **17.12.030 Applicability.**

Except as hereinafter provided in this section or by a variance granted by the city council:

A. No building, structure or land shall be occupied or used, and no building or structure, or part thereof, shall be erected, moved or structurally altered unless a building permit has been issued by the building inspector, or his or her staff, in accordance with the city building code in Title 15 and these regulations.

B. No building or structure shall hereinafter be erected or altered:

1. To exceed the height;
2. To accommodate or house a larger number of families; or
3. To have a narrower or smaller rear yard, front yard, side yard or other open space than is herein permitted in the district in which the building or structure is located.

C. No part of a yard or loading area, or open space needed by a building or structure to meet the requirements of this title may be included in whole or part in meeting the requirements of any other building or structure.

D. No yards or lots existing at the time of the adoption of the ordinance codified in this title shall hereinafter be reduced below the minimum dimensions or areas required by this title. (Ord. 654 §400, 1985)

#### **17.12.040 Use criteria generally.**

Permitted, conditional, temporary and accessory uses are listed for each district. The following criteria in Sections 17.12.050 through 17.12.080 for each type of use shall apply. (Ord. 654 §405, 1985)

#### **17.12.050 Permitted uses.**

The listed uses are the principal uses-by-right in the districts in which they are enumerated. (Ord. 654 §405.1, 1985)

#### **17.12.060 Accessory uses.**

The listed uses are permitted in each district in which they are enumerated, provided that they are incidental to and on the same premises as a permitted use. (Ord. 654 §405.2, 1985)

#### **17.12.070 Conditional uses.**

A. Minimum requirements for granting a conditional use. Conditional uses may be granted in each district by the city council when the conditional use has been reviewed by the planning and zoning commission and the following minimum standards have been met:

1. The use shall be compatible with all existing uses on land adjacent thereto.
2. The use shall not unnecessarily scar the land and soil upon which such use is to be placed, leaving deleterious effects such as denuded slopes, uncovered soil piles, scars upon areas of natural beauty, or unguarded holes or pits. Such uses shall require reclamation and may require bonding to the city in addition to any performance bonding required by other government entities.
3. Uses with unsightly aspects, odors or noises shall set back at least one hundred (100) feet from adjacent property boundaries.
4. Poles, antennae or towers shall not be permitted where they would interfere with airfield approach zones.

B. Additional criteria to be considered before approval of a conditional use. After determining that a proposed conditional use meets the minimum requirements set forth in subsection A of this section, the planning and zoning commission and the city council shall further evaluate the proposed use. The factors which follow are intended to be a partial, not a complete, list of the criteria by which a conditional use should be evaluated:

1. Compatibility with existing uses in the area;
2. Physical separation from similar or dissimilar uses on the same property;
3. Impact on traffic volume and safety;
4. Impact on utilities and sanitary facilities;
5. Impact upon the established character of the neighborhood or the zone district;
6. Conformance with the property development standards of the district;
7. Production of any offensive noise, vibration, smoke, dust, odors, heat, glare or unsightly aspects;
8. Interference with electronic transmissions;
9. Long-term effects on the land.

C. Council may prescribe conditions. Conditional uses may be granted in the district in which they are enumerated subject to any conditions the city council may prescribe. The approved permit shall list those conditions and requirements, including the time limitation, which the council determines to be necessary to protect the health, safety and welfare of the inhabitants of the area and the city.

D. Denial of a conditional use application. The denial of a conditional use application shall be based upon a finding that one (1) or more of the concerns set forth in subsections A or B of this section constitutes a significant adverse effect and cannot be reasonably mitigated by a specific condition, restriction or requirement.

E. Review and renewal. Conditional use permits may be reviewed by the planning and zoning commission every year for adherence to the conditions set forth in subsection C of this section. The planning and zoning commission may recommend termination of the conditional use permit to the city council if noncompliance with prescribed conditions is found. A conditional use may be renewed at the expiration of the specified term if the permittee has abided by all the conditions mandated by the council. Additional conditions may be imposed upon renewal.

F. Application procedure. Application for a conditional use must be made on forms prescribed by the city council and accompanied by an application fee. After notice, hearing and review, the planning and zoning commission shall make a recommendation to the city council concerning such use.

G. Publication requirements. With the exception of home occupations, application for a conditional use shall be published in accordance with the statutes of the state concerning zoning changes in a Craig newspaper of general circulation, stating the legal description and street addresses,

indicating the date of the hearing and a description of the proposed conditional use. The first publication shall be at least thirty (30) days prior to the date of public hearing before the city council.

H. Posted notice. A notice, containing all the information required for a published notice, shall be posted on the property conspicuously and continuously for at least thirty (30) days prior to the date of hearing. This notice must be at least eighteen by twenty-four (18 x 24) inches in size with each letter at least one-half (1/2) inch in height as measured from the ascender to the baseline of the text. (Ord. 837, 1996; Ord. 685 §4, 1987)

#### **17.12.080 Temporary uses.**

Upon application to the city building department, a temporary use permit may be issued by the city zoning officer for the listed temporary uses in each district for the specified periods of time unless, in the opinion of the zoning officer, special conditions exist that would warrant further review and approval by the planning and zoning commission and or the city council. Such permits shall be valid only for the period of time specified and only two (2) renewals of the temporary permit may be granted. (Ord. 654 §405.4, 1985)

### **Chapter 17.16**

#### **A Agricultural District**

Sections:

- 17.16.010 Intent; minimum lot size
- 17.16.020 Permitted uses
- 17.16.030 Permitted accessory uses
- 17.16.040 Conditional uses
- 17.16.050 Temporary uses
- 17.16.060 Property development standards

#### **17.16.010 Intent; minimum lot size.**

A. The A District is intended to be used principally for agriculture and those other related uses which are a necessary and integral part of the agricultural operation. This district is intended to protect the agricultural community from encroachments of nonagricultural uses which, by their nature, would be injurious to the physical and economic well-being of agriculture.

B. The minimum size lot that may be created within the A District shall be thirty-five (35) acres. All regulations of this district are deemed necessary for the protection of agriculture and for the securing of the health, safety and general welfare of the residents. (Ord. 654 §410, 1985)

#### **17.16.020 Permitted uses.**

The following uses shall be permitted in the A District. All uses shall be subject to the property development standards in Section 17.16.060:

- A. Farming, forestry, agriculture and related buildings, structures and uses;
- B. Confined or intensified agriculture;

- C. Dairy or feed lot;
- D. Single-family residence;
- E. Child care facility for no more than six (6) children;
- F. Church and Sunday school;
- G. Sale of products that are raised, produced and processed on the premises; and
- H. Stable and riding academy. (Ord. 654 §410.1, 1985)

**17.16.030 Permitted accessory uses.**

The following accessory uses are permitted in the A District subject to the property development standards in Section 17.16.060:

- A. Accessory buildings, structures or uses which are in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Solar collector designed to supply energy for use on the premises; and
- C. Wind generator designed to supply energy for use on the premises. (Ord. 654 §410.2, 1985)

**17.16.040 Conditional uses.**

The following uses may be permitted in the A District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Cemetery and crematorium;
- B. Concrete batch plant;
- C. Licensed child care facility for more than six (6) children;
- D. Fur farm, veterinarian office and hospital, and boarding kennel;
- E. Garage for the storage, maintenance and repair of public vehicles. Such vehicles must be for the exclusive use of a municipality, county, state or federal government, or a subdivision thereof;
- F. Golf course, country club, riding club or gun club;
- G. Home occupation;
- H. Hospital or similar institution;
- I. Logging;
- J. Mineral or natural resource exploration, extraction and associated facilities;
- K. Mobile home;

- L. Nonagricultural buildings not in conformance with the city's building code in Title 15;
- M. Nursing home or rest home;
- N. Park and playground;
- O. Public building;
- P. Public recreation areas and facilities;
- Q. Public utilities, as defined in Section 17.08.450;
- R. Radio and television transmitting and receiving station and tower;
- S. Retail convenience store, only to serve surrounding agriculture, residential, or recreation uses, including the retail sale of gasoline and oil products;
- T. School;
- U. Sewage disposal plant, water treatment plant, or waste disposal site;
- V. Synthetic fuels plant;
- W. Travel trailer park, provided that said park is in compliance with the provisions of Section 17.62.010;
- X. Two (2) or more dwelling units; and
- Y. Such other uses as may be determined compatible with this district, as approved by the planning and zoning commission and the city council. (Ord. 762 §3, 1990; Ord. 654 §410.3, 1985)

**17.16.050 Temporary uses.**

The following uses may be permitted in the A District on a temporary basis, subject to the time limits specified:

- A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;
- B. Carnival, circus, bazaar or fair. Time limit: two (2) weeks;
- C. Tent meeting or crusade. Time limit: two (2) weeks;
- D. Parking for another temporary use. Time limit: same as temporary use for which parking is required;
- E. City, county or state concrete or asphalt batching plant. Time limit: twelve (12) months;
- F. Nonagricultural buildings not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §410.4, 1985)

### **17.16.060 Property development standards.**

The following property development standards shall apply to all land and structures in the A District:

A. Lot size.

1. Each lot or parcel hereafter created shall have a minimum net area of thirty-five (35) acres.

2. A nonconforming lot or parcel of record under separate ownership at the time it becomes nonconforming may be used for or occupied by any use permitted in this district. An existing parcel of land under one (1) ownership, when divided by a developed public right-of-way in such a manner that one (1) or both portions of the parcel are substandard as to lot size, shall be considered as two (2) separate lots under the provisions of this section. The restrictions of this section pertaining to creating a parcel of land less than thirty-five (35) acres in net area shall not apply to divisions of land by succession, will, partition, proceedings, sale on execution, or other division by operation of law.

B. Population density. One (1) residence may be constructed or placed on a parcel of land for each thirty-five (35) acres contained therein, except that the acreage limitation may be waived to permit placement of a mobile home as a second residence upon the property for use by an agricultural employee, or by financially or physically dependent family members of the property owner, subject to approval of a conditional use permit limiting the length of time that the permit is in effect to the duration of the dependency situation or the agricultural employment.

C. Building height. No building hereafter erected in this district may exceed thirty-five (35) feet in height. Accessory farm buildings, flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Each dwelling hereafter erected or constructed in this district shall have a minimum gross floor area of six hundred (600) square feet.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than thirty (30) feet, as measured from the property line.

2. Side yard. Each lot shall have a side yard setback of not less than ten (10) feet, as measured from the property line.

3. Rear yard. Each lot shall have a rear yard setback of not less than ten (10) feet, as measured from the property line.

4. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

- a. Uncovered and unenclosed porches;
- b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height; and
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

F. Fences, hedges, walls and corrals. Fences, hedges, walls and corrals shall be permitted on or within all rear, side and front property lines, provided that a clear field of view is not obstructed for vehicles traveling on public roads or entering from private access roads.

G. Off-street parking. Off-street parking shall be provided sufficient to eliminate the parking of vehicles or equipment within the public right-of-way.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. Sections 17.64.060 and 17.64.070 of the general conditions apply in the Agriculture District. (Ord. 654 §410.5, 1985)

## **Chapter 17.20**

### **R-R Rural Residence District**

Sections:

- 17.20.010 Intent; minimum lot size
- 17.20.020 Permitted uses
- 17.20.030 Permitted accessory uses
- 17.20.040 Conditional uses
- 17.20.050 Temporary uses
- 17.20.060 Property development standards

#### **17.20.010 Intent; minimum lot size.**

A. The R-R District is intended to create or preserve rural or large lot residential homesites where a limited range of agricultural activities may be conducted. The R-R District is intended to be applied in areas where each lot has direct access to a maintained road.

B. The minimum lot size that may be created within the R-R District shall be three (3) acres where private water and septic systems will be provided, two (2) acres where a community water or sewage system is provided, and one (1) acre where both community water and sewage systems are provided.

C. All regulations for this district are deemed necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Ord. 654 §415, 1985)

**17.20.020 Permitted uses.**

The following uses shall be permitted in the R-R District. All uses shall be subject to the property development standards in Section 17.20.060:

- A. Single-family residence;
- B. Farming and truck gardening;
- C. Limited livestock and poultry, but in no case for commercial purposes; and
- D. Child care facility for no more than six (6) children; (Ord. 654 §415.1, 1985)

**17.20.030 Permitted accessory uses.**

The following accessory uses are permitted in the R-R District subject to the property development standards in Section 17.20.060:

- A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Garage only for the storage of automobiles and/or one (1) commercial vehicle, limited to two (2) axles; and
- C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §415.2, 1985)

**17.20.040 Conditional uses.**

The following uses may be permitted in the R-R District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Church and Sunday school;
- B. Licensed child care facility for more than six (6) children;
- C. Golf course and country club;
- D. Home occupation;
- E. Hospital or similar institution;
- F. Mineral and natural resource exploration, extraction and related facilities;
- G. Mobile home;
- H. Park and playground;
- I. Private club, fraternity or lodge, except those of which the chief activity is a service customarily performed as a business;
- J. Public building;

K. Public safety facility, as defined in Section 17.08.440;

L. Public utility, as defined in Section 17.08.450;

M. Planned unit development (PUD);

N. School;

O. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises;

P. Travel trailer park, provided that said park is in compliance with the provisions of Section 17.62.010; and

Q. Such other uses as may be determined compatible with this district, as approved by the planning and zoning commission and the city council. (Ord. 762 §4, 1990; Ord. 654 §415.3, 1985)

#### **17.20.050 Temporary uses.**

The following uses may be permitted in the R-R District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Parking for another temporary use. Time limit: same as temporary use for which parking is required; and

C. Buildings not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §415.4, 1985)

#### **17.20.060 Property development standards.**

The following property development standards shall apply to all land and structures in the R-R District:

A. Lot size.

1. Each lot or parcel hereafter created shall abut a dedicated and maintained public right-of-way and shall have a minimum net area of three (3) acres (private water and septic), two (2) acres (community water or sewer) and one (1) acre (community water and sewer), and a minimum lot width of one hundred fifty (150) feet (three (3) acres), one hundred (100) feet (two (2) acres), and sixty (60) feet (one (1) acre).

2. A nonconforming lot or parcel of record under separate ownership at the time it became nonconforming may be used for or occupied by any use permitted in this district.

B. Population density. One (1) dwelling may be constructed or placed on each lot, except that the acreage limitation may be waived to permit placement of a mobile home as a second residence on the property for use by financially or physically dependent family members of the property owner, subject to a conditional use permit limiting the length of time that the permit is in effect to the duration of the dependency situation.

C. Building height. No building or structure hereafter erected in this district may exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Each dwelling hereafter erected or constructed in this district shall have a minimum gross floor area of six hundred (600) square feet.

E. Fences, hedges and walls.

1. Fences, hedges and walls, not greater than six (6) feet in height, shall be permitted on or within all rear and side property lines and on or to the rear of all front yard setback lines.

2. Fences, hedges and walls, not greater than three (3) feet in height, shall be permitted in any required front yard.

F. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than thirty (30) feet, as measured from the property line.

2. Side yard. Each lot shall have a side yard setback of not less than ten (10) feet, as measured from the property line.

3. Rear yard. Each lot shall have a rear yard setback of not less than ten (10) feet, as measured from the property line.

4. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

a. Uncovered and unenclosed porches;

b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height; and

c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

6. Corner lots.

a. Corner lots shall have two (2) front yard setbacks. One (1) front yard setback shall be known as the address frontage. The other setback shall be adjacent to the address frontage and shall be known as the side yard of the house or structure. Fences no more than six (6) feet in height are permitted in a front yard setback up to the property line under the following conditions:

i. The front yard to be fenced is that yard readily recognizable as the side yard of the house as it orients toward the street;

ii. No fence or related landscape element obstructs vision between the heights of three (3) feet and ten (10) feet above street level within a triangular area formed by connecting two (2) points fifty (50) feet each direction from the intersection of the curb lines (visibility triangle);

iii. In no case shall a fence greater than six (6) feet in height encroach upon the predominant setback as defined in Section 17.08.410 except as stated above.

b. Exceptions to the above may be granted by the planning and zoning commission and city council after review through the following process:

i. Submittal of a site plan showing curb lines, property lines, structures and fences or other landscape elements as they affect the visibility triangle and vision between three (3) feet and ten (10) feet above the street level;

ii. No fee will be required for this request.

G. Off-street parking. Two (2) off-street parking places are required per dwelling unit. Additional off-street parking shall be provided sufficient to eliminate the parking of vehicles or equipment within the public right-of-way.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the R-R District

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area.

L. Front yard landscaping. Landscaping shall be required in all front yards and shall be maintained on a regular basis sufficient to retain a healthy and attractive appearance for all lots or parcels less than three (3) acres in size. (Ord. 801 §11, 1994; Ord. 755 §4(part), 1990; Ord. 753 §3(part), 1990; Ord. 654 §415.5, 1985)

## **Chapter 17.24**

### **R-1 Low Density Residential District**

Sections:

- 17.24.010 Intent
- 17.24.020 Permitted uses
- 17.24.030 Permitted accessory uses
- 17.24.040 Conditional uses
- 17.24.050 Temporary uses
- 17.24.060 Property development standards

**17.24.010 Intent.**

The R-1 District is intended to provide for the development of single-family residential homes at urban standards on lots not less than six thousand (6,000) square feet in area. Community water and sewer systems are required. All regulations for this district are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Ord. 654 §420, 1985)

**17.24.020 Permitted uses.**

The following uses shall be permitted in the R-1 District. All uses shall be subject to the property development standards in Section 17.24.060:

- A. Single-family residence; and
- B. Child care facility for not more than six (6) children. (Ord. 654 §420.1, 1985)

**17.24.030 Permitted accessory uses.**

The following accessory uses are permitted in the R-1 District, subject to the property development standards in Section 17.24.060:

- A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Garage only for the storage of automobiles and/or one (1) commercial vehicle, limited to two (2) axles; and
- C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §420.2, 1985)

**17.24.040 Conditional uses.**

The following uses may be permitted in the R-1 District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Church and Sunday school;
- B. Licensed child care facility for more than six (6) children;
- C. Golf course and country club;
- D. Home occupation;
- E. Library;
- F. Mineral and natural resource exploration, extraction and related facilities;
- G. Nursing home or rest home;
- H. Park and playground;
- I. Public building;

J. Public safety facility, as defined in Section 17.08.440;

K. Public utility, as defined in Section 17.08.450;

L. Planned unit development (PUD);

M. School;

N. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises; and

O. Such other uses as may be determined compatible with this district or as provided for by predominant use as approved by the planning and zoning commission and the city council. (Ord. 654 §420.3, 1985)

#### **17.24.050 Temporary uses.**

The following uses may be permitted in the R-1 District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Parking for another temporary use. Time limit: same as temporary use for which parking is required; and

C. Building not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §420.4, 1985)

#### **17.24.060 Property development standards.**

The following property development standards shall apply to all land and structures in the R-1 District:

A. Lot size. Each lot or parcel hereafter created shall abut a dedicated and maintained public right-of-way and shall have a minimum net area of six thousand (6,000) square feet and a minimum lot width of fifty (50) feet. A nonconforming lot or parcel of record under separate ownership at the time it became nonconforming may be used for or occupied by any use permitted in this district.

B. Population density. One (1) dwelling unit may be constructed or placed on each lot.

C. Building height. No building or structure hereafter erected in this district may exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Each dwelling hereafter erected or constructed in this district shall have a minimum gross floor area of six hundred (600) square feet.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than twenty-five (25) feet, as measured from the property line.

2. Side yard. Each lot shall have a side yard setback of not less than five (5) feet from the property line.

3. Rear yard. Each lot shall have a rear yard setback of not less than fifteen (15) feet from the property line.

4. Accessory buildings and structures. Accessory buildings and structures located seventy (70) feet or more from the front property line may be located five (5) feet from the rear property line. In any event, no structure shall be located on an easement.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

- a. Uncovered and unenclosed porches;
- b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height; and
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

6. Corner lots.

a. Corner lots shall have two (2) front yard setbacks. One (1) front yard setback shall be known as the address frontage. The other setback shall be adjacent to the address frontage and shall be known as the side yard of the house or structure. Fences no more than six (6) feet in height are permitted in a front yard setback up to the property line under the following conditions:

i. The front yard to be fenced is that yard readily recognizable as the side yard of the house as it orients toward the street;

ii. No fence or related landscape element obstructs vision between the heights of three (3) feet and ten (10) feet above street level within a triangular area formed by connecting two (2) points fifty (50) feet each direction from the intersection of the curb lines (visibility triangle); and

iii. In no case shall a fence greater than six (6) feet in height encroach upon the predominant setback as defined in Section 17.08.410 except as stated above.

b. Exceptions to the above may be granted by the planning and zoning commission and city council after review through the following process:

i. Submittal of a site plan showing curb lines, property lines, structures and fences or other landscape elements as they affect the visibility triangle and vision between three (3) feet and ten (10) feet above the street level; and

ii. No fee will be required for this request.

F. Fences, hedges and walls.

1. Fences, hedges and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines and on or to the rear of all front yard setback lines.

2. Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within all front and side property lines in any required front yard setback. Such fences may be increased to four (4) feet maximum height if the fencing material is at a ratio of two-thirds ( $\frac{2}{3}$ ) open space to one-third ( $\frac{1}{3}$ ) closed space per square foot for that part of the fence extending above three (3) feet in height.

3. No person shall erect a fence without first obtaining a permit from the building department. The property owner shall provide the building department with a survey by a state licensed land surveyor to determine lot line locations. If a survey is not provided, an agreement must be submitted, with signatures of all abutting property owners immediately adjacent to the proposed fence, describing the exact location of the proposed fence.

G. Off-street parking. Two (2) off-street parking spaces are required per dwelling unit. Each space shall be a minimum of nine (9) feet by twenty (20) feet.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the R-1 District.

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area.

L. Front yard landscaping. Landscaping shall be required in all front yards and shall be maintained on a regular basis sufficient to retain a healthy and attractive appearance. (Ord. 815 §§3(part), 4(part), 1995; Ord. 801 §12, 1994; Ord. 755 §4(part), 1990; Ord. 751 §3(part), 1990; Ord. 654 §420.5, 1985)

## **Chapter 17.28**

### **R-2 Medium Density Residential District**

#### Sections:

- 17.28.010 Intent
- 17.28.020 Permitted uses
- 17.28.030 Permitted accessory uses
- 17.28.040 Conditional uses
- 17.28.050 Temporary uses
- 17.28.060 Property development standards

**17.28.010 Intent.**

The R-2 District is intended to provide for the development of single-family residence/attached for purposes of rental or sale on lots not less than six thousand (6,000) square feet in area. Community water and sewer systems are required. All regulations for this district are deemed necessary for the protection of the quality of the residential environment and for the securing of health, safety and general welfare of the residents. (Ord. 654 §425, 1985)

**17.28.020 Permitted uses.**

The following uses shall be permitted in the R-2 District. All uses shall be subject to the property development standards in Section 17.28.060:

- A. Any permitted use in the R-1 District;
- B. Single-family residence/attached;
- C. Single-family residence; and
- D. Child care facility for no more than six (6) children (Ord. 654 §425.1, 1985)

**17.28.030 Permitted accessory uses.**

The following accessory uses are permitted in the R-2 District, subject to the property development standards in Section 17.28.060:

- A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Garage only for the storage of automobiles and/or one (1) commercial vehicle per dwelling unit, limited to two (2) axles; and
- C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §425.2, 1985)

**17.28.040 Conditional uses.**

The following uses may be permitted in the R-1 District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Church and Sunday school;
- B. Community center;
- C. Licensed child care facility for more than six (6) children;
- D. Home occupation;
- E. Golf course and country club;
- F. Library;
- G. Mineral and natural resource exploration, extraction and related facilities;

- H. Nursing home or rest home;
- I. Park and playground;
- J. Public building;
- K. Public safety facility, as defined in Section 17.08.440;
- L. Public utility, as defined in Section 17.08.450;
- M. Planned unit development (PUD);
- N. School;

O. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises; and

P. Such other approved uses as may be determined compatible with this district or as provided for by predominant use as approved by the planning and zoning commission and the city council. (Ord. 654 §425.3, 1985)

#### **17.28.050 Temporary uses.**

The following uses may be permitted in the R-2 District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Parking for another temporary use. Time limit: same as temporary use for which parking is required; and

C. Building not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §425.4, 1985)

#### **17.28.060 Property development standards.**

The following property development standards shall apply to all land and structures in the R-2 District:

A. Lot size. Each lot or parcel hereafter created shall abut a dedicated and maintained public right-of-way and shall have a minimum net area of six thousand (6,000) square feet and a minimum lot width of fifty (50) feet. For single-family residence/attached structures, the minimum lot area is three thousand (3,000) square feet per dwelling unit and a minimum lot width of twenty-five (25) feet. A nonconforming lot or parcel of record under separate ownership at the time it became nonconforming may be used for or occupied by any use permitted in this district.

B. Population density. One (1) dwelling unit may be constructed for each three thousand (3,000) square feet of net lot area.

C. Building height. No building or structure hereafter erected in this district may exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Each dwelling hereafter erected or constructed in this district shall have a minimum gross floor area of six hundred (600) square feet. Each dwelling unit hereafter erected shall have a minimum gross floor area of two hundred twenty (220) square feet.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than twenty-five (25) feet, as measured from the property line.

2. Side yard. Each lot shall have a side yard setback of not less than five (5) feet from the property line. Where common walls are used, a side yard setback is not required. Where multiple buildings are constructed, the minimum separation is ten (10) feet.

3. Rear yard. Each lot shall have a rear yard setback of not less than fifteen (15) feet from the property line.

4. Accessory buildings and structures. Accessory buildings and structures located seventy (70) feet or more from the front property line may be located five (5) feet from the rear property line. In any event, no structure shall be located on an easement.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

- a. Uncovered and unenclosed porches;
- b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height;
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

6. Corner lots.

a. Corner lots shall have two (2) front yard setbacks. One (1) front yard setback shall be known as the address frontage. The other setback shall be adjacent to the address frontage and shall be known as the side yard of the house or structure. Fences no more than six (6) feet in height are permitted in a front yard setback up to the property line under the following conditions:

i. The front yard to be fenced is that yard readily recognizable as the side yard of the house as it orients toward the street;

ii. No fence or related landscape element obstructs vision between the heights of three (3) feet and ten (10) feet above street level within a triangular area formed by connecting two (2) points fifty (50) feet each direction from the intersection of the curb lines (visibility triangle); and

iii. In no case shall a fence greater than six (6) feet in height encroach upon the predominant setback as defined in Section 17.08.410 except as stated above.

b. Exceptions to the above may be granted by the planning and zoning commission and city council after review through the following process:

i. Submittal of a site plan showing curb lines, property lines, structures and fences or other landscape elements as they affect the visibility triangle and vision between three (3) feet and ten (10) feet above the street level; and

ii. No fee will be required for this request.

F. Fences, hedges and walls.

1. Fences, hedges and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines and on or to the rear of all front yard setback lines.

2. Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within all front and side property lines in any required front yard setback. Such fences may be increased to four (4) feet maximum height if the fencing material is at a ratio of two-thirds ( $\frac{2}{3}$ ) open space to one-third ( $\frac{1}{3}$ ) closed space per square foot for that part of the fence extending above three (3) feet in height.

3. No person shall erect a fence without first obtaining a permit from the building department. The property owner shall provide the building department with a survey by a state licensed land surveyor to determine lot line locations. If a survey is not provided, an agreement must be submitted, with signatures of all abutting property owners immediately adjacent to the proposed fence, describing the exact location of the proposed fence.

G. Off-street parking. Two (2) parking spaces are required per dwelling unit. Each space shall be a minimum of nine (9) feet by twenty (20) feet.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the R-2 District.

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area.

L. Front yard landscaping. Landscaping shall be required in all front yards and shall be maintained on a regular basis sufficient to retain a healthy and attractive appearance. (Ord. 815 §§3(part), 4(part), 1995; Ord. 801 §13, 1994; Ord. 755 §4(part), 1990; Ord. 751 §3(part), 1990; Ord. 654 §425.5, 1985)

## Chapter 17.32

### R-3 High Density Residential District

#### Sections:

- 17.32.010 Intent
- 17.32.020 Permitted uses
- 17.32.030 Permitted accessory uses
- 17.32.040 Conditional uses
- 17.32.050 Temporary uses
- 17.32.060 Property development standards

#### **17.32.010 Intent.**

The R-3 District is intended to provide for the development of multifamily residence structures for purposes of rental or sale on lots not less than six thousand (6,000) square feet in area. Community water and sewer systems are required. All regulations for this district are deemed necessary for the protection of the quality of the residential environment and for the securing of health, safety and general welfare of the residents. (Ord. 654 §430, 1985)

#### **17.32.020 Permitted uses.**

The following uses shall be permitted in the R-3 District. All uses shall be subject to the property development standards in Section 17.32.060:

- A. Any permitted use in the R-2 District;
- B. Multifamily residence;
- C. Single-family residence/attached;
- D. Single-family residence;
- E. Boardinghouse or roominghouse; and
- F. Licensed child care facility. (Ord. 654 §430.1, 1985)

#### **17.32.030 Permitted accessory uses.**

The following accessory uses are permitted in the R-3 District, subject to the property development standards in Section 17.32.060:

- A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Garage only for the storage of automobiles and/or one (1) commercial vehicle per dwelling unit, limited to two (2) axles.
- C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §430.2, 1985)

#### **17.32.040 Conditional uses.**

The following uses may be permitted in the R-3 District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Church and Sunday school;
- B. Community center;
- C. Home occupation;
- D. Hospital or similar institution;
- E. Hotel or motel;
- F. Library;
- G. Mineral and natural resource exploration, extraction and related facilities;
- H. Nursing home or rest home;
- I. Park and playground;
- J. Private club, fraternity or lodge, except those of which the chief activity is a service customarily performed as a business;
- K. Parking area;
- L. Public building;
- M. Public safety facilities, as defined in Section 17.08.440;
- N. Public utilities, as defined in Section 17.08.450;
- O. Planned unit development (PUD);
- P. School;
- Q. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises; and
- R. Such other approved uses as may be determined compatible with this district, or as provided for by predominant use as approved by the planning and zoning commission and the city council. (Ord. 654 §430.3, 1985)

#### **17.32.050 Temporary uses.**

The following uses may be permitted in the R-3 District on a temporary basis, subject to the time limits specified:

- A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Parking for another temporary use. Time limit: same as temporary use for which parking is required; and

C. Building not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §430.4, 1985)

**17.32.060 Property development standards.**

The following property development standards shall apply to all land and structures in the R-3 District:

A. Lot size.

1. Each lot or parcel hereafter created shall abut a dedicated and maintained public right-of-way and shall have a minimum net area of six thousand (6,000) square feet and a minimum lot width of fifty (50) feet. For single-family residence/attached structures, the minimum lot area is one thousand five hundred (1,500) square feet per dwelling unit and a minimum lot width of fifteen (15) feet.

2. A nonconforming lot or parcel of record under separate ownership at the time it became nonconforming may be used for or occupied by any use permitted in the district.

B. Population density. One (1) dwelling unit may be constructed for each one thousand five hundred (1,500) square feet of net lot area.

C. Building height. No building or structure hereafter erected in this district shall exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Each single-family dwelling hereafter erected or constructed in this district shall have a minimum gross floor area of six hundred (600) square feet. Each multifamily dwelling unit hereafter erected shall have a minimum gross floor area of two hundred twenty (220) square feet.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than twenty-five (25) feet, as measured from the property line.

2. Side yard. Each lot shall have a side yard setback of not less than five (5) feet from the property line. Where common walls are used, a side yard setback is not required. Where multiple buildings are constructed, the minimum separation is ten (10) feet.

3. Rear yard. Each lot shall have a rear yard setback of not less than fifteen (15) feet from the property line.

4. Accessory buildings and structures. Accessory buildings and structures located seventy (70) feet or more from the front property line may be located five (5) feet from the rear property line. In any event, no structure shall be located on an easement.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

- a. Uncovered and unenclosed porches;
- b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height; and
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

6. Corner lots.

a. Corner lots shall have two (2) front yard setbacks. One (1) front yard setback shall be known as the address frontage. The other setback shall be adjacent to the address frontage and shall be known as the side yard of the house or structure. Fences no more than six (6) feet in height are permitted in a front yard setback up to the property line under the following conditions:

i. The front yard to be fenced is that yard readily recognizable as the side yard of the house as it orients toward the street;

ii. No fence or related landscape element obstructs vision between the heights of three (3) feet and ten (10) feet above street level within a triangular area formed by connecting two (2) points fifty (50) feet each direction from the intersection of the curb lines (visibility triangle); and

iii. In no case shall a fence greater than six (6) feet in height encroach upon the predominant setback as defined in Section 17.08.410 except as stated above.

b. Exceptions to the above may be granted by the planning and zoning commission and city council after review through the following process:

i. Submittal of a site plan showing curb lines, property lines, structures and fences or other landscape elements as they affect the visibility triangle and vision between three (3) feet and ten (10) feet above the street level; and

ii. No fee will be required for this request.

F. Fences, hedges and walls.

1. Fences, hedges and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines and on or to the rear of all front yard setback lines.

2. Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within all front and side property lines in any required front yard setback. Such fences may be increased to four (4) feet maximum height if the fencing material is at a ratio of two-thirds ( $\frac{2}{3}$ ) open space to one-third ( $\frac{1}{3}$ ) closed space per square foot for that part of the fence extending above three (3) feet in height.

3. No person shall erect a fence without first obtaining a permit from the building department. The property owner shall provide the building department with a survey by a state licensed land surveyor to determine lot line locations. If a survey is not provided, an agreement must be submitted, with signatures of all abutting property owners immediately adjacent to the proposed fence, describing the exact location of the proposed fence.

G. Off-street parking and loading. Off-street parking shall be provided in accordance with the requirements of Chapter 17.76.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the R-3 District.

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area. (Ord. 815 §§3(part), 4(part), 1995; Ord. 801 §5, 1994; Ord. 755 §4(part), 1990; Ord. 751 §3(part), 1990; Ord. 654 §430.5, 1985)

## **Chapter 17.36**

### **MH-1 Mobile Home Subdivision District**

Sections:

- 17.36.010 Intent
- 17.36.020 Permitted uses
- 17.36.030 Permitted accessory uses
- 17.36.040 Conditional uses
- 17.36.050 Temporary uses
- 17.36.060 Property development standards
- 17.36.070 Compliance
- 17.36.080 Penalties; constitutional; repeal

#### **17.36.010 Intent.**

The MH-1 District is intended to provide for the development of mobile home sites at urban standards on lots not less than six thousand (6,000) square feet in area. Community water and sewer are required. All regulations for this district are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Ord. 736 §6, 1989; Ord. 654 §435, 1985)

#### **17.36.020 Permitted uses.**

The following uses shall be permitted in the MH-1 District. All uses shall be subject to the property development standards in Section 17.36.060:

- A. Mobile home;
- B. Single-family residence; and
- C. Child care facility for not more than six (6) children. (Ord. 654 §435.1, 1985)

**17.36.030 Permitted accessory uses.**

The following accessory uses are permitted in the MH-1 District, subject to the property development standards in Section 17.36.060:

- A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Garage only for the storage of automobiles and/or one (1) commercial vehicle, limited to two (2) axles; and
- C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §435.2, 1985)

**17.36.040 Conditional uses.**

The following uses may be permitted in the MH-1 District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Church and Sunday school;
- B. Licensed child care facility for more than six (6) children;
- C. Golf course and country club;
- D. Home occupation;
- E. Library;
- F. Mineral and natural resource exploration, extraction and related facilities;
- G. Nursing home or rest home;
- H. Park and playground;
- I. Public building;
- J. Public safety facility, as defined in Section 17.08.440;
- K. Public utility, as defined in Section 17.08.450;
- L. Planned unit development (PUD);
- M. School;
- N. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises; and

O. Such other approved uses as may be determined compatible with this district or as provided for by predominant use as approved by the planning and zoning commission and the city council. (Ord. 654 §435.3, 1985)

**17.36.050 Temporary uses.**

The following uses may be permitted in the MH-1 District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Parking for another temporary use. Time limit: same as temporary use for which parking is required; and

C. Building not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §435.4, 1985)

**17.36.060 Property development standards.**

The following property development standards shall apply to all land and structures in the MH-1 District:

A. Lot size.

1. Each lot or parcel hereafter created shall abut a dedicated and maintained public right-of-way and shall have a minimum net area of six thousand (6,000) square feet and a minimum lot width of fifty (50) feet.

2. A nonconforming lot or parcel of record under separate ownership at the time it becomes nonconforming may be used for or occupied by any use permitted in this district.

B. Population density. One (1) dwelling may be constructed or placed on each lot.

C. Building height. No building or structure hereafter erected in this district may exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Each dwelling hereafter erected or constructed in this district shall have a minimum gross floor area of six hundred (600) square feet and if not site-built shall be constructed in accordance with Federal Manufactured Housing Construction and Safety Standards.

E. Mobile (manufactured) home standards. The city will permit only those mobile (manufactured) homes which display proof of compliance with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Program as set forth in 24 C.F.R., Parts 3280, 3282 and 3283 as mandated in the United States of America and mobile (manufactured) homes built prior to June 15, 1976 which display proof of compliance with the Standard for Mobile Homes, NFPA 501BIANSI A119.1, 1972--1975 editions.

F. Roof live load requirements. All mobile (manufactured) homes must meet the roof live load requirements as mandated by the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Program.

G. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than twenty-five (25) feet, as measured from the property line.

2. Side yard. Each lot shall have a side yard setback of not less than five (5) feet from the property line.

3. Rear yard. Each lot shall have a rear yard setback of not less than fifteen (15) feet from the property line.

4. Accessory buildings and structures. Accessory buildings and structures located seventy (70) feet or more from the front property line may be located five (5) feet from the rear property line. In any event, no structure shall be located on an easement.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

a. Uncovered and unenclosed porches, patios and decks; and

b. Open, unenclosed stairways or balconies not covered by a roof or canopy.

6. Corner lots.

a. Corner lots shall have two (2) front yard setbacks. One (1) front yard setback shall be known as the address frontage. The other setback shall be adjacent to the address frontage and shall be known as the side yard of the house or structure. Fences no more than six (6) feet in height are permitted in a front yard setback up to the property line under the following conditions:

i. The front yard to be fenced is that yard readily recognizable as the side yard of the house as it orients toward the street;

ii. No fence or related landscape element obstructs vision between the heights of three (3) feet and ten (10) feet above street level within a triangular area formed by connecting two (2) points fifty (50) feet each direction from the intersection of the curb lines (visibility triangle);

iii. In no case shall a fence greater than six (6) feet in height encroach upon the predominant setback as defined in Section 17.08.410 except as stated above.

b. Exceptions to the above may be granted by the planning and zoning commission and city council after review through the following process:

i. Submittal of a site plan showing curb lines, property lines, structures and fences or other landscape elements as they affect the visibility triangle and vision between three (3) feet and ten (10) feet above the street level;

ii. No fee will be required for this request.

H. Fences, hedges and walls.

1. Fences, hedges and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines and on or to the rear of all front yard setback lines.

2. Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within all front and side property lines in any required front yard setback. Such fences may be increased to four (4) feet maximum height if the fencing material is at a ratio of two-thirds ( $\frac{2}{3}$ ) open space to one-third ( $\frac{1}{3}$ ) closed space per square foot for that part of the fence extending above three (3) feet in height.

3. No person shall erect a fence without first obtaining a permit from the building department. The property owner shall provide the building department with a survey by a state licensed land surveyor to determine lot line locations. If a survey is not provided, an agreement must be submitted, with signatures of all abutting property owners immediately adjacent to the proposed fence, describing the exact location of the proposed fence.

I. Off-street parking. Two (2) off-street parking spaces are required per dwelling unit. Each space shall measure a minimum of nine (9) feet by twenty (20) feet.

J. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

K. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

L. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the MH-1 District.

M. Fire fighting and preservation. Fixed installations for fire department operations shall be provided in accordance with the Uniform Fire Code and the specifications of the city. There shall be a maximum distance of three hundred (300) feet between hydrants.

N. Recreation buildings and other community service facilities. Recreation buildings and other community service facilities are subject to the city building code. Management offices, storage facilities, sanitary facilities and indoor recreation areas may be provided. No mobile (manufactured) home shall be placed closer than twenty (20) feet to a building. Floor surfaces of service buildings shall be of noncombustible materials. Flammable liquids shall not be stored, handled or used in service buildings unless such storage or handling complies with the Uniform Fire Code.

O. Landscaping. Approval of a landscaping plan by the planning and zoning commission and city council shall be required for all mobile (manufactured) home subdivisions. Landscaping requirements are as follows:

1. Landscaping shall be designed to perform the following functions:

- a. Screen the mobile (manufactured) home subdivision visually and audibly from adjacent properties as completely as possible;
- b. Provide an attractive entrance and street frontage;
- c. Provide dust and erosion control; and
- d. Provide a neat, attractive and aesthetically pleasing appearance.

2. Grass and ornamental landscaping shall be required in all mobile (manufactured) home subdivisions.

3. Water outlets shall be provided for each mobile (manufactured) home lot and landscaped area.

4. Fences and walls, no less than six (6) feet in height nor more than eight (8) feet in height, shall surround the mobile (manufactured) home subdivision except in those cases where adequate buffer screening is provided through landscaping. In lieu of fencing, an approved landscaping plat may be accepted by the planning and zoning commission and city council.

5. The subdivision shall be maintained in a clean, sanitary condition at all times. Each lot shall be free from debris and refuse. The landscaping shall be kept trimmed, mowed, and in a thriving condition. Grasses, weeds and other such vegetation not considered as part of the ornamental landscape shall not exceed twelve (12) inches in height.

P. Open space. Per approval of plot plan, common areas or playgrounds shall be provided at the ratio of two hundred (200) usable square feet per mobile (manufactured) home lot and shall be centrally located.

Q. Lighting. All streets and walkways within the subdivision shall have a minimum standard of illumination as provided by one hundred seventy five (175) watt mercury vapor lamps or equivalent at a maximum spacing of three hundred (300) feet.

R. Garbage. Durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids shall be provided for each lot or at a central storage area conveniently located not more than two hundred (200) feet from any lot. Refuse containers shall be provided at the rate of at least one (1) thirty-gallon (four-cubic-foot) container for each lot or an equivalent storage capacity in centralized storage facilities. Adequate refuse collection and removal shall be the responsibility of the subdivision owner.

S. Structural additions. Structural additions shall comply with the current city building code and shall be architecturally compatible, as defined in Section 17.08.045, with the mobile (manufactured) home and area.

T. Tiedowns. Permanent facilities shall be provided for anchors and tiedowns, which shall be sufficient to safely resist vertical lifting forces and to prevent any sliding or overturning.

U. Skirting. Skirting shall be installed on all mobile (manufactured) homes with the provision of access panels located to permit unprohibited access to the water, sewer and gas connections. The access panels shall be not less than four (4) square feet in area, and have not less than eighteen (18)

inches in the least dimension. Skirting material shall be weatherproof, durable and architecturally compatible (as defined in Section 17.08.045) with the design of the mobile (manufactured) home.

V. Patio pads. Patio pads shall be provided for each lot. Patio pads shall have a minimum area of two hundred (200) square feet and shall be concrete or paved.

W. Identification. Each mobile (manufactured) home shall be clearly identified by numbers or letters visible from the access street, by day or night.

X. Compliance with subdivision regulations. The provisions of Title 16 shall apply to all land and structures in the MH-1 District unless superseded by the specific development standards of this section. (Ord. 815 §§3(part), 4(part), 8, 1995; Ord. 763 §3, 1990; Ord. 751 §3(part), 1990; Ord. 654 §435.5, 1985; Ord. 795 §§5, 6, 7, 1992)

### **17.36.070 Compliance.**

All existing mobile (manufactured) home subdivisions shall be altered to conform to all provisions of this chapter within three (3) years of the date of passage of the ordinance codified in this section. One (1) two-year (or less) extension of this time limit may be granted at the discretion of the planning and zoning commission and the city council. The subdivision owner shall submit, within twelve (12) months of receipt of a certified letter advising of nonconformance, a plan of intent with the planning and zoning commission and city council for approval. Said plan must state the alterations that will bring the subdivision in compliance with this chapter and the time frame in which the alterations are scheduled to be completed. However, upon the change of ownership of any existing mobile (manufactured) home subdivision occasioned by sale or otherwise (except by inheritance), such mobile (manufactured) home subdivision shall be altered to conform to all the provisions of this chapter at the time of any such change of ownership and shall not be operated until it is in compliance with this chapter. (Ord. 763 §4, 1990)

### **17.36.080 Penalties; constitutional, repeal.**

The provisions of Section 17.84.060 as amended shall apply to all mobile (manufactured) home subdivisions. (Ord. 763 §5, 1990)

## **Chapter 17.40**

### **MH-2 Mobile Home Park District**

#### Sections:

- 17.40.010 Intent
- 17.40.020 Permitted uses
- 17.40.030 Permitted accessory uses
- 17.40.040 Conditional uses
- 17.40.050 Temporary uses
- 17.40.060 Property development standards
- 17.40.070 Compliance
- 17.40.080 Penalties; constitutional; repeal

#### **17.40.010 Intent.**

The MH-2 District is intended to provide for the development of mobile home sites for purpose of rental on lots not less than three thousand five hundred (3,500) square feet in area. Community water and sewer are required. All regulations for this district are deemed to be necessary for the protection of the quality of the residential environment and for the securing of the health, safety and general welfare of the residents. (Ord. 763 §6, 1990; Ord. 736 §8, 1989; Ord. 654 §440, 1985)

#### **17.40.020 Permitted uses.**

The following uses shall be permitted in the MH-2 District. All uses shall be subject to the property development standards in Section 17.40.060:

- A. Mobile home;
- B. Child care facility for not more than six (6) children;
- C. Fences for the purpose of separating mobile home spaces; and
- D. Travel trailer park, provided that said park is in compliance with the provisions of Section 17.62.010. (Ord. 762 §4, 1990; Ord. 654 §440.1, 1985)

#### **17.40.030 Permitted accessory uses.**

The following accessory uses are permitted in the MH-2 District, subject to the property development standards in Section 17.40.060:

- A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Garage only for the storage of automobiles and/or one (1) commercial vehicle per dwelling unit, limited to two (2) axles; and
- C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §440.2, 1985)

#### **17.40.040 Conditional uses.**

The following uses may be permitted in the MH-2 District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Home occupation;
- B. Licensed child care facility for more than six (6) children;
- C. Mineral and natural resource exploration, extraction and related facilities;
- D. Park and playground;
- E. Planned unit development (PUD)
- F. Public building;

G. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises; and

H. Such other approved uses as may be determined compatible with this district or as provided for by predominant use as approved by the planning and zoning commission and the city council. (Ord. 654 §440.3, 1985)

**17.40.050 Temporary uses.**

The following uses may be permitted in the MH-2 District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Parking for another temporary use. Time limit: same as temporary use for which parking is required; and

C. Building not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §440.4, 1985)

**17.40.060 Property development standards.**

The following property development standards shall apply to all land and structures in the MH-2 District:

A. Lot size. Each lot or space hereinafter created shall have a minimum net area of three thousand five hundred (3,500) square feet and a minimum lot width of thirty (30) feet.

B. Population density. One (1) mobile home placed on each lot or space.

C. Building height. No building or structure hereafter erected in this district may exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Each mobile home hereafter erected in this district shall have no minimum gross floor area requirement and shall be constructed in accordance with Federal Manufactured Housing Construction and Safety Standards.

E. Mobile (manufactured) home standards. The city will permit only those mobile (manufactured) homes which display proof of compliance with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Program as set forth in 24 C.F.R., Parts 3280, 3282 and 3283 as mandated in the United States of America and mobile (manufactured) homes built prior to June 15, 1976 which display proof of compliance with the Standard for Mobile Homes, NFPA 501BIANSI A119.1, 1972--1975 editions.

F. Roof live load requirements. All mobile (manufactured) homes must meet the roof live load requirements as mandated by the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Program.

G. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than fifteen (15) feet, as measured from the property line.

2. Side yard. Each lot shall have a side yard setback of not less than five (5) feet from the lot or space line.

3. Rear yard. Each lot or space shall have a rear yard setback of not less than ten (10) feet from the lot or space line.

4. Corner yards. Yards on corner lots shall have a setback of not less than fifteen (15) feet on street side.

5. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.

6. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

- a. Uncovered and unenclosed porches;
- b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height; and
- c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

7. Corner lots.

a. Corner lots shall have two (2) front yard setbacks. One (1) front yard setback shall be known as the address frontage. The other setback shall be adjacent to the address frontage and shall be known as the side yard of the house or structure. Fences no more than six (6) feet in height are permitted in a front yard setback up to the property line under the following conditions:

i. The front yard to be fenced is that yard readily recognizable as the side yard of the house as it orients toward the street;

ii. No fence or related landscape element obstructs vision between the heights of three (3) feet and ten (10) feet above street level within a triangular area formed by connecting two (2) points fifty (50) feet each direction from the intersection of the curb lines (visibility triangle);

iii. In no case shall a fence greater than six (6) feet in height encroach upon the predominant setback as defined in Section 17.08.410 except as stated above.

b. Exceptions to the above may be granted by the planning and zoning commission and city council after review through the following process:

i. Submittal of a site plan showing curb lines, property lines, structures and fences or other landscape elements as they affect the visibility triangle and vision between three (3) feet and ten (10) feet above the street level;

ii. No fee will be required for this request.

H. Fences, hedges and walls. Fences, hedges and walls, not greater than six (6) feet in height, shall be permitted on or within all parcel lines, provided that a clear field of view is not obstructed for vehicles traveling on the public right-of-way or entering from private roads.

I. Off-street parking. Two (2) parking spaces are required per dwelling unit. Each space shall measure a minimum of nine (9) feet by twenty (20) feet.

J. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

K. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

L. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the MH-2 District.

M. Streets. If the mobile (manufactured) home park owner intends to dedicate the streets or accessways within the mobile (manufactured) home park to the city, said streets or accessways shall conform to the provisions of Section 16.28.020 of this code, shall be paved with asphalt, concrete or similar permanent surfacing so as to provide a durable and dustless surface, and shall be built according to the specifications of the city. Otherwise, streets or accessways shall be clearly identified, shall be paved with asphalt, concrete or similar permanent surfacing so as to provide a durable and dustless surface, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times. On-street parking on two-way streets shall be for a maximum of twenty-four (24) hours. Enforcement of on-street parking regulations shall be the responsibility of the park owner.

N. Fire fighting and preservation. Fixed installations for fire department operations shall be provided in accordance with the Uniform Fire Code and the specifications of the city. There shall be a maximum distance of three hundred (300) feet between hydrants.

O. Recreation buildings and other community service facilities. Recreation buildings and other community service facilities are subject to the city building code. Management offices, storage facilities, sanitary facilities and indoor recreation areas may be provided. No mobile (manufactured) home shall be placed closer than twenty (20) feet to a building. Floor surfaces of service buildings shall be of noncombustible materials. Flammable liquids shall not be stored, handled or used in service buildings unless such storage or handling complies with the Uniform Fire Code.

P. Landscaping. Approval of a landscaping plan by the planning and zoning commission and city council shall be required for all mobile (manufactured) home parks. Landscaping requirements are as follows:

1. Landscaping shall be designed to perform the following functions:

a. Screen the mobile (manufactured) home park visually and audibly from adjacent properties as completely as possible;

b. Provide an attractive entrance and street frontage;

- c. Provide dust and erosion control; and
  - d. Provide a neat, attractive and aesthetically pleasing appearance.
2. Grass and ornamental landscaping shall be required in all mobile (manufactured) home parks.
  3. Water outlets shall be provided for each mobile (manufactured) home rental space and landscaped area.
  4. Fences and walls, no less than six (6) feet in height nor more than eight (8) feet in height, shall surround the mobile (manufactured) home park except in those cases where adequate buffer screening is provided through landscaping. In lieu of fencing, an approved landscaping plat may be accepted by the planning and zoning commission and city council.
  5. The park shall be maintained in a clean sanitary condition at all times. Each rental space shall be free from debris and refuse. The landscaping shall be kept trimmed, mowed and in a thriving condition. Grasses, weeds and other such vegetation not considered as part of the ornamental landscape shall not exceed twelve (12) inches in height.

Q. Construction requirements. All developers of any mobile (manufactured) home park shall submit proposed plans and specifications to the planning and zoning commission and city council for approval according to the criteria set forth in Title 16 of this code. In the event the development shall be a planned unit development (PUD), the developer shall follow the criteria set forth in Section 17.64.030 of this code.

R. Utilities. All utilities shall be placed underground.

S. Water. Water service lines, including valves, riser pipes and connections shall be installed in compliance with the Uniform Plumbing Code. Every rental space shall be provided with an individual water service pipe and a riser pipe in conformance with the Uniform Plumbing Code. The riser pipe shall extend at least four (4) inches vertically above ground unless it is shielded by a riser protector and casement extending above ground and fitted with a lid. The riser shall terminate with two (2) threaded valved outlets which provide connections for the mobile (manufactured) home water piping and for a garden hose. The mobile (manufactured) home water outlet shall be securely capped when a mobile (manufactured) home does not occupy the rental space.

T. Sewer. Unless previously exempted by the planning and zoning commission and city council, each rental space shall be provided with a sewer branch line and riser pipe at least four (4) inches inside diameter. The branch line shall be installed with a uniform slope of at least one-fourth ( $\frac{1}{4}$ ) inch per linear foot. The branch line shall terminate at a riser pipe of at least four (4) inches inside diameter, which extends vertically four (4) inches above ground elevation. The riser pipe shall be protected by a concrete collar four (4) inches thick and twelve (12) inches in diameter. When a mobile (manufactured) home does not occupy the rental space, the sewer riser pipe shall be capped with a water-tight cap or plug.

U. Open space. Per approval of plot plan, common areas or playgrounds shall be provided at the ratio of two hundred (200) usable square feet per mobile (manufactured) home lot and shall be centrally located.

V. Park size. The minimum size of a mobile (manufactured) home park shall be three and one-half (3½) acres.

W. Lighting. All streets and walkways within the park shall have a minimum standard of illumination as provided by one-hundred-seventy-five-watt mercury vapor lamps or equivalent at a maximum spacing of three hundred (300) feet.

X. Garbage. Durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids shall be provided for each rental space or at a central storage area conveniently located not more than two hundred (200) feet from any rental space. Refuse containers shall be provided at the rate of at least one (1) thirty-gallon (four-cubic-foot) container for each rental space or an equivalent storage capacity in centralized storage facilities. Adequate refuse collection and removal shall be the responsibility of the park owner.

Y. Mobile (manufactured) home site. The minimum size of a mobile (manufactured) home in a mobile (manufactured) home park shall be eight (8) feet by thirty-five (35) feet long.

Z. Sidewalks and walkways. For all new mobile (manufactured) home parks established after the date of passage of the ordinance codified in this section, sidewalks, in accordance with city specifications, shall be provided along streets, and walkways not less than three (3) feet wide shall be provided from streets to all public buildings.

AA. Structural additions. No other structural additions shall be built onto or become a part of any mobile (manufactured) home, except entrance steps. No mobile (manufactured) home shall support any building in any manner unless the addition is an awning, patio cover or carport; such additions shall comply with the current city building code and shall be architecturally compatible, as defined in Section 17.08.045, with the mobile (manufactured) home and area.

BB. Tiedowns. Permanent facilities shall be provided for anchors and tiedowns, which shall be sufficient to safely resist vertical lifting forces and to prevent any sliding or overturning.

CC. Skirting. Skirting shall be installed on all mobile (manufactured) homes, and shall provide access panels to permit convenient access to the water, sewer and gas connections. The access panels shall not be less than four (4) square feet in area, and have no less than eighteen (18) inches in the least dimension. Skirting material shall be weatherproof, fire-resistant, durable and architecturally compatible (as defined in Section 17.08.045) with the design of the mobile (manufactured) home. Skirting on each mobile (manufactured) home shall be completed within thirty (30) days from the date of initial placement.

DD. Patio pads. Patio pads shall be provided for each rental space. Patio pads shall have a minimum area of two hundred (200) square feet and shall be concrete or paved.

EE. Mobile (manufactured) home hook-ups. It shall be the responsibility of the park owner to insure that all utility hook-ups are complete according to the specifications stated in Sections 15.08.010 et seq., 15.12.010 et seq., and 15.16.025 et seq. of this code.

FF. Storage sheds. Storage sheds of not less than thirty-two (32) square feet nor more than one hundred twenty (120) square feet shall be provided for each rental space and shall be attached to a concrete or treated lumber foundation. Anchors or tiedowns shall be installed which shall be sufficient to safely resist vertical lifting forces and to prevent sliding and overturning.

GG. Drainage. The park shall be drained, graded and surfaced where necessary to facilitate drainage and prevent earth movement, and shall be free from depressions in which water collects and stagnates.

HH. Identification. Each mobile (manufactured) home shall be clearly identified by numbers or letters visible from the access street, by day or night.

II. Landings at doors. Every exit door shall comply with the minimum landing requirements as stated in the Uniform Building Code, current edition, Chapter 10.

JJ. Installation. All mobile (manufactured) homes shall be installed according to the manufacturer's specifications regarding pier systems, spacings and footings. If the manufacturer's specifications are not available, mobile (manufactured) homes shall be installed according to general standards and guidelines established by the building department.

KK. Permit requirements. No person shall install a mobile (manufactured) home without first obtaining a permit from the building department. All permit requirements for each mobile (manufactured) home shall be completed within thirty (30) days from initial placement. Occupancy of the mobile (manufactured) home shall not occur until the building department approves the yard setbacks, blocking, utility hookups, tiedowns, roof live load and the manufactured home standards as defined in Section 17.40.060. (Ord. 862 §1, 1997; Ord. 815 §§9, 10, 1995; Ord. 795 §§8, 9, 10, 1992; Ord. 763 §7, 1990; Ord. 751 §3(part), 1990; Ord. 654 §440.5, 1985)

#### **17.40.070 Compliance.**

All existing mobile (manufactured) home parks shall be altered to conform to all provisions of this chapter within three (3) years of the date of passage of the ordinance codified in this section. One (1) two-year (or less) extension of this time limit may be granted at the discretion of the planning and zoning commission and the city council. The park owner shall submit, within twelve (12) months of receipt of a certified letter advising of nonconformance, a plan of intent with the planning and zoning commission and city council for approval. Said plan must state the alterations that will bring the park in compliance with this chapter and the time frame in which the alterations are scheduled to be completed. However, upon the change of ownership of any existing mobile (manufactured) home park occasioned by sale or otherwise (except by inheritance), such mobile (manufactured) home park shall be altered to conform to all the provisions of this chapter at the time of any such change of ownership and shall not be operated until it is in compliance with this chapter. (Ord. 763 §8, 1990)

#### **17.40.080 Penalties; constitutional, repeal.**

The provisions of Section 17.84.060 as amended shall apply to all mobile (manufactured) home parks. (Ord. 763 §9, 1990)

### **Chapter 17.44**

#### **B Business District**

Sections:

- 17.44.010 Intent
- 17.44.020 Permitted uses
- 17.44.030 Permitted accessory uses

- 17.44.040 Conditional uses
- 17.44.050 Temporary uses
- 17.44.060 Property development standards

**17.44.010 Intent.**

The B District is intended to provide for the development of retail and service stores whose business is wholly conducted within an enclosed building and where the manufacture, compounding, processing or treatment of products is prohibited. All regulations for this district are deemed necessary for the protection of the business environment and for the securing of the health, safety and general welfare of the public. (Ord. 654 §445, 1985)

**17.44.020 Permitted uses.**

The following uses shall be permitted in the B District. All uses shall be subject to the property development standards in Section 17.44.060:

1. Appraisal office;
2. Art or antique shop;
3. Athletic club;
4. Auto accessory retail outlet;
5. Bakery, retail;
6. Bank;
7. Barber shop or beauty parlor;
8. Boardinghouse or roominghouse;
9. Book or stationery store;
10. Catering establishment;
11. Club lodge (nonprofit), fraternal or religious organization;
12. Confectioner store;
13. Department store;
14. Drug store;
15. Dry goods or notions store;
16. Finance office;
17. Florist or gift shop;
18. Furniture store;

19. Grocery, fruit or vegetable store;
20. Hardware, electrical appliance or electronic store;
21. Hospital or similar institution;
22. Hotel or motel;
23. Jewelry store;
24. Laundromat; laundry or dry cleaning agency;
25. Licensed child care facility for more than six (6) children;
26. Liquor store;
27. Meat market or delicatessen store;
28. Mortuary;
29. Offices;
30. Parking areas, public;
31. Printing and publishing enterprise;
32. Public building;
33. Residential uses second story and above;
34. Restaurant or cafe, excluding dancing, night club or similar entertainment establishment;
35. Secondhand store;
36. Shoe store or shoe repair shop;
37. Studios: art, dance, photography;
38. Theater or amusement center. (Ord. 822 §1, 1995; Ord. 815 §15, 1995; Ord. 654 §445.1, 1985)

**17.44.030 Permitted accessory uses.**

The following accessory uses are permitted in the B District, subject to the property development standards in Section 17.44.060:

A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;

B. Garage only for the storage of automobiles and/or commercial vehicles, limited to two (2) axles; and

C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §445.2, 1985)

**17.44.040 Conditional uses.**

The following uses may be permitted in the B District, subject to a conditional use permit, as provided for in Section 17.12.070:

A. Library;

B. Mineral and natural resource exploration, extraction and related facilities;

C. Park and playground;

D. Planned unit development (PUD)

E. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises;

F. Trade, technical, vocational or commercial school; and

G. Such other approved uses as may be determined compatible with this district or as provided for by predominant use as approved by the planning and zoning commission and the city council. (Ord. 815 §14(part), 1995; Ord. 654 §445.3, 1985)

**17.44.050 Temporary uses.**

The following uses may be permitted in the B District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Carnival, circus, bazaar or fair. Time limit: two (2) weeks;

C. Tent meeting or crusade. Time limit: two (2) weeks;

D. Parking for another temporary use. Time limit: same as temporary use for which parking is required;

E. City, county or state concrete or asphalt batching plant. Time limit: twelve (12) months; and

F. Building not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §445.4, 1985)

**17.44.060 Property development standards.**

The following property development standards shall apply to all land and structures in the B District:

A. Lot size. No requirement.

B. Population density. No requirement.

C. Building height. No building or structure hereafter erected in this district shall exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. No requirement.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. No requirement.

2. Side yard. Each lot shall have a side yard setback of not less than five (5) feet from the property line. Where designed in accordance with building code requirements, buildings may be located on the side property line.

3. Rear yard. Each lot shall have a rear yard setback of not less than fifteen (15) feet from the property line, or five (5) feet from a dedicated alley.

4. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

a. Uncovered and unenclosed porches;

b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height; and

c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

F. Fences, hedges and walls. Fences, hedges and walls shall be permitted on or within all rear, side and front property lines, provided that a clear field of view is not obstructed for vehicles traveling on public roads or entering from private access roads.

G. Off-street parking, loading and landscaping. Off-street parking, loading and landscaping shall be provided in accordance with the requirements of Chapter 17.76.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the B District.

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area. (Ord. 801 §3, 1994; Ord. 755 §4(part), 1990; Ord. 654 §445.4, 1985)

## Chapter 17.48

### C Commercial District

#### Sections:

- 17.48.010 Intent
- 17.48.020 Permitted uses
- 17.48.030 Permitted accessory uses
- 17.48.040 Conditional uses
- 17.48.050 Temporary uses
- 17.48.060 Property development standards

#### **17.48.010 Intent.**

The C District is intended to provide for the development of retail and service businesses where outdoor storage is permitted, and where the manufacture, compounding, processing or treatment of products is permitted when clearly essential or incidental to the retail or service business and when such products are sold at retail on the premises. Such uses, operations, or products shall not produce offensive odors, dust, smoke, noise or vibration. All regulations for this district are deemed necessary for the protection of the business environment and for the securing of the health, safety and general welfare of the public. (Ord. 654 §450, 1985)

#### **17.48.020 Permitted uses.**

The following uses shall be permitted in the C District. All uses shall be subject to the property development standards in Section 17.48.060:

1. Any permitted use in the B Business District;
2. Advertising signs or structures or billboards (see signs and outdoor advertising devices);
3. Appraisal office;
4. Art or antique shop;
5. Athletic club;
6. Auditorium;
7. Auto accessory retail outlet within an enclosed building only;
8. Automobile and other motor vehicle assembly, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, but specifically excluding junkyards and auto salvage yards; provided that said uses are conducted by persons with current state sales tax licenses and are wholly within an area which is screened from public view by a solid fence not less than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof. If such operation involves noise it shall be permitted between the hours of 7:00 a.m. and 9:00 p.m. only;
9. Automobile and trailer sales area. All incidental repair of automobiles or trailers shall be conducted wholly within an area which is screened from public view by a solid fence not less

than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof. Painting and body repair and similar operations are permitted as long as uses comply with the Uniform Fire Code requirements and are kept wholly within an area which is screened from public view by a solid fence not less than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof. Such operation involving noise shall be permitted between the hours of 7:00 a.m. and 9:00 p.m. only;

10. Bakery, retail;
11. Bank;
12. Barber shop or beauty parlor;
13. Baseball and football stadium, amusement park, tennis court or other like outdoor recreational facility;
14. Bath, masseuse establishment;
15. Billiard or pool hall, if conducted wholly within a completely enclosed building;
16. Boardinghouse or roominghouse;
17. Book or stationery store;
18. Bus terminal;
19. Business college or private school operated as a commercial enterprise;
20. Blueprinting or photostating;
21. Carpenter shop, if conducted wholly within a completely enclosed building, but excluding a sawmill or planing mill;
22. Catering establishment;
23. Club, lodge (nonprofit), fraternal or religious organization;
24. Confectioner store;
25. Department store;
26. Drive-in business, where persons are served in automobiles, such as a refreshment stand, restaurant or food store;
27. Drug store;
28. Dry cleaning plant using nonflammable cleaning compounds in enclosed machines;
29. Dry goods or notion store;
30. Farm implement sales and service;

31. Feed store, retail, if conducted wholly within a completely enclosed building, excluding elevators;

32. Finance office;

33. Florist or gift shop;

34. Frozen food locker;

35. Furniture store;

36. Grocery, fruit or vegetable store;

37. Hardware, electrical appliance, electronic store, within an enclosed building only;

38. Hotel or motel;

39. Ice storage;

40. Jewelry store;

41. Laundromat; laundry and dry cleaning agency;

42. Licensed child care facility for more than six (6) children;

43. Liquor store;

44. Meat market or delicatessen store;

45. Mortuary;

46. Nursing home or rest home;

47. Offices;

48. Parking area, public;

49. Pet shop;

50. Plumbing, sheet metal shop;

51. Printing and publishing enterprise;

52. Public building;

53. Recreational vehicle sales and service;

54. Residential uses second story and above;

55. Restaurant or tavern, including those where dancing is permitted;

56. Secondhand store within an enclosed building only;

- 57. Service station;
- 58. Shoe store or shoe repair shop;
- 59. Shooting gallery, if conducted wholly within a completely enclosed building;
- 60. Sign shop within an enclosed building only;
- 61. Studios: art, dance, photography;
- 62. Taxidermist, if conducted wholly within a completely enclosed building;
- 63. Theater or amusement center;
- 64. Tire shop within an enclosed building;
- 65. Truck stop; and
- 66. Upholstery shop within an enclosed building only. (Ord. 815 §16, 1995; Ord. 768 §6, 1990; Ord. 686 §5, 1987; Ord. 654 §450.1, 1985)

**17.48.030 Permitted accessory uses.**

The following accessory uses are permitted in the C District, subject to the property development standards in Section 17.48.060:

- A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district;
- B. Garage only for the storage of automobiles and/or commercial vehicles, limited to two (2) axles; and
- C. Solar collector designed to supply energy for use on the premises. (Ord. 654 §450.2, 1985)

**17.48.040 Conditional uses.**

The following uses may be permitted in the C District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Library;
- B. Park and playground;
- C. Mineral and natural resource exploration, extraction and related facilities;
- D. Planned unit development (PUD);
- E. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the premises;
- F. Trade, technical, vocational or commercial school;

G. Travel trailer park, provided that said park is in compliance with the provisions of Section 17.62.010;

H. Such other uses as may be determined compatible with this district or as provided for by predominant use as approved by the planning and zoning commission and the city council. (Ord. 869 §2(part), 1998; Ord. 838 §2(part), 1996; Ord. 815 §14(part), 1995; Ord. 762 §6, 1990; Ord. 654 §450.3, 1985)

**17.48.050 Temporary uses.**

The following uses may be permitted in the C District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

B. Carnival, circus, bazaar or fair. Time limit: two (2) weeks;

C. Tent meeting or crusade. Time limit: two (2) weeks;

D. Parking for another temporary use. Time limit: same as temporary use for which parking is required;

E. City, county or state concrete or asphalt batching plant. Time limit: twelve (12) months;

F. Building not in accordance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §450.4, 1985)

**17.48.060 Property development standards.**

The following property development standards shall apply to all land and structures in the C District:

A. Lot size. No requirement.

B. Population density. No requirement.

C. Building height. No building or structure hereafter erected in this district shall exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. No requirement.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. No requirement.

2. Side yard. Each lot shall have a side yard setback of not less than five (5) feet from the property line. Where designed in accordance with building code requirements, buildings may be located on the side property line.

3. Rear yard. Each lot shall have a rear yard setback of not less than fifteen (15) feet from the property line, or five (5) feet from a dedicated alley.

4. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

a. Uncovered and unenclosed porches;

b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height; and

c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

F. Fences, hedges and walls. Fences, hedges and walls shall be permitted on or within all rear, side and front property lines, provided that a clear field of view is not obstructed for vehicles traveling on public roads or entering from private access roads.

G. Off-street parking, loading and landscaping. Off-street parking, loading and landscaping shall be provided in accordance with the requirements of Chapter 17.76.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the C District.

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area. (Ord. 801 §7, 1994; Ord. 755 §4(part), 1990; Ord. 654 §450.5, 1985)

## **Chapter 17.52**

### **L-I Light Industrial District**

#### Sections:

- 17.52.010 Intent
- 17.52.020 Permitted uses
- 17.52.030 Permitted accessory uses
- 17.52.040 Conditional uses
- 17.52.050 Temporary uses
- 17.52.060 Property development standards

### **17.52.010 Intent.**

The L-I District is intended to provide for the manufacture, fabrication and/or processing of any commodity with the exception of those that usually create excessive amounts of smoke, noise, fumes, vibration or other deleterious effects. Where possible, the district shall be located down wind from residential and business areas and should not abut a residential or business district. All regulations for this district are deemed the minimum necessary for the mutual protection of industrial users and for the securing of the health, safety and general welfare of the public. (Ord. 736 §10, 1989; Ord. 654 §455, 1985)

### **17.52.020 Permitted uses.**

The following uses shall be permitted in the L-I District. All uses shall be subject to the property development standards in Section 17.52.060:

1. Any permitted use in the business and commercial district excluding any residential uses, except that impound lots or towing service storage areas must be within a screened, fenced area;
2. Advertising signs or structures and billboards (see signs and outdoor advertising devices in Chapter 17.68);
3. Appraisal office;
4. Assembly of electrical appliances, including the manufacture of small parts only;
5. Art or antique shop;
6. Athletic club;
7. Auditorium;
8. Auto accessory retail outlet;
9. Automobile and trailer sales area. All incidental repair of automobiles or trailers shall be conducted wholly within an area which is screened from public view by a solid fence not less than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof. Painting and body repair and similar operations are permitted as long as uses comply with the Uniform Fire Code requirements and are kept wholly within an area which is screened from public view by a solid fence not less than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof. Such operation involving noise shall be permitted between the hours of 7:00 a.m. and 9:00 p.m only;
10. Bakery, retail or wholesale;
11. Bank;
12. Barber shop or beauty parlor;
13. Baseball and football stadium, amusement park, tennis court and other like outdoor recreational facility;
14. Bath, masseuse establishment, etc.;

15. Battery manufacture and production of automobile accessories;
16. Billiard or pool hall;
17. Book or stationery store;
18. Business college or private school operated as a commercial enterprise;
19. Blueprinting or photostating;
20. Bus terminal;
21. Carpenter shop, but excluding sawmill or planing mill;
22. Catering establishment;
23. Club, lodge (nonprofit), fraternal or religious organization;
24. Confectioner store;
25. Dance hall;
26. Department store;
27. Distribution plant; ice and cold storage, bottling plant and food commissary;
28. Drive-in business where persons are served in automobiles, such as a refreshment stand, restaurant and food store;
29. Drug store;
30. Dry cleaning plant;
31. Dry goods or notions store;
32. Dwelling, but only as a custodial function to another permitted use or approved conditional use in the district;
33. Farm implement sales and service;
34. Feed store;
35. Finance office;
36. Florist or gift shop;
37. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;
38. Frozen food locker;
39. Furniture store or warehouse;

40. Grocery, fruit or vegetable store; wholesale and farmer's market;
41. Hardware, electrical appliance or electrical store, lumber yard or other incidental building materials;
42. Hotel or motel;
43. Ice storage;
44. Jewelry store;
45. Laundromat; laundry or dry-cleaning agency; laundry;
46. Licensed child care facility for more than six (6) children;
47. Liquor store;
48. Manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products or ice cream;
49. Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: cellophane, canvas, cloth, cork, felt, fiber, fiberglass, glass, paper, plastics, precious or semi-precious stones, shell, textiles, wood (excluding planing mills), yarns and paint not employing a boiling process;
50. Manufacture of pottery and figurines or other similar ceramic products using only a previously pulverized clay;
51. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products such as heating and ventilating ducts and equipment, cornices, eaves and the like for wholesale use only;
52. Meat market, processing plant or delicatessen store;
53. Mortuary;
54. Offices;
55. Parcel delivery center;
56. Parking areas, for customers and employees, and/or for the public;
57. Pet shop;
58. Printing and publishing enterprise;
59. Plumbing, sheet metal shop;
60. Public building;
61. Recreational vehicle sales and service;

62. Restaurant or tavern;
63. Secondhand store;
64. Service station;
65. Shoe store or shoe repair shop;
66. Shooting gallery, if conducted wholly within a completely enclosed building;
67. Sign shop;
68. Studio: art, dance, photography;
69. Taxidermist, if conducted wholly within a completely enclosed building;
70. Theater or amusement center;
71. Tire shop;
72. Travel trailer park, provided that said park is in compliance with the provisions of Section 17.62.010;
73. Trucking freight depot or terminal. Adequate off-street loading space shall be provided for the transfer and handling of merchandise and adequate parking space constructed for empty or loaded vans awaiting removal;
74. Truck stop;
75. Upholstery shop;
76. Veterinary or animal hospital and kennel;
77. Welding shop;
78. Wholesale business, storage building or warehouse;
79. The following uses conducted by persons with current state sales tax licenses if conducted wholly within an area which is screened from public view by a solid fence not less than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof:
  - a. Storage yard or plant for the storage of vehicles or equipment commonly used by contractors, farmers and builders when developed with paved or graveled access aisles;
  - b. Retail lumber yard, including incidental mill work, building material, sales yard, the sale of sand and gravel and other incidental material, but excluding ready-mix concrete plants or mixing operations;
  - c. The storage of pipe, wire cable, drilling equipment or oil well supplies;

d. Automobile and other motor vehicle assembly, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, but specifically excluding junkyards and auto salvage yards. If such operation involves noise it shall be permitted between the hours of 7:00 a.m. and 9:00 p.m. only.

80. Adult business as defined in Section 5.50.030. (Ord. 869 §2(part), 1998; Ord. 838 §2(part), 1996; Ord. 815 §17, 1995; Ord. 768 §§7, 8, 1990; Ord. 762 §7, 1990; Ord. 686 §6, 1987; Ord. 654 §455.1, 1985)

#### **17.52.030 Permitted accessory uses.**

The following accessory uses are permitted in the L-I District, subject to the property development standards in Section 17.52.060:

A. Any accessory building, structure or use which is in addition to and in conjunction with any permitted use or approved conditional use in the district; and

B. Solar collector designed to supply energy for use on the premises. (Ord. 654 §455.2, 1985)

#### **17.52.040 Conditional uses.**

The following uses may be permitted in the L-I District, subject to a conditional use permit, as provided for in Section 17.12.070:

A. Batch or concrete plants;

B. Chemical storage;

C. Mineral and natural resource exploration, extraction and related facilities;

D. Planned unit development (PUD);

E. Sewage disposal plant;

F. Wind generator or other energy collection device in excess of thirty-five (35) feet in height, designed to supply energy for use on the property;

G. Trade, vocational or technical school;

H. Such other uses as may be determined compatible with this district or as provided for by predominant use as approved by the planning and zoning commission and the city council; and

I. Mobile home. (Ord. 815 §14(part), 1995; Ord. 736 §11, 1989; Ord. 654 §455.3, 1985)

#### **17.52.050 Temporary uses.**

The following uses may be permitted in the L-I District on a temporary basis, subject to the time limits specified:

A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;

- B. Carnival, circus, bazaar or fair. Time limit: two (2) weeks;
- C. Tent meeting or crusade. Time limit: two (2) weeks;
- D. Parking for another temporary use. Time limit: same as temporary use for which parking is required;
- E. City, county or state concrete or asphalt batching plant. Time limit: twelve (12) months; and
- F. Building not in accordance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §455.4, 1985)

**17.52.060 Property development standards.**

The following property development standards shall apply to all land and structures in the L-I District:

- A. Lot size. No requirement.
- B. Population density. No requirement.
- C. Building height. No building hereafter erected in this district shall exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.
- D. Building floor area. Refer to Uniform Building Code.
- E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:
  - 1. Front yard. Each lot shall have a front yard setback of not less than twenty-five (25) feet from the street right-of-way.
  - 2. Side yard. Each lot shall have a side yard setback of not less than ten (10) feet from the property line.
  - 3. Rear yard. No requirement.
  - 4. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.
  - 5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:
    - a. Uncovered and unenclosed porches;
    - b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height;
    - c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

6. Corner lots. The side adjacent to the side street shall have the same setback as the front yard. No solid fence, wall, tree, hedge or shrubbery shall be permitted which obstructs a clear field of view of crossing traffic for vehicles negotiating the intersection.

F. Fences, hedges and walls. Fences, hedges and walls shall be permitted on or within all rear, side and front property lines, provided that a clear field of view is not obstructed for vehicles traveling on public roads or entering from private access roads.

G. Off-street parking, loading and landscaping. Off-street parking, loading and landscaping shall be provided in accordance with the requirements of Chapter 17.76.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the L-I District.

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area. (Ord. 801 §8, 1994; Ord. 755 §4(part), 1990; Ord. 654 §455.5, 1985)

## **Chapter 17.56**

### **H-I Heavy Industrial District**

Sections:

- 17.56.010 Intent
- 17.56.020 Permitted uses
- 17.56.030 Permitted accessory uses
- 17.56.040 Conditional uses
- 17.56.050 Temporary uses
- 17.56.060 Property development standards

#### **17.56.010 Intent.**

The H-I District is intended to provide for the manufacture, fabrication and/or processing of any commodity, including those that usually create excessive amounts of smoke, noise, fumes, vibration, or other deleterious effects. Where possible, the district shall be located downwind from residential and business areas and should not abut a residential or business district. All regulations for this district are deemed the minimum necessary for the mutual protection of industrial users and for the securing of the health, safety and general welfare of the public. (Ord. 654 §460, 1985)

#### **17.56.020 Permitted uses.**

The following uses shall be permitted in the H-I District. All uses shall be subject to the property development standards in Section 17.56.060:

1. Advertising signs or structures and billboards (see signs and outdoor advertising devices in Chapter 17.68);

2. Alcohol manufacture;

3. Assembly of electrical appliances;

4. Battery manufacture and production of automobile accessories;

5. Blacksmith shop, welding shop or machine shop involving punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines;

6. Boiler works;

7. Brick, tile or terra cotta manufacture;

8. Carpenter shop;

9. Concrete or cement products manufacture and concrete or asphalt batching plant;

10. Distribution plant, parcel delivery, ice and cold storage, or bottling plant;

11. Dry cleaning plant;

12. Dwelling, only as a custodial function to another permitted use or approved conditional use;

13. Farm implement sales and service;

14. Feed store or grain elevator;

15. Foundry, iron or steel: fabrication plant and heavy weight casting;

16. Manufacturing, compounding, processing, packaging or treatment of cosmetics;

17. Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: cellophane, canvas, cloth, cork, felt, fiber, fiberglass, glass, paper, plastics, precious or semi-precious stones, shell, textiles, wood, yarns and paint;

18. Manufacturing, compounding, process, packaging or treatment of such products as fish or meat products or by-products; fruit or vegetable product manufacture, canning or packing;

19. Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, feather, fur, horn or leather;

20. Manufacture of pottery and figurines or other similar ceramic products using only a previously pulverized clay;

21. Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products such as heating and ventilating ducts and equipment, cornices, eaves and the like, for wholesale use only;

- 22. Parking areas for customers and employees, and/or for the public;
- 23. Paving processing;
- 24. Printing and publishing enterprise;
- 25. Public building;
- 26. Rolling mill;
- 27. Trucking freight depot or terminal. Adequate off-street loading space shall be provided for the transfer and handling of merchandise and adequate parking space constructed for empty or loaded vans awaiting removal;
- 28. Truck stop;
- 29. Veterinary or animal hospital and kennel;
- 30. Wholesale storage and/or sales building or warehouse;
- 31. Wool processing and storage;
- 32. The following uses conducted by persons with current state sales tax licenses if conducted wholly within an area which is screened from public view by a solid fence not less than six (6) feet in height, or, if the topography requires such an enclosure, in a building with four (4) solid walls and a roof:
  - a. Storage yard or plant for the storage of vehicles or equipment commonly used by contractors, farmers and builders when developed with paved or graveled access aisles;
  - b. The storage of pipe, wire cable, drilling equipment or oil well supplies;
  - c. Automobile, trailer and other motor vehicle assembly, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, but specifically excluding junkyard and auto salvage yards;
  - d. Lumber yard; lumber or saw mill, including planing mill; and
- 33. Adult business as defined in Section 5.50.030. (Ord. 869 §2(part), 1998; Ord. 838 §2(part), 1996; Ord. 768 §9, 1990; Ord. 654 §460.1, 1985)

**17.56.030 Permitted accessory uses.**

The following accessory uses shall be permitted in the H-I District, subject to the property development standards in Section 17.56.060:

- A. Any accessory building, structure or use which are in addition to and in conjunction with any permitted use or approved conditional use in the district; and
- B. Solar collector designed to supply energy for use on the premises. (Ord. 654 §460.2, 1985)

**17.56.040 Conditional uses.**

The following uses may be permitted in the H-I District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Chemical manufacture, processing, or storage;
- B. Dumping, storage, sorting or collecting of waste material;
- C. Electric power generating plant;
- D. Explosive manufacture or storage;
- E. Gases: manufacture or storage;
- F. Junkyard, including auto wrecking, when surrounded by an eight-foot screening fence;
- G. Mineral and natural resource exploration, extraction and associated facilities;
- H. Livestock sale facility;
- I. Paint, shellac, turpentine or varnish manufacture;
- J. Petroleum products manufacture or wholesale storage of petroleum; gasoline manufacturing and petroleum refining;
- K. Public utilities, as defined in Section 17.08.450;
- L. Planned unit development (PUD);
- M. Sewage disposal plant;
- N. Trade, technical or vocational school;
- O. Wind generator or other energy collection device in excess of thirty-five (35) feet in height; and
- P. Such other approved uses as may be determined compatible with this district as approved by the planning and zoning commission and the city council. (Ord. 654 §460.3, 1985)

**17.56.050 Temporary uses.**

The following uses may be permitted in the H-I District on a temporary basis, subject to the time limits specified:

- A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;
- B. Carnival, circus, bazaar or fair. Time limit: two (2) weeks;
- C. Tent meeting or crusade. Time limit: two (2) weeks;

D. Parking for another temporary use. Time limit: same as temporary use for which parking is required;

F. Building not in accordance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §460.4, 1985)

### **17.56.060 Property development standards.**

The following property development standards shall apply to all land and structures in the H-I District:

A. Lot size. No requirement.

B. Population density. No requirement.

C. Building height. No building hereafter erected in this district shall exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. Refer to Uniform Building Code in Title 15.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than fifty (50) feet from the property line. Uses permitted under a conditional use permit which are found to be obnoxious or offensive because of odor, dust, smoke, gas, noise or vibration may require a buffer zone of up to six hundred (600) feet.

2. Side yard. No side yard shall be required. If a side yard is provided, it shall be not less than five (5) feet in width. Uses permitted under a conditional use permit which are found to be obnoxious or offensive because of odor, dust, smoke, gas, noise or vibration may require a buffer zone of up to six hundred (600) feet.

3. Rear yard. Each lot shall have a rear yard setback of not less than twenty-five (25) feet from the property line. Uses permitted under a conditional use permit which are found to be obnoxious or offensive because of odor, dust, smoke, gas, noise or vibration may require a buffer zone of up to six hundred (600) feet.

4. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

a. Uncovered and unenclosed porches;

b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height;

c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

F. Fences, hedges and walls. Fences, hedges and walls shall be permitted on or within all rear, side and front property lines, provided that a clear field of view is not obstructed for vehicles traveling on public roads or entering from private access roads. Uses permitted under a conditional use permit which are found to be obnoxious or offensive because of odor, dust, smoke, gas, noise or vibration may require fencing or screening to a minimum height of eight (8) feet.

G. Off-street parking, loading and landscaping. Off-street parking, loading and landscaping shall be provided in accordance with the requirements of Chapter 17.76.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. General conditions, as provided in Chapter 17.64, shall apply to the H-I District.

K. Buildings, alterations and structural additions. Buildings, alterations and structural additions shall comply with the current city building code and be architecturally compatible, as defined in Section 17.08.046, with the existing buildings and/or the surrounding area. (Ord. 801 §9, 1994; Ord. 755 §4(part), 1990; Ord. 654 §460.5, 1985)

## **Chapter 17.60**

### **O Open District**

Sections:

- 17.60.010 Intent
- 17.60.020 Conditional uses
- 17.60.030 Temporary uses
- 17.60.040 Property development standards

#### **17.60.010 Intent.**

The O District is intended to provide for permanent open space in the city where the limitation of development is desired in order to protect the public in areas of flood hazard, fire hazard, geologic hazard or other areas of public safety concern. Recreation facilities, wildlife preserves, transportation facilities and other appropriate open uses are desirable in the O District. All regulations for this district are deemed necessary for protection of special hazard areas and for the securing of the health, safety and general welfare of the residents. (Ord. 654 §465, 1985)

#### **17.60.020 Conditional uses.**

The following uses may be permitted in the O District, subject to a conditional use permit, as provided for in Section 17.12.070:

- A. Agriculture;
- B. Airports;

- C. Cemeteries;
- D. Fisheries;
- E. Green belts;
- F. Mineral and natural resource exploration, extraction and related facilities;
- G. Parking areas, sized to serve a permitted use only;
- H. Parks;
- I. Public utilities, as defined in Section 17.08.450;
- J. Recreation, but including only such structures as approved by the planning and zoning commission and city council;
- K. Sanitary landfill;
- L. Sewage disposal plant;
- M. Dwelling, but only as a custodial function to another permitted use or approved conditional use in the district; and
- N. Such other uses as may be determined compatible with this district, as approved by the planning and zoning commission and the city council. (Ord. 654 §465.3, 1985)

**17.60.030 Temporary uses.**

The following uses may be permitted in the O District on a temporary basis, subject to the time limits specified:

- A. Construction office and yard incidental to construction on the premises. Time limit: twelve (12) months;
- B. Carnival, circus, bazaar or fair. Time limit: two (2) weeks;
- C. Tent meeting or crusade. Time limit: two (2) weeks;
- D. Parking for another temporary use. Time limit: same as temporary use for which parking is required;
- E. City, county or state concrete or asphalt batching plant. Time limit: twelve (12) months;
- F. Building not in conformance with the city building code in Title 15. Time limit: twelve (12) months. (Ord. 654 §465.4, 1985)

**17.60.040 Property development standards.**

The following property development standards shall apply to all land and structures in the O District:

A. Lot size. No requirement.

B. Population density. No requirement.

C. Building height. No building or structure hereafter erected in this district shall exceed thirty-five (35) feet in height. Flagpoles, chimneys, smokestacks, and radio and television masts are excepted.

D. Building floor area. No requirement.

E. Yards. Yards are required to extend the full width or depth of the lot, as provided below:

1. Front yard. Each lot shall have a front yard setback of not less than sixty (60) feet, as measured from the street right-of-way line, or ninety (90) feet as measure from the street easement centerline.

2. Side yard. Each lot shall have a side yard setback of not less than sixty (60) feet from the property line.

3. Rear yard. Each lot shall have a rear yard setback of not less than sixty (60) feet from the property line.

4. Accessory buildings and structures. Accessory buildings and structures shall conform to the required yard setbacks.

5. Permitted projections into required yards. The following items and other similar architectural features may extend or project into a required yard not more than six (6) inches for each required foot of yard setback:

a. Uncovered and unenclosed porches;

b. Uncovered and unenclosed patios and decks not more than thirty (30) inches in height;

c. Open, unenclosed stairways or balconies not covered by a roof or canopy.

F. Fences, hedges walls and corrals. Fences, hedges walls and corrals shall be permitted on or within all rear, side and front property lines, provided that a clear field of view is not obstructed for vehicles traveling on public roads or entering from private access roads.

G. Off-street parking. Off-street parking shall be provided sufficient to eliminate the parking of vehicles or equipment within the public right-of-way.

H. Outdoor advertising. Outdoor advertising may be permitted in accordance with the provisions of Chapter 17.68.

I. Nonconforming buildings and uses. Nonconforming buildings and uses shall be regulated in accordance with the provisions of Chapter 17.72.

J. General conditions. Sections 17.64.060 and 17.64.070 of the general conditions shall apply in the O Open District. (Ord. 654 §465.5, 1985)

## Chapter 17.62

### Travel Trailer Parks

Sections:

- 17.62.010 Property development standards
- 17.62.020 Compliance
- 17.62.030 Penalties; constitutional; repeal

#### **17.62.010 Property development standards.**

The following property development standards shall apply to all travel trailer parks:

A. **Streets.** Streets or accessways within the travel trailer park shall be constructed and maintained to allow free movement of emergency and service vehicles at all times and shall be graded to drain and surfaced where necessary to maintain proper drainage and minimize dust. On-street parking on two-way streets shall be for a maximum of twenty-four (24) hours. Enforcement of on-street parking regulations shall be the responsibility of the park owner.

B. **Fire Fighting and Preservation.** Fixed installations for fire department operations shall be provided in accordance with the Uniform Fire Code and the specifications of the city. There shall be a maximum distance of three hundred (300) feet between hydrants.

C. **Recreation Buildings and Other Community Service Facilities.** Recreation buildings and other community service facilities are subject to the city building code. Management offices, storage facilities and indoor recreation areas may be provided. No travel trailer shall be placed closer than twenty (20) feet to a building. Floor surfaces of service buildings shall be of noncombustible materials. Flammable liquids shall not be stored, handled or used in service buildings unless such storage or handling shall comply with the Uniform Fire Code.

D. **Construction Requirements.** All developers of any travel trailer park shall submit proposed plans and specifications to the planning and zoning commission and city council for approval according to the criteria set forth in Title 16 of this code. In the event the development shall be a planned unit development (PUD), the developer shall follow the criteria set forth in Section 17.64.030 of this code.

E. **Utilities.** All utilities shall be placed underground. Tent sites not be provided with utilities.

F. **Water.**

1. Water service lines, including valves, riser pipes and connections, shall be installed in compliance with the Uniform Plumbing Code. If so required, every rental space shall be provided with an individual water service pipe and a riser pipe in conformance with the Uniform Plumbing Code. The riser pipe shall extend at least four (4) inches vertically above ground unless it is shielded by a riser protector and casement extending above ground and fitted with a lid. The riser shall terminate with two (2) threaded valved outlets which provide connections for the travel trailer water piping and for a garden hose. The travel trailer water outlet shall be securely capped when a travel trailer does not occupy the rental space.

2. Every rental space not served by water shall have a central water outlet within one hundred fifty (150) feet of that space. Each central water outlet shall have a sign (minimum of two (2) feet by two (2) feet) stating "POTABLE WATER ONLY NOT TO BE USED FOR FLUSHING WASTE TANKS."

G. Sewer. Unless previously exempted by the planning and zoning commission and city council, each rental space shall be provided with a sewer branch line and riser pipe at least four (4) inches inside diameter. The branch line shall be installed with a uniform slope of at least one-fourth (<sup>3</sup>) inch per linear foot. The branch line shall be terminated at a riser pipe of at least four (4) inches inside diameter, which extends vertically four (4) inches above ground elevation. The riser pipe shall be protected by a concrete collar four (4) inches thick and twelve (12) inches in diameter. When a travel trailer does not occupy the rental space, the sewer riser pipe shall be capped with a water-tight cap or plug.

H. Open Space. Per approval of plot plan, common areas or playgrounds shall be provided at the ratio of two hundred (200) usable square feet per rental space and shall be centrally located.

I. Park Size. The minimum size of a travel trailer park shall be three and one-half (3.5) acres.

J. Lighting. All streets and walkways within the park shall have a minimum standard of illumination as provided by one-hundred-seventy-five-watt mercury vapor lamps or equivalent at a maximum spacing of three hundred (300) feet.

K. Garbage. Durable, washable and nonabsorbent metal or plastic containers with tight-fitting lids shall be provided for each rental space or at a central storage area conveniently located not more than two hundred (200) feet from any rental space. Refuse containers shall be provided at the rate of at least one (1) thirty-gallon (four-cubic-foot) container for each rental space or an equivalent storage capacity in centralized storage facilities. Adequate refuse collection and removal shall be the responsibility of the park owner.

L. Bar-b-ques. If provided, outdoor bar-b-ques shall be in a safe and convenient area where they will not constitute fire hazards to vegetation, undergrowth, trees and recreational vehicles. No open fires are allowed.

M. Sanitary facilities. Sanitary facilities shall be provided in all travel trailer parks and shall comply with the following requirements:

1. Sanitary facilities shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not more than three hundred (300) feet from any travel trailer served.

2. Separate rooms containing required plumbing fixtures shall be provided for each sex. If located in the same building, they shall be separated by a solid wall extending from floor to ceiling and shall be clearly marked for "Men" or "Women." There shall be a minimum of one (1) water closet, lavatory and shower for each sex up to the first fifteen (15) rental space. For each additional fifteen (15) spaces not provided with sewer connections, an additional water closet, lavatory and shower for each sex shall be provided. There shall be a minimum of one (1) urinal for men up to the first thirty (30) rental spaces. For each additional thirty (30) spaces not provided with sewer connections, an additional urinal for men shall be provided. Whenever urinals are provided, one (1) water closet less than the number specified may be provided for each

urinal installed, except the number of water closets in such cases shall not be reduced to less than two thirds ( $\frac{2}{3}$ ) of the minimum specified.

3. The floors shall have a smooth, impermeable and easily cleanable surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove waste water and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, light colored, easily cleanable surface extending to a height of four (4) feet in water closet rooms and six (6) feet in shower rooms.

4. Rooms shall have a ceiling height of not less than seven and one-half ( $7\frac{1}{2}$ ) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty percent (50%) of the room and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

5. Rooms shall be provided with light and ventilation by means of windows or by artificial light and mechanical ventilation. The window area in each room shall be equivalent to at least ten percent (10%) of the floor area with at least one-half ( $\frac{1}{2}$ ) of the required window area openable to the outside area. Windows shall be installed so they do not create safety hazards. In lieu of the required window area in each room, an approved mechanical ventilation system may be installed which will provide at least five (5) air changes per hour, be vented directly to the outside, and be connected to the electrical lighting system.

6. When necessary for exclusion of flies, mosquitoes and other insects, exterior openings of buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch unless other approved protective devices are provided. Doors shall be provided with self-closing devices.

7. Exterior doors in buildings shall be provided with a landing which has a depth and width not less than the door opening.

8. Each room shall have at least one (1) double convenience outlet adjacent to lavatories and one (1) ceiling light fixture to provide thirty (30) footcandles at lavatory level. At least one (1) light fixture shall be provided at each entrance and shall be lighted during hours of darkness unless the yard lighting provides light levels of at least five (5) footcandles.

9. Buildings shall be provided with approved heating facilities properly installed, maintained in a safe working condition and capable of providing and maintaining a room temperature of sixty-eight degrees ( $68^{\circ}$ ) Fahrenheit.

10. Water closets and showers shall be partitioned so they are individually accessible. Each water closet and shower compartment shall have a self-closing door, except that showers may be equipped with a waterproof curtain.

11. Shower stalls shall not be less than thirty (30) inches in area and shall be constructed to prevent water flowing into the dressing space. Shower floors shall be impervious and skid resistant or provided with a nonslip impervious mat. Wooden racks (duck boards) are prohibited. Dry dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with clothes hooks and benches.

12. Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to water closets. The system shall be designed to prevent discharge of water in excess of one hundred twenty degrees (120°) Fahrenheit at the shower heads. The water heating facilities shall have the capacity to supply hot water (one hundred forty degrees [140°]) at the minimum rate of three (3) gallons per hour per each rental space. Such facilities shall be approved types and shall be properly installed and maintained.

13. Plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.

14. Bathroom tissue, soap, roller type or single service towels, and trash receptacles shall be provided in all common use or centralized water closet and lavatory facilities. The use of common towels is prohibited.

15. If buildings are kept locked, the operator shall provide a key for travel trailer park occupants.

16. Laundry facilities shall be provided and shall include clothes drying areas or mechanical dryers.

17. There shall be at least one (1) sanitary disposal station in every travel trailer park. Such disposal stations shall be installed according to specifications of the city. There shall also be a water outlet installed at each disposal station for flushing of tanks and cleaning of pad. Such outlet shall be posted by a sign (minimum of two [2] feet by two [2] feet) stating "Danger not to be used for drinking or domestic purposes." A common sanitary disposal station will not be required if: 1) within the designated and approved travel trailer park section of a Mobile Home Park District (MH-2) water and wastewater lines and connections are supplied to each individual travel trailer lot; and 2) a signed agreement is presented to the city stating that those travel trailers which are self-contained, but lack factory installed water and wastewater connections designed to hook up directly to service lines, will not be allowed to be placed within the designated travel trailer park section of a Mobile Home Park District (MH-2).

N. Off-Street Parking. Each rental space shall have a parking area of ten (10) feet by twenty (20) feet that shall be graded to drain and surfaced where necessary to maintain proper drainage and minimize dust.

O. Travel Trailer Rental Space Size. Minimum rental space size shall be one thousand (1,000) square feet and a minimum frontage shall not be less than twenty (20) feet. If a trailer borders on a private street, the minimum side and rear yard setback shall be eight (8) feet.

P. Evacuation Plan. Each travel trailer shall have a written evacuation plan approved by the city or its designated representative.

Q. Walkways. Walkways not less than three (3) feet wide shall be provided from streets to all public buildings.

R. Structural Additions. No other structural additions shall be built onto or become a part of any travel trailer.

S. Occupancy. Travel trailers shall be accommodated within the park for a maximum of ninety (90) days at any one (1) time, with the exception of travel trailers for compensated caretakers.

T. Storage Sheds. No storage sheds shall be allowed within a travel trailer rental space.

U. Drainage. The park shall be drained, graded and surfaced where necessary to facilitate drainage and prevent earth movement, and shall be free from depressions in which water collects and stagnates.

V. Clearances. No travel trailer shall be located closer than fifteen (15) feet from any other travel trailer or recreational vehicle.

W. Landscaping. Approval of a landscaping plan by the planning and zoning commission and city council shall be required for all travel trailer parks. Landscaping requirements are as follows:

1. Landscaping shall be designed to perform the following functions:

- a. Screen the travel trailer visually and audibly from adjacent properties as completely as possible;
- b. Provide an attractive entrance and street frontage;
- c. Provide dust and erosion control; and
- d. Provide a neat, attractive and aesthetically pleasing appearance.

2. Grass and ornamental landscaping shall be required in all travel trailer parks.

3. Adequate water outlets shall be provided to maintain all landscaping.

4. Fences and walls, no less than six (6) feet in height nor more than eight (8) feet in height, shall surround the travel trailer park except in those cases where adequate buffer screening is provided through landscaping. In lieu of fencing, an approved landscaping plat may be accepted by the planning and zoning commission and city council.

5. The park shall be maintained in a clean sanitary condition at all times. Each rental space shall be free from debris and refuse. The landscaping shall be kept trimmed, moved, and in a thriving condition. Grasses, weeds, and other such vegetation not considered as part of the ornamental landscape, shall not exceed twelve (12) inches in height. (Ord. 762 §8, 1990; Ord. 795 §3, 1992)

#### **17.62.020 Compliance.**

All existing travel trailer parks shall be altered to conform to all provisions of this chapter within three (3) years of the date of the passage of the ordinance codified in this chapter. One (1) two-year (or less) extension of this time limit may be granted at the discretion of the planning and zoning commission and the city council. The park owner shall submit, within twelve (12) months of receipt of a certified letter advising of nonconformance, a plan of intent with the planning and zoning commission and city council for approval. Said plan must state the alterations that will bring the park in compliance with this chapter and the time frame in which the alterations are scheduled to be completed. However, upon the change of ownership of any existing travel trailer park occasioned by sale or otherwise (except by inheritance) such travel trailer park shall be altered to conform to all the provisions of this chapter at the time of any such change of ownership and shall not be operated until it is in compliance with this chapter. (Ord. 762 §9, 1990)

**17.62.030 Penalties; constitutional; repeal.**

The provisions of Section 17.84.060, as amended, shall apply to all travel trailer parks. (Ord. 762 §10, 1990)

**Chapter 17.64**

**General Conditions**

Sections:

- 17.64.010 Generally
- 17.64.020 Predominant setback requirement
- 17.64.030 Planned unit development
- 17.64.050 Exercise of rights
- 17.64.060 Fortification Creek restrictions
- 17.64.070 Floodplain regulations

**17.64.010 Generally.**

The general conditions set out in this chapter, where applicable, shall apply in all districts. (Ord. 654 §485(part), 1985)

**17.64.020 Predominant setback requirement.**

A predominant setback shall prevail in any district where lots comprising fifty percent (50%) or more of the block frontage are developed with a front yard either greater or equal in depth than that prescribed for the district. (Ord. 654 §485(1), 1985)

**17.64.030 Planned unit development.**

A. A planned unit development (PUD) may be permitted in any district, on sites of not less than two (2) acres in area (net); provided that the planning and zoning commission and the city council are able to make a finding that the proposed development is likely to produce a more functional, enduring and desirable environment than would otherwise be possible and that no adverse effect to adjacent properties would result therefrom.

B. A preapplication discussion should be held between the applicant and the city planning staff. The following sequence shall be followed for application approval:

1. Submittal of a sketch plan in accordance with subdivision regulations, with associated site plans and building elevations;
2. Submittal of a preliminary plat in accordance with subdivision regulations, with revised site plans, building elevations and rezoning application, where needed; and
3. Submittal of a final plat in accordance with subdivision regulations, with restrictive covenants, as applicable.

C. The interval between preliminary plat approval and final plat approval shall be subject to a one-year time limit, with two (2) extensions of one (1) year each possible with planning and zoning commission and city council approval. (Ord. 654 §485(2), 1985)

#### **17.64.050 Exercise of rights.**

The exercise of rights granted by a zone change or conditional use permit shall be commenced within two (2) years after the date of final approval. Failure to exercise the rights granted by such approval shall cause the original application to be reconsidered by the planning and zoning commission and the city council. (Ord. 654 §485(4), 1985)

#### **17.64.060 Fortification Creek restrictions.**

No structure or building shall be constructed or erected nearer than sixty-two and one-half (62½) feet from the center of Fortification Creek; provided that nothing herein shall prohibit within this area parks, picnic grounds, recreational trails or the growing and preservation of trees, nursery stock and shrubbery for sale. (Ord. 654 §485(5), 1985)

#### **17.64.070 Floodplain regulations.**

Development within any floodplain shall conform to the standards and restrictions contained in Chapter 17.88 and any amendments or revisions thereof. (Ord. 654 §485(6), 1985)

### **Chapter 17.68**

#### **Signs**

Sections:

- 17.68.010 Purpose
- 17.68.015 Definitions
- 17.68.020 General provisions, restrictions and prohibitions
- 17.68.025 Standards and guidelines for sign design, construction and maintenance
- 17.68.030 Signs not requiring permits
- 17.68.035 Signs subject to permits
- 17.68.040 Nonconforming signs
- 17.68.045 Abandoned and obsolete signs
- 17.68.050 Maintenance
- 17.68.055 Permit procedures, requirements and fees
- 17.68.060 Enforcement provisions
- 17.68.070 Variance procedures

#### **17.68.010 Purpose.**

It is the purpose of this chapter to promote, preserve and protect the health, safety and general welfare of the present and future inhabitants of the city by providing regulations and standards relating to signs, as hereinafter set forth, to lessen congestion in the streets, provide for traffic safety and the orderly movement of traffic, provide adequate light, enhance the overall appearance of the community, conserve the value to buildings and encourage the most appropriate use of land throughout this municipality. This sign code recognizes and subscribes to the right of those in business to advertise upon their own premises; subject to the regulations set forth in this chapter for the purposes and reasons indicated in this section. (Ord. 695 §4(part), 1987)

### 17.68.015 Definitions.

For the purpose of this chapter, certain words and phrases used in this chapter are defined as follows:

1. *Abandoned sign* means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, activity conducted or product available on the premises where such sign is displayed.

2. *Advertise* means to describe or appraise publicly, to call public attention to or to inform or give information by words, symbols or pictures.

3. *Advertising device* means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, structure or any other contrivance designed, intended or used to advertise, or to give information in the nature of advertising and capable of being seen from the travel way of any city or state right-of-way, except any advertising device on a vehicle using the highway or a person or animal carrying a sign. The term *vehicle using the highway* does not include any vehicle parked near said highway for advertising purposes. *Advertising device* is synonymous with *sign*.

4. *Animated sign* means any exterior sign or graphic display device, or any part thereof, which changes physical position by movement or rotation.

5. *Announcement* means any sign announcing a special event unrelated to the business in which the sign is placed.

6. *Area of copy* means the entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign.

7. *Area of sign* means the entire area within a single, continuous perimeter composed of squares or rectangles which enclose the largest single face of the sign, including any frame forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled.

8. *Awning* means a shelter, projecting from the exterior wall of a building and composed of nonrigid material, except for supporting framework.

9. *Backlit* means as follows: See definition for *internal lighting*.

10. *Building code* means the Uniform Building Code, as adopted and modified by this jurisdiction.

11. *Business frontage* means the length of the property line of any one (1) premises parallel to and along each public right-of-way it borders.

12. *Business hours sign* means any sign displaying operating hours of a business.

13. *Central business zone* means an area extending from 6th Street south to one hundred twenty-five (125) feet south of 4th Street and from Ranney Street east to Washington Street.

14. Changeable copy sign (manual) means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

15. Changing sign (automatic) means a sign such as an electronically or electrically controlled public service time, temperature and date sign. A message center or readerboard, where different copy changes are shown.

16. Copy (permanent and temporary) means the wording or display on a sign surface either in permanent or removable form.

17. Deceptive sign means any sign which is erroneous and/or misleads the public.

18. Display surface means the area made available by the sign structure for the purpose of displaying the advertising copy.

19. Distance of sign projection means the distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

20. Enterprise zones means as follows: These zones are: business (B), commercial (C), light industrial (L-I), and heavy industrial (H-I).

21. Erect means to construct or allow to be constructed.

22. Exterior wall surface means the most exterior part of a wall, sun screen or any screening or material covering a building.

23. Flashing sign means any directly or indirectly illuminated sign, either stationary or animated (excluding automatic changing signs), which exhibits changing natural or artificial light or color effects by any means whatsoever.

24. Freestanding sign means any sign independent of buildings and consisting of self-supporting structures.

25. Garage sale sign means any sign advertising a garage sale or any other temporary sale at a residence. Such sign shall not exceed three (3) square feet. Maximum display time shall be seventy-two (72) hours, in any thirty-day period.

26. Good condition means a sign that is not decayed, insecure, lacking any part or portion thereof, or is otherwise safe and any painted copy is well maintained.

27. Grade means the average elevation of the ground at the common boundary line of the street, and the property or sidewalk and property lines.

28. Hanging sign means any sign suspended from or supported by a building or wall which projects at a perpendicular angle therefrom. Any sign suspended under a marquee, porch, walkway covering or similar covering structure.

29. Highway or state highway means any road on the state highway system, as defined in Section 43-2-101, C.R.S.

30. Historic place sign means any sign indicating the historical significance of a site or structure. Such sign shall be no larger than three (3) square feet.

31. Identification sign means a sign to identify premises, occupants of premises or services performed thereon.

32. Illegal sign means a sign which contravenes this chapter or which the city may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

33. Indirect lighting means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.

34. Internal lighting means a source of illumination entirely within the sign which makes the contents of the sign visible by means of the light transmitted but wherein the source of illumination is not visible.

35. Maintain means to preserve, keep in repair or continue an advertising device.

36. Multi-use building means any nonresidential building with more than one (1) separately owned or operated business, tenant or enterprise in it.

37. Nonconforming sign (legal) means any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a nonconforming sign for which a special permit has been issued.

38. Obsolete sign means any sign which is obsolete in terms of identifying a business, service, attraction or event which no longer exists or applies.

39. Official sign (public sign) means any sign required or authorized for any public purpose to meet the needs of public information, health, safety and welfare. Where applicable, such sign shall not exceed three (3) square feet. An official sign shall not advertise a commercial business.

40. Off-premises sign means any sign placed other than on the parcel of land or premises wherein or upon which the business in reference is located.

41. On-premises sign means any sign placed on the parcel of land or premises wherein or upon which the business in reference is located.

42. "Open" and "Closed" sign means any sign indicating that a business is open or closed.

43. Parking sign means any sign indicating parking or directing vehicular traffic into a parking area.

44. Permanent sign means any sign made of a durable material affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

45. Person means any individual, corporation, partnership, association or organized group of persons, whether incorporated or not, and any government, governmental subdivision or agency thereof.

46. Political sign means any temporary sign pertaining to any natural, state or local election. Such sign shall not exceed six (6) square feet and shall be displayed not more than thirty (30) days prior to an election and shall be removed no more than two (2) days after an election.

47. Premises means the central, actual physical location where an activity is routinely conducted. The premises includes the primary structures, parking facilities and private roadway if they are necessary to the principal activity.

48. Private roadway means an established access approach to the public way for only the individual or private entity or a single business operated by that individual or private entity that owns in fee the land over which the road passes and is not maintained by a public entity.

49. Prohibited sign means any sign not permitted within the city limits.

50. Property means an area of land under one (1) ownership that is not severed by land owned by another, nor severed by a public roadway.

51. Public roadway means any road that is not a private roadway.

52. Real estate sign means any sign advertising for sale, rental or lease of the particular structure or land area upon which said sign is located. Such sign shall not exceed six (6) square feet per side per residential property and thirty-two (32) square feet per enterprise zone property.

53. Residential zone means as follows: These are: rural residence (RR), low density (R-1), medium density (R-2), multifamily (R-3), mobile home subdivision (MH-1) and mobile home park (MH-2).

54. Right-of-way means any parcel or portion of land which allows for public pedestrian or vehicular access thereupon.

55. Roof line means the highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.

56. Roof sign means any sign erected upon or over the roof or parapet of any building.

57. Searchlight means an apparatus containing a light and/or reflector for projecting a strong, far-reaching beam greater than two hundred (200) feet in any direction.

58. Sign means any identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution or business; a solicitation, including any permanently installed or situated sign; or any emblem (excluding religious symbols), painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information with the exception of window displays and national, state and corporate flags. For the purpose of removal, signs shall also include all sign structures.

59. Sign permit means a permit issued for the erection, construction, enlargement, alteration, moving or conversion of any sign listed in Section 17.68.035 and issued pursuant to the Uniform Building Code and Uniform Sign Code.

60. Sign structure means any supports, uprights, braces and framework of the sign which does not include any portion of the sign copy.

61. Temporary sign means any sign except real estate signs which is not permanently affixed, including all devices such as banners, pennants, sandwich-board-type signs, sidewalk or curb signs and balloons or other air-filled or gas-filled figures.

62. Temporary window or building sign means a sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

63. Two-sided sign means any sign with two (2) identical faces, connected so as not to exceed a forty-five-degree angle.

64. Wall sign means any sign attached to, painted on or erected against the exterior of a building or structure.

65. Window sign means any permanent sign except an announcement applied to, attached to or located within one (1) foot of the interior of a window which can be seen through the window from the exterior of the structure. (Ord. 815 §11, 1995; Ord. 783 §§3, 4, 5, 6, 1991; Ord. 736 §12, 1989; Ord. 695 §4(part), 1987).

#### **17.68.020 General provisions, restrictions and prohibitions.**

Except as otherwise specifically provided in this chapter and by the variance procedure, the following provisions apply in all zones and for all signs:

A. For the purpose of public safety, no sign shall be permitted which may obstruct visibility in any direction at all intersections of streets, alleys and/or driveways.

B. No signs shall be allowed which advertise activities that are illegal under federal, state, county or city laws.

C. No signs shall be painted upon retaining walls, rocks or natural features. No sign shall be erected or painted upon any vegetation.

D. If any provision of this article conflicts with any other adopted city code regulating signs, the more restrictive shall govern.

E. Prohibited Signs. The following signs shall not be allowed:

1. A sign which copies or imitates or in any way approximates an official highway sign, or any sign which obscures a sign displayed by public authority for the purpose of attempting to direct movement of traffic.

2. Flashing and animated signs.

3. Signs which are obsolete in terms of identifying businesses, services, attractions or events which no longer exist or apply are prohibited after thirty (30) days of discontinuance of the

business, service, attraction or event. Business or property owners and lessees, managers or agents are responsible for the removal of obsolete signs.

4. A sign which obstructs any window or door opening used as a means of egress or prevents free passage from one (1) part of a roof to any other part thereof. A sign which interferes with an opening required for legal ventilation.

5. Any sign suspended from balloons shall be prohibited. Signs attached directly to or painted on the balloon surface shall be considered temporary signs.

6. Searchlights are prohibited in all zones. (Ord. 695 §4(part), 1987).

#### **17.68.025 Standards and guidelines for sign design, construction and maintenance.**

A. Signs shall be located in a manner properly identifying the premises or business they serve without creating confusion with adjacent businesses.

B. Signs shall be reviewed by the city's building department for their design and position which should not obstruct scenic views from rights-of-way, residential dwellings or business establishments.

C. Utilities to signs shall be concealed.

D. Methods of illumination shall be provided where allowable in a manner which shields light sources from rights-of-way and adjacent properties, to prevent adverse brightness and glare.

E. Freestanding signs accompanied by landscaping bases which consist of well-maintained planters, ferns, rock outcroppings, shrubbery, flowers, waterscapes or any combination thereof, are encouraged.

F. Signs must be constructed according to standards established in the Uniform Building Code and the Uniform Sign Code.

G. All signs and supporting structures shall be maintained in a good state of appearance and repair. Business or property owners are responsible for the maintenance of their signs.

H. All permits for signs shall be obtained by a licensed contractor, unless the sign measures less than sixteen (16) square feet and is nonilluminated. (Ord. 815 §13, 1995; Ord. 783 §8, 1991; Ord. 695 §4(part), 1987).

#### **17.68.030 Signs not requiring permits.**

Signs not requiring permits shall not be considered in calculating the total area of signs under the provisions of Section 17.68.035.

A. One (1) of each of the following signs may be erected and maintained in all zones per business or residence, without a permit, as defined in the zoning ordinance of the city:

1. Garage sale signs;
2. Historic place signs;
3. Official signs;

4. Political signs;
5. Real estate signs; and
6. Street and lodging room numbers.

B. The following signs may be erected and maintained, subject to the stated restrictions, without a permit in the central business zone and the enterprise zones outside the central business zone as defined in the zoning ordinance of the city:

1. Announcements. Shall be located in, or in close proximity to, a door or window, and shall not exceed a total of six (6) square feet.
2. Business Hours Signs. Shall have a maximum allowable size of four (4) square feet.
3. Credit Card Signs. Shall be displayed only on the window or entrance of the business in the central business zone, and shall not exceed a total of two (2) square feet.
4. *Open and Closed* Signs. Shall have a maximum allowable size of four (4) square feet.
5. Parking Signs. Maximum allowable number is two (2) at each access to the parking area. The total maximum sign area shall be six (6) square feet per entrance.
6. Window Signs.
  - a. Location. Excluding temporary signs and announcements, no more than two (2) signs subject to permit shall be allowed in each window or door.
  - b. Size. Total sign area shall not exceed twenty-five percent (25%) of an individual window.

C. Temporary Signs.

1. Location. Shall be displayed within window areas or on walls located along business frontage, or freestanding and set back a minimum of two (2) feet from property lines.
2. Size. Sign area shall not exceed sixteen (16) square feet per side.
3. Number. Shall be limited to one (1) per twenty (20) lineal feet per side.
4. Height. Shall not exceed thirty-five (35) feet in height measured from grade to highest point on sign or sign structure.
5. Duration. If displayed longer than two (2) months it shall be considered a permit-type sign and must conform to all requirements of a permanent sign. (Ord. 695 §4(part), 1987)

#### **17.68.035 Signs subject to permits.**

Signs subject to permits are as follows in this section:

A. All signs not cited under Section 17.68.030, including all off-premises signs which are located in the central business zone and the enterprise zones.

Total Number. For a business with a single frontage, the total number of signs subject to permit shall not exceed three (3) per business, excluding temporary and off-premises signs.

For a business with more than one (1) frontage, the total number of signs subject to permit shall not exceed four (4) per business, and shall not exceed two (2) signs per frontage, excluding temporary and off-premises signs.

Area. Sign area per business shall be allotted on the basis of two (2) square feet of sign per one (1) foot of business frontage for the street level business or five hundred (500) square feet maximum, whichever is less. For all other levels, the sign area shall be allowed on the basis of one (1) square foot of sign per one (1) foot of business frontage, or fifty (50) square feet maximum, whichever is less.

The sum of the areas of all window, wall, hanging and freestanding signs for a business shall not exceed the maximum sign area allocated to that business.

The following signs are allowed, subject to the stated restrictions:

1. Freestanding Signs.

- a. Location. No part of the sign shall encroach in the right-of-way but shall be set back from the property lines a minimum of two (2) feet.
- b. Size. Shall be in accordance with the frontage ratio in this subsection.
- c. Height. Shall not exceed thirty-five (35) feet in height measured from grade to highest point on sign or sign structure.
- d. Number. Shall be limited to two (2) on-premises signs per business.

2. Hanging Signs.

- a. Location. Shall not extend outward more than five (5) feet from building wall and shall be set back a minimum of two (2) feet from all property lines, except in the central business zone where the setback shall be at least four (4) feet six (6) inches from the back of the curb.
- b. Size. Sign area shall not exceed twenty-four (24) square feet per side (exclusive of brackets).
- c. Clearance. Minimum clearance is eight (8) feet from grade to the bottom of the sign.
- d. Awnings. Shall not be counted as signs. Copy (in addition to the allowable sign area under the frontage ratio in this subsection) may be applied to the awning surface; however, this additional copy may not increase the allowable sign area by more than twenty-five percent (25%). This calculation for additional sign area shall include only the immediate area of the copy and not the whole surface of the awning.
- e. Number. Shall be limited to one (1) per business. (One [1] sign may have two [2] sides.)

f. Liability. If a hanging sign is in the right-of-way, the business or property owner shall assume full liability for any damages incurred due to the positioning of the sign. The business or property owner shall be required to agree to this condition in writing before a permit is issued.

3. Roof signs.

a. Size. Shall be in accordance with the frontage ratio in this subsection.

b. Number. Shall be limited to two (2) signs.

c. Height. Shall not exceed thirty-five (35) feet in height measured from grade to the highest point on sign or sign structure.

4. Wall Signs.

a. Location. On wall area visible from the right-of-way. Signs shall be located a minimum of one (1) foot inward from perimeter edges of walls. Shall not project outward from walls more than ten (10) inches.

b. Size. Shall be in accordance with the frontage ratio in this subsection.

B. Signs in Residential Zones. Any sign in any residential zone, except for those allowed in Section 17.68.030 and those allowed in the home occupation ordinance, shall require a permit. Any sign requiring a permit in a residential zone must be approved by the planning and zoning commission. Signs will be approved by the planning and zoning commission only if they are judged to be compatible and necessary and to serve the purposes of this chapter.

1. Location. No part of the sign shall encroach in the right-of-way but shall be set back from the property lines a minimum of two (2) feet.

2. Height Limitation. No sign shall exceed eight (8) feet in height.

3. Home Occupation Signs. All signs must be attached to the residence.

4. Lighting. Unshielded light sources shall not be directly visible from surrounding properties and all lighting shall be subdued.

5. Number.

a. Home occupation: one (1) only;

b. All others: two (2) only.

6. Size.

a. Home occupation signs shall be a maximum of three (3) square feet.

b. Church signs shall be a maximum of thirty-two (32) square feet.

c. Identification signs for condominiums, townhouses, apartment buildings and residential subdivisions shall be a maximum of fifty (50) square feet.

d. All others shall be a maximum of six (6) square feet.

C. Off-Premises Signs.

1. Only freestanding signs are permitted as off-premises signs. The total area of all off-premises signs per business shall not exceed one hundred fifty (150) square feet.

2. No business establishment shall erect, install or maintain more than two (2) off-premises signs within the city limits.

3. Off-premises signs are permitted only in enterprise zones outside the central business zone.

4. No off-premises sign shall be closer than one hundred fifty (150) feet from existing off-premises signs along the same street frontage.

5. Exceptions to the off-premises sign minimum standards may be granted by the planning and zoning commission and city council for any nonprofit, charitable or government agency after review of a sign plan showing number, size, location and duration of proposed signs. No fee will be required for this request.

D. Multi-Use Buildings. The following restrictions shall apply to all signs for nonresidential buildings which have more than one (1) separately owned or operated business, enterprise or tenant in them.

Area. Sign area per building frontage on street level shall be allotted on the basis of two (2) square feet of sign per one (1) linear foot of building frontage. For all other levels, the sign area shall be allowed on the basis of one (1) square foot of sign per one (1) linear foot of level frontage. Linear foot calculations for all levels shall be derived from a single straight line extending along the length of the building frontage. The sum of the areas of all permitted signs per frontage shall not exceed the maximum sign area allocated to that frontage.

The following signs are allowed, subject to the stated restrictions:

1. Freestanding Signs.

a. Location. No part of the sign shall encroach in the right-of-way, but shall be set back from the property lines a minimum of two (2) feet.

b. Size. Shall be in accordance with the frontage ratio of this Section, but shall not exceed one hundred fifty (150) square feet.

c. Height. Shall not exceed thirty-five (35) feet in height measured from grade to the highest point on sign or sign structure.

d. Number. Shall be limited to one (1) on-premises sign per frontage.

e. Design Standards. When more than one (1) business is being advertised within a freestanding sign, all sign panels contained within the sign structure shall be of similar construction and materials. Designs for freestanding signs shall be subject to approval by the community development department.

## 2. Wall Signs.

a. Location. Attached to a wall area visible from the right-of-way frontage. Signs shall be located a minimum of one (1) foot inward from perimeter edges of walls. Signs shall not project outward from walls more than ten (10) inches.

b. Size. Shall be in accordance with the frontage ratio of this Section, but shall not exceed two hundred (200) square feet. In addition, any sign shall not have a height dimension greater than six (6) feet.

c. Number. The number of wall signs per building frontage shall not be restricted so long as the total sign area per building does not exceed the amount allotted by this chapter.

d. Design Standards. All signs located on a multi-use building shall be of similar construction and materials. Designs for signs on a multi-use building shall be subject to approval by the community development department. (Ord. 815 §12, 1995; Ord. 783 §7, 1991; Ord. 695 §4(part), 1987)

### **17.68.040 Nonconforming signs.**

A. A lawful sign existing at the time of the passage of the ordinance codified in this chapter which does not conform with this chapter shall be deemed a nonconforming sign. All nonconforming signs may be maintained fifteen (15) years, provided that they conform to subsection B of this section.

B. The right to maintain any nonconforming sign shall be terminated by:

1. Abandonment of the nonconforming sign for a continuous period of thirty (30) days.

2. Damage to or destruction of the nonconforming sign from any cause whatsoever, in which the cost of repairing the damage or destruction exceeds fifty percent (50%) of the replacement cost of such sign on the date of damage or destruction. In determining the replacement cost of any nonconforming sign, the cost of the land, or the cost of renting the land, or any factor other than the sign itself, shall not be included.

3. The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which tends to or makes the sign less in compliance with the requirements of this code than it was before the alteration.

4. The sign is replaced.

5. On the happening of any of subsections B1, B2, B3 or B4 of this section, the sign shall be immediately brought into compliance with this chapter, with a new permit secured, or it shall be removed. (Ord. 695 §4(part), 1987)

### **17.68.045 Abandoned and obsolete signs.**

Signs which are obsolete in terms of identifying businesses, services, attractions or events which no longer exist or apply are prohibited after thirty (30) days of discontinuance of the business, service, attraction or event. Business or property owners and lessees, managers or agents are

responsible for the removal of obsolete signs and supporting sign structures. (Ord. 695 §4(part), 1987)

#### **17.68.050 Maintenance.**

Every sign in the city, including but not limited to permitted and nonpermitted signs, shall be maintained in good structural condition at all times. The city shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute a physical hazard to the public safety. (Ord. 695 §4(part), 1987)

#### **17.68.055 Permit procedures, requirements and fees.**

Applications for sign permits shall be filed with the city, together with a permit fee as specified by the city, for each sign in accordance with the following schedule; provided, however, that the minimum fee for a permit, exclusive of any permit costs for electrical components, shall not be less than fifteen dollars (\$15.00) or one dollar (\$1.00) per square foot, whichever is the greater. In addition, when any sign is hereafter erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled but the payment of such double fees shall not relieve any persons from complying with other provisions of this section or from penalties prescribed herein. Note: A building permit in addition to a sign permit is not required for a sign.

##### **A. Area Calculation for Determining Fee.**

1. The calculation on a freestanding pole, ground, monument, roof or any similar sign, shall be based only on one (1) face of the sign. That calculation shall be based on the largest face of the sign. See *area of sign* in Section 17.68.015.

2. Fascia or Wall Signs. Only the copy area as calculated in this code shall be included in the above-mentioned fee. See *area of copy* in Section 17.68.015.

**B.** No sign subject to a permit shall be erected, installed or displayed without prior city approval and issuance of a city-authorized permit.

**C.** All permit requests for signage shall be provided with a drawing, fully dimensioned with a site plan showing the location and setbacks from property lines. An additional drawing shall be provided showing height, width, sign area, sign copy and construction date on the sign structure, for all proposed and existing signage.

**D.** The city shall review the submitted material in terms of its conformance with this chapter. If found in compliance, the city shall issue the required permit; otherwise, the application shall be denied.

**E.** All signs subject to the jurisdiction of the Colorado Department of Highways shall be approved by said department prior to construction and prior to issuance of a city sign permit.

**F.** The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any other ordinance of this jurisdiction. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid.

G. The city may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation adopted by the city. (Ord. 695 §4(part), 1987)

#### **17.68.060 Enforcement provisions.**

A. Violations of this code are misdemeanors punishable by a minimum fine of fifty dollars (\$50.00) and a maximum fine of five hundred dollars (\$500.00).

B. The building inspector is designated as the city official with the authority to enforce this code. He or she is empowered to inspect signs, enter onto private property to investigate complaints of violations, issued notice of violations and issue orders. He or she is also empowered to file sworn complaints of violations with the police department for issuance of a complaint and summons in misdemeanor cases.

C. Notice of violation shall be mailed to the occupant of the property and all owners of record at their last known addresses. The notice shall contain a street address sufficient to identify the property upon which the sign is located, a concise statement of the violation alleged, a statement of the possible penalties for noncompliance, and notice of the owner's right to appeal. A notice will be deemed served on the day it is placed in the United States mail, postage prepaid.

D. If the violation is not remedied within thirty (30) days after service of notice, a second notice shall be mailed giving the owner another thirty (30) days to remedy the violation and informing him or her of the enforcement action which will be taken if he or she fails to comply.

E. Whenever the building inspector determines that a sign is nonconforming, abandoned, dangerous or a hazard to the public safety, he or she shall follow the procedures set forth in Chapter 4 of the Uniform Building Code for the Abatement of Dangerous Buildings to cause the repair or demolition of the sign.

F. All costs of the demolition of a nonconforming, abandoned, dangerous or hazardous sign shall be paid by the property owner. If said costs are not paid within ninety (90) days, they shall become a lien upon the property.

G. Should an owner wish to appeal an order to discontinue use, he or she may appeal said order to the board of appeals (if construction-related) or to the planning and zoning commission (if related to zoning). Proper procedures for appeal adopted by the city shall be followed. This provision is found in Section 17.84.030 of the city zoning ordinance. (Ord. 695 §4(part), 1987)

#### **17.68.070 Variance procedures.**

See Section 17.84.020, Subsection B of the city's zoning ordinance for filing a variance to the restrictions in this chapter. (Ord. 695 §4(part), 1987)

### **Chapter 17.72**

#### **Nonconforming Structures and Uses**

Sections:

17.72.010 Nonconforming structures and uses generally

- 17.72.020 Scope of this chapter
- 17.72.030 Nonconforming buildings and other structures; regulations
- 17.72.040 Nonconforming uses; regulations

**17.72.010 Nonconforming structures and uses generally.**

Nonconforming structures and uses shall be those structures and uses lawful when built or established, but which do not conform to subsequently established zoning or building regulations. It is the intent and purpose of this chapter to regulate such nonconforming structures or uses for the protection of the public health, safety and general welfare. (Ord. 781 §4, 1991)

**17.72.020 Scope of this chapter.**

This chapter shall apply to all nonconforming structures and uses unless they are specifically regulated under another chapter of this code. It shall not apply to structures or uses authorized by variances, conditional use permits or other special permits which are reviewed periodically by the planning and zoning commission or the city council and granted contingent upon the performance of specific conditions. When such a special permit expires, the structure or use must be brought into conformity with all applicable building and zoning regulations. (Ord. 781 §4, 1991)

**17.72.030 Nonconforming buildings and other structures; regulations.**

A. Nonconforming buildings and other structures must be brought into conformance with all applicable building and zoning regulations when:

1. The building or structure is moved, in whole or in part, to any other location on the property;
2. The building or structure is reconstructed after being razed or destroyed;
3. The building or structure is so dilapidated or structurally unsound that it constitutes a danger or hazard to the occupants or to other persons;
4. An addition is made to the building or structure; or
5. A specified time limit for maintaining a nonconforming building or structure under another chapter of this code has expired.

B. Pursuant to Section 3401(c) of the Uniform Building Code, 1997 edition, buildings in existence at the time of the adoption of the code may have their existing occupancy continued, if such occupancy was legal at the time of the adoption of the code, provided such continued occupancy is not dangerous to life.

C. A mobile home which was legal when it was moved onto the property but does not conform to subsequent zoning regulations may be replaced with another mobile home within one (1) year after it has been removed from the property. Only one (1) such replacement shall be allowed. (Ord. 862 §2, 1997; Ord. 781 §4, 1991)

**17.72.040 Nonconforming uses; regulations.**

A nonconforming use must be terminated when:

1. The nonconforming use is expanded or extended in any way on the same or adjoining land;
2. The nonconforming use or any portion of it is changed;
3. A specified time limit on maintaining a nonconforming use contained in another chapter of this code has expired; or
4. The nonconforming use has been discontinued for six (6) months or more. (Ord. 781 §4, 1991)

## **Chapter 17.76**

### **Off-Street Parking, Loading and Landscaping Requirements**

Sections:

- 17.76.005 Applicability
- 17.76.006 Procedure
- 17.76.007 Parking and Landscape Plan
- 17.76.010 Off-street parking requirements
- 17.76.020 Off-street parking standards
- 17.76.030 Loading space standards
- 17.76.040 Landscaping requirements generally
- 17.76.050 Landscaping standards
- 17.76.060 Landscaping of parking areas
- 17.76.070 Landscaping of public rights-of-way
- 17.76.080 Screening of refuse containers

#### **17.76.005 Applicability.**

A. The requirements of this Chapter shall apply only to the B (Business), C (Commercial), LI (Light Industrial), HI (Heavy Industrial) and R-3 (High-Density Residential) districts.

B. The uses permitted by Subsections A, C and D of Section 17.32.020, Permitted uses, shall be exempt from the requirements of this Chapter.

C. Every building permit application for a new or structurally altered building or structure shall include therewith, as specified further in Section 17.76.007, Parking and Landscape Plan. For purposes of this requirement, a structurally altered building or structure shall be one for which an increase in interior square footage of twenty percent (20%) or more is planned.

D. When any person proposes to construct additional off-street parking spaces over those which would be minimally required under Section 17.76.020(C) or be located in those areas of the Central Business District which, under Section 17.76.010(E), would otherwise be exempt from the off-street parking requirements, such person shall, prior to construction, have prepared and approved a Parking and Landscape Plan, pursuant to the requirements of Section 17.76.007. (Ord. 801 §3, 1994)

### **17.76.006 Procedure.**

A. The Parking and Landscape Plan shall be reviewed by the city planning department and forwarded to the planning and zoning commission and city council for final approval, in accordance with the requirements of this code.

B. Any required storm water drainage and facility improvements shall be submitted to the public works director for his or her comments prior to being forwarded to the planning and zoning commission.

C. All vehicular entrances and exits to parking and loading areas from a city right-of-way shall be submitted to the public works director for his or her comments, prior to being submitted to the planning and zoning commission. (Ord. 829 §3, 1995; Ord. 801 §3, 1994)

### **17.76.007 Parking and Landscape Plan.**

A. The Parking and Landscape Plan shall be prepared in accordance with the parking and landscape requirements and standards of this chapter. The parking and landscape components may be incorporated within a single plan or prepared separately.

B. A phasing program for the required parking and landscape improvements may be proposed as part of the Plan, subject to approval by the planning and zoning commission and city council.

C. All Parking and Landscape Plans shall illustrate the following information:

1. Boundaries and dimensions of the parcels proposed for development and any abutting rights-of-way.

2. Location of existing improvements, easements and vegetation.

3. Vehicle ingress and egress locations and circulation pattern, including the location and size of any proposed curb cuts.

4. The size and total number of all required parking and loading spaces, including those for disabled persons.

5. Location and size of signs.

6. Parking area lighting plan.

7. Proposed landscaping showing the location, size, species and spacing of trees and shrubs and the identification of all ground cover or ground treatment in all areas not covered by structures or paving.

D. Fifteen (15) copies of all Parking and Landscape Plans shall be submitted to the city planning department for distribution to the planning and zoning commission and city council. The dimensions of all plans shall be twenty-four inches by thirty-six inches (24" x 36"). All plans shall be drawn to scale and shall indicate North. (Ord. 868 §7, 1998; Ord. 829 §4, 1995; Ord. 801 §3, 1994)

**17.76.010 Off-street parking requirements generally.**

A. Off-street parking areas and access drives shall be paved for all uses in the business, commercial and high-density residential districts.

Primary parking spaces and access drives shall be paved in industrial districts, with the exception for parking and storage areas for company vehicles, and/or equipment.

1. Paving defined. *Paving* shall be defined as asphalt or concrete pavement, installed in conformance with the City of Craig Improvement Standards.

B. Areas included in driveways or otherwise required to move vehicles in and out of parking spaces shall not be considered to meet off-street parking requirements.

C. Where more than one (1) use is conducted in a single lot, parking shall be required for each use, even though one (1) use is accessory to another.

D. All off-street parking and loading areas shall be provided with adequate storm water drainage facilities to prevent damage or inconvenience to abutting property and/or public streets and alleys.

E. The following area in the Central Business District shall be exempt from these parking and loading space standards and requirements: east-west, Ranney Street to Washington Street; north-south, one hundred twenty-five (125) feet south of 4th Street to 6th Street.

F. Concrete sidewalks with a minimum width of four (4) feet shall be installed by the developer along all property frontages per the *City of Craig Public Works Standard Specifications, Section 3.140*, abutting arterial or collector streets, and shall comply with the Americans with Disabilities Act. Sidewalks shall match existing walks having dimensions greater than the minimum specified above. Additional sidewalks may be required along property boundaries abutting local streets as deemed necessary by the planning and zoning commission and city council. Sidewalks shall be constructed at a location within the public right-of-way to be determined by the planning and zoning commission and city council. (Ord. 943 §3, 2004; Ord. 866 §1, 1998; Ord. 815 §5, 1995; Ord. 801 §3, 1994)

**17.76.020 Off-street parking standards.**

A. Each parking space shall measure nine (9) feet in width and twenty (20) feet in length (eighteen [18] feet, if suitable overhang space is available beyond wheel stops).

B. There shall be adequate access and circulation provided for emergency vehicles to each structure as follows:

1. Dimensions. Emergency vehicle access roads shall have an unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches.

2. Turning radius. The turning radius of an emergency vehicle access road shall be not less than thirty-five (35) feet.

C. Parking areas shall be marked to clearly indicate individual parking spaces and shall be maintained in good condition.

D. The following types of uses shall require the designated number of off-street parking spaces for both principal and accessory uses, plus adequate staff and employee parking.

1. Medical offices and clinics: one (1) space per examining room;
2. Hospitals: one (1) space per four (4) beds;
3. Funeral homes, mortuaries, churches, auditoriums, theaters or other places of assembly: one (1) space for each six (6) seats;
4. Restaurants and lounges: one (1) space per two hundred (200) square feet gross floor area and one (1) space for each eight (8) seats;
5. Hotels and motels: one (1) space per guest room, plus two (2) spaces for manager's unit;
6. Drive-in and walk-up restaurants and similar types of eating establishments: one (1) space per two hundred (200) square feet gross floor area and one (1) space for each eight (8) seats, if provided;
7. Bowling alley: four (4) spaces per lane;
8. Service stations: two (2) spaces, plus two (2) spaces for each enclosed service bay;
9. Beauty shops, barber shops: one (1) space for each customer chair;
10. Industrial uses: adequate space for company vehicles and equipment, plus one (1) space for each employee on a shift, plus adequate visitor parking;
11. Nursing homes: one (1) space for each six (6) beds;
12. Schools: day care centers, nursery, elementary, junior high: one (1) space per two (2) employees;
13. High schools and colleges: one (1) space per two (2) employees, plus adequate student parking;
14. Drive-in restaurant and convenience foot stores: sufficient off-street space shall be provided to allow an automobile to enter, maneuver and exit without backing into any public right-of-way;
15. High-density residential structures: two (2) spaces per dwelling unit;
16. For those retail and service establishments not identified in this section, the following standards shall apply for calculating the minimum off-street parking requirement:

| <u>Floor Area<br/>(in square feet)</u> | <u>Spaces Required</u> |
|--|------------------------|
| 0 -- 300                               | 1                      |
| 301 -- 500                             | 2                      |
| 501 -- 800                             | 3                      |
| 801 -- +                               | 1 per 200 sq. ft.      |

(Ord. 829 §5, 1995; Ord. 815 §6, 1995; Ord. 801 §3, 1994)

**17.76.030 Loading space standards.**

A. Loading spaces shall be provided and maintained for the purpose of loading or off-loading goods and material for any business, commercial or industrial property. When the lot abuts an alley, such loading spaces shall adjoin or have access from said alley, but in no case shall any part of an alley or street be used for providing the required loading space. Where a loading space is adjacent to a residential district, loading shall be done only between the hours of 8:00 a.m. and 6:00 p.m., unless the loading area is located not less than one hundred (100) spaces from such district or is completely enclosed. Loading spaces shall be not less than forty (40) feet in length, twelve (12) feet in width, and shall have fourteen (14) feet of vertical clearance.

B. The following off-street loading spaces shall be provided:

| <u>Total Square Feet of<br/>Building Space<br/>(gross floor area)</u> | <u>Loading Spaces<br/>Required</u> |
|---|------------------------------------|
| 1. Hospitals and Similar Institutions:                                |                                    |
| 0 — 3,000   | 0                                  |
| 3,001 — 20,000  | 1                                  |
| 20,001 — 50,000   | 2                                  |
| 50,001 — 80,000   | 3                                  |
| 80,001 — 110,000  | 4                                  |
| 110,001 and over  | 5                                  |
| 2. Hotels and Office Buildings:                                       |                                    |
| 0 — 5,000   | 0                                  |
| 5,001 — 50,000  | 1                                  |
| 50,001 — 100,000  | 2                                  |
| 100,001 and over  | 3                                  |
| 3. Business and Commercial Buildings:                                 |                                    |
| 0 — 3,500   | 0                                  |
| 3,501 — 15,000  | 1                                  |
| 15,001 — 45,000   | 2                                  |
| 45,001 — 75,000   | 3                                  |
| 75,001 — 100,000  | 4                                  |
| 100,001 and over  | 5                                  |
| 4. Industrial Buildings and Uses:                                     |                                    |
| 0 — 3,500   | 0                                  |
| 3,501 — 40,000  | 1                                  |
| 40,001 — 80,000   | 2                                  |
| 80,001 — 120,000  | 3                                  |
| 120,001 — 160,000   | 4                                  |
| 160,001 and over  | 5                                  |

(Ord. 801 §3, 1994)

**17.76.040 Landscaping requirements generally.**

A. The following requirements shall apply in determining landscape areas:

1. For all lots, a minimum of twenty-five percent (25%) of the linear frontage of the developed site abutting public rights-of-way shall be landscaped to a depth of fifteen (15) feet. Such frontage landscape areas shall be utilized in calculating the minimum area requirements set forth below.

2. Inclusive of the above frontage requirement, landscaping shall meet the following minimum space requirements (these percentages represent the overall minimum space requirements for landscaping):

a. R-3 (High Density Residential) District. A minimum of fifteen percent (15%) of the entire lot size not covered by buildings shall be landscaped.

b. B (Business) and C (Commercial) Districts. A minimum of eight percent (8%) of the entire lot size not covered by buildings shall be landscaped.

c. L-I (Light Industrial) and H-I (Heavy Industrial) Districts. A minimum of four percent (4%) of the entire lot not covered by buildings shall be landscaped.

B. The following area in the Central Business District shall be exempt from these landscaping requirements and standards if the proposed buildings and or structures occupy more than eighty-five percent (85%) of the site or parcel: east-west, Ranney Street to Washington Street; north-south, one hundred twenty-five (125) feet south of 4th Street to 6th Street.

C. Nothing in these landscaping requirements shall be deemed to supersede the visibility restrictions pertaining to fences, hedges and walls applicable in any specific district.

D. No certificate of occupancy shall be issued for any building until the required improvements are installed according to the parking and landscaping plan or an improvements agreement, with adequate security to guarantee the installation in the form of a bond or cash escrow, has been approved by the city attorney. Landscaping may be delayed due to weather-related hardship only. The planning and zoning commission and city council shall determine when the landscaping must be completed.

E. The property owner of record or property owner's agent or tenant shall indefinitely maintain the parking and landscaping as originally approved. Maintenance shall include but not be limited to: keeping the off-street parking areas in good condition, free of weeds, dust, trash and debris, and major surfacing defects. Also, refer to Section 17.76.050(D) for specific requirements regarding landscaping maintenance. (Ord. 943 §4, 2004; Ord. 866 §2, 1998; Ord. 829 §6, 1995; Ord. 815 §7, 1995; Ord. 801 §3, 1994)

#### **17.76.050 Landscaping standards.**

A. Inorganic Materials. Total inorganic landscaping shall not constitute more than twenty-five percent (25%) of the required landscaped area of the lot or parcel.

B. Tree and Shrub Minimum Quantities. Whenever a portion of a lot or parcel is required to be devoted to landscaping, a minimum of two (2) trees and three (3) shrubs shall be required for each one thousand (1,000) square feet of such portion of landscaped space or fraction thereof

C. Material specification.

1. All plants shall be healthy specimens.
2. Landscaping shall be provided in a sufficient variety of species to ensure the continued appeal of a project.
3. The planting size and characteristics of plant and other landscaping material at the time of planting or installation shall be as follows:
  - a. Deciduous trees shall be a minimum of two (2) inches in caliper measured one (1) foot above the ground.
  - b. Evergreen trees shall be a minimum height of six (6) feet.
  - c. Evergreen and deciduous shrubs shall be a minimum five-gallon size.
  - d. Ground cover and vines shall be a minimum one-gallon size, except when a higher quality landscaping can be produced by utilizing smaller container sizes planted on closer centers.
  - e. Wood chips and wood shavings have no minimum size, but shall have a minimum of three (3) inches in depth, installed over a geotextile fabric.
  - f. When used as ground cover, rock or stone shall be one (1) to four (4) inches in size and to a minimum depth of three (3) inches installed over a geotextile fabric.

D. Maintenance requirements.

1. All plantings shall be maintained in a healthy and attractive manner by the property owner of record, the property owner's agent or tenant or a homeowners' association which has assumed landscaping maintenance responsibility. Maintenance shall include, but not be limited to: watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating.
2. Dead plant materials shall be removed and replaced within one (1) month of their death with planting materials that meet the original intent of the approved landscaping design.
3. Natural landscaping materials such as rock, stone, bark chips and shavings which no longer cover the area in which they were originally deposited shall be replenished so that they again achieve full coverage to a minimum depth of three (3) inches.
4. Landscaping structural features such as fencing, planter boxes, etc., shall be maintained in a sound structural and attractive condition.
5. All landscaped areas shall be served by a functioning automatic irrigation system. Automatic irrigation system shall be sprinklers, drip or bubbler systems, or combination thereof for the proper irrigation of approved landscaping based on design, type and water needs. (Ord. 866 §3, 1998; Ord. 801 §3, 1994)

**17.76.060 Landscaping of parking areas.**

- A. A perimeter landscaped buffer strip shall be provided at a width of not less than five (5) feet between the entire parking and loading area adjacent to any public street and property line of abutting property.

B. When the provision of off-street parking for forty (40) or more vehicles is required, there shall be landscaped areas within the perimeter of the parking area in the minimum amount of twelve (12) square feet for each parking space. The required landscaped areas need not be contiguous, but there shall be at least one (1) tree in each separate area.

C. The total area and amount of landscaping of parking areas may be credited towards the minimum requirements of Section 17.76.040. (Ord. 801 §3, 1994)

**17.76.070 Landscaping of public rights-of-way.**

Landscaping is required within the public rights-of-way behind the pavement edge, back of curb or sidewalk and shall be a continuation of the required buffer strip landscaping.

1. Landscaping within rights-of-way shall not interfere with vehicular or pedestrian traffic, or obstruct visibility for traffic movement. Where on-site corners abut intersecting roadways, all landscaping shall be limited to natural turf, ground cover or shrubs below thirty-six (36) inches above the level of the roadway.

2. Landscape planting or removal activities within the public rights-of-way shall be coordinated with the public works department.

3. The total square footage of right-of-way landscaping shall not be calculated as part of the percentage requirement of specific zone districts as provided for in Section 17.76.040. (Ord. 943 §5, 2004; Ord. 866 §4, 1998)

**17.76.080 Screening of refuse containers.**

All trash receptacle areas in business, commercial, industrial or high density residential districts, excluding alleyways, shall be enclosed so as to effectively provide screening of trash containers, or located in such a manner so as to eliminate the view from adjoining rights-of-way. Screening and/or location of trash receptacles shall, in all instances, allow for vehicular access for trash removal. (Ord. 943 §6, 2004)

**Chapter 17.80**

**Amendments**

Sections:

- 17.80.010 Procedure for amendment
- 17.80.020 Referral to planning and zoning commission

**17.80.010 Procedure for amendment.**

A. The city council may, on its own motion or on petition and after public notice and hearing as provided, amend, change or supplement the boundaries or regulations herein or subsequently established. Whenever the owners of fifty percent (50%) or more of the total frontage in any district or block present a petition duly signed and acknowledged to the city council requesting an amendment, change or supplement in the regulations prescribed for such district or block, it shall be the duty of the city council to vote upon said petition within ninety (90) days after its filing with the city clerk.

B. Said petition shall contain the following information:

1. Description of land area to be rezoned and requested new classification, along with a sketch to scale showing boundaries of areas requested to be rezoned, along with an indication of the existing zoning on all adjacent sides of the area;

2. A statement of justification for rezoning, including one (1) of the following conditions:

- a. Changing area conditions,
- b. Error in original zoning,
- c. Conformance to the comprehensive plan for the area, or
- d. Peculiar suitability of the site for a certain use;

3. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land, buildings, easements and uses within five hundred (500) feet of the boundary of the proposed area to be changed;

4. Time schedule for any contemplated new construction or uses;

5. Justification for any new business or industrial zoning;

6. Effect that the new zoning would have on adjacent uses.

C. In the event a protest to the proposed petition is presented to the city council duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in the proposed change or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom or those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such petition shall not be passed except by two-thirds ( $\frac{2}{3}$ ) vote of the entire city council. (Ord. 654 §600, 1985)

#### **17.80.020 Referral to planning and zoning commission.**

All petitions for zoning changes shall be referred to the planning and zoning commission for approval. The planning and zoning commission shall then recommend such approval, disapproval or any conditions of approval to the city council, which will render a final decision thereon. (Ord. 654 §605, 1985)

### **Chapter 17.84**

#### **Enforcement and Penalty**

Sections:

- 17.84.010 Enforcement; administrator
- 17.84.020 Council powers
- 17.84.030 Appeals
- 17.84.040 Building permits required
- 17.84.050 Notification of violation
- 17.84.060 Penalties; constitutional; repeal

17.84.070 Complaints

17.84.080 Costs

**17.84.010 Enforcement; administrator.**

A. The city council shall appoint an administrator. It shall be the duty of the administrator to see that this title is enforced. Appeal from the decision of the administrator may be made to the city council.

B. The city attorney, upon the request of the administrator or his or her representative, shall institute any necessary legal proceedings to enforce the provisions of this title. The city attorney shall be authorized, in addition to other remedies, to institute action for an injunction to restrain if necessary to enforce such provisions. The chief of police and his or her authorized representative shall have the power, upon the request of the administrator, to assist in the provisions of this title. (Ord. 654 §500, 1985)

**17.84.020 Council powers.**

A. Interpretation. The city council shall have the power to interpret this title, including any uncertainty as to boundary locations, or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this title;

B. Variance. The city council shall have the power to grant variances from the provisions of this title, and in doing so, shall consider, but not be bound by, the following conditions:

1. That an unnecessary hardship to the owner could be shown to occur if the provisions of the title are literally followed;

2. That the circumstances found to constitute a hardship either were not created by the owner, or were in existence at the time of the passage of this title, and are not due to, nor were the result of, general conditions in the district, and cannot reasonably be corrected;

3. That the variance would not injure the value of, or prevent the proper access of light and air to, the adjacent properties;

4. That the variance would not be out of harmony with the intent and purpose of this title. (Ord. 677 §1, 1986; Ord. 654 §515, 1985)

**17.84.030 Appeals.**

The city council shall act in strict accordance with all of the other applicable laws of the state and the city. All appeals to the city council shall be in writing and on such forms as shall be prescribed by the city council. Every appeal shall indicate what provision of this title is involved, what relief from these provisions is being sought, and the grounds upon which such appeal is being sought, as required in Section 17.84.020. The mayor shall then, within thirty (30) days, call a meeting of the council for the purpose of review of the requested appeal. At the same time, a copy of the requested appeal shall be transmitted to the planning and zoning commission for an opinion, which opinion shall be returned to the council before the date set for hearing the appeal. Failure of the planning and zoning commission to return the requested opinion shall be considered as approval of the council's granting of the requested appeal. (Ord. 654 §515.1, 1985)

**17.84.040 Building permits required.**

No building or structure shall be erected, moved or structurally altered unless a permit has been issued by the city building inspector, and no permit shall be issued unless the proposed building or structure is in full conformance with the city building codes in Title 15. Agriculture outbuildings, such as barns, pole sheds, etc., shall be exempt from this requirement. (Ord. 654 §510, 1985)

**17.84.050 Notification of violation.**

Whenever the zoning enforcement officer finds a violation of any of the provisions of this title, he or she shall notify the person(s) responsible for the violation, if possible by verbal contact, and if the situation persists, in writing by certified mail, and shall order the necessary correction within a period of thirty (30) days. (Ord. 654 §505(part), 1985)

**17.84.060 Penalties; constitutional; repeal.**

A. Penalties. Any person, firm, corporation or association who shall disobey, neglect, omit, violate or refuse to comply with or resist the enforcement of any of the terms or provisions of this chapter shall upon conviction be fined a sum of not less than twenty-five dollars (\$25.00) or more than three hundred dollars (\$300.00), or imprisoned for not less than ten (10) days or more than ninety (90) days, or both. The continued violation of this chapter shall constitute a public nuisance and the same may be vacated by the city pursuant to Section 8.12.010, *et seq.*, of this code. Each day that a violation exists shall constitute a separate offense.

B. Constitutional. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter and shall be declared to be severable. (Ord. 763 §10, 1990; Ord. 654 §505(part), 1985)

**17.84.070 Complaints.**

Any person aggrieved by a violation or apparent violation of the provisions of this title may file a written complaint with the zoning enforcement officer, who shall investigate such a complaint and take legal action to have the violation penalized and removed if such violation is found to exist. (Ord. 654 §505(part), 1985)

**17.84.080 Costs.**

The following administrative costs are nonrefundable:

- A. Zone change application: one hundred fifty dollars (\$150.00);
- B. Conditional use application: one hundred dollars (\$100.00);
- C. Zone variance application: fifty dollars (\$50.00);
- D. Vacation application: one hundred fifty dollars (\$150.00); and
- E. Off-street parking, loading and landscaping application: one hundred dollars (\$100.00). (Ord. 868 §8, 1998; Ord. 686 §7, 1987)

## **Chapter 17.88**

### **Floodplain Regulations**

Sections:

#### **Article I. Authority and Purpose**

- 17.88.010 Legal authorization
- 17.88.015 Findings of fact
- 17.88.020 Statement of purpose
- 17.88.025 Methods of reducing flood losses

#### **Article II. Definitions**

- 17.88.030 Definitions

#### **Article III. General Provisions**

- 17.88.035 Land to which this ordinance applies
- 17.88.040 Basis for establishing the areas of special flood hazard
- 17.88.050 Abrogation and greater restrictions
- 17.88.055 Interpretation
- 17.88.060 Warning and disclaimer of liability

#### **Article IV. Administration**

- 17.88.065 Establishment of development permit
- 17.88.070 Designation of the chief building inspector
- 17.88.075 Duties and responsibilities of the chief building inspector
- 17.88.080 Variance procedure

#### **Article V. Provisions for Flood Hazard Reduction**

- 17.88.085 General standards
- 17.88.090 Specific standards

#### **Article I. Authority and Purpose**

##### **17.88.010 Legal authorization.**

Pursuant to Article XX of the Constitution of the State of Colorado and Article XI of the Craig City Charter, the city has the authority and responsibility to enact planning and zoning regulations, including floodplain regulations, to protect and preserve the health, welfare and safety of the citizens. (Ord. 771 §4(part), 1990)

##### **17.88.015 Findings of fact.**

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 771 §4(part), 1990)

**17.88.020 Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruption;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 771 §4(part), 1990)

**17.88.025 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 771 §4(part), 1990)

## Article II. Definitions

### 17.88.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

1. *Appeal* means a request for a review of the chief building inspector's interpretation of any provision of this chapter or a request for a variance.

2. *Area of special flood hazard* means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

3. *Base flood* means the flood having a one-percent chance of being equalled or exceeded in any given year.

4. *Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

5. *Existing manufactured home park or subdivision* means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the city.

6. *Expansion to existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

7. *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters, and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

8. *Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

9. *Flood Insurance Study* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

10. *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

11. Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

12. Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

13. New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the city.

14. New construction means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

15. Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

16. Start of construction includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

17. Structure means a walled and roofed building or manufactured home that is principally above ground.

18. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

19. Substantial improvement means any rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a *historic structure*.

20. *Variance* means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 771 §4(part), 1990)

### **Article III. General Provisions**

#### **17.88.035 Land to which this ordinance applies.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city. (Ord. 771 §4(part), 1990)

#### **17.88.040 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Craig, Colorado," dated March 28, 1984, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and FIRM are on file at 300 W. Fourth Street, Craig, Colorado. (Ord. 771 §4(part), 1990)

#### **17.88.050 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 771 §4(part), 1990)

#### **17.88.055 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 771 §4(part), 1990)

#### **17.88.060 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency for any flood

damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 771 §4(part), 1990)

#### **Article IV. Administration**

##### **17.88.065 Establishment of development permit.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 17.88.040. Application for a development permit shall be made on forms furnished by the chief building inspector and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.88.090(B); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 771 §4(part), 1990)

##### **17.88.070 Designation of the chief building inspector.**

The chief building inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 771 §4(part), 1990)

##### **17.88.075 Duties and responsibilities of the chief building inspector.**

Duties of the chief building inspector shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.88.090(D)(1) are met.

B. Use of Other Base Flood Data. When base flood elevation data have not been provided in accordance with Section 17.88.040, the chief building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state or other source as

criteria for requiring that new construction, substantial improvements or other development in Zone A are administered in accordance with Section 17.88.090.

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

b. Maintain the floodproofing certifications required in Section 17.88.065(C).

3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.88.080. (Ord. 771 §4(part), 1990)

**17.88.080 Variance procedure.**

A. Appeal Board.

1. The planning and zoning commission, as established by the city, shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. The planning and zoning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the chief building inspector in the enforcement or administration of this chapter.

3. Those aggrieved by the decision of the planning and zoning commission, or any taxpayer, may appeal such decisions to the city council within thirty (30) days.

4. Appeal to the District Court from the final decision of the city council shall be by certiorari under Rule 106, Colorado Rules of Civil Procedure. Such appeal shall be filed not later than thirty (30) days from the final action taken by the city council.

5. In passing upon such applications, the planning and zoning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with the existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

6. Upon consideration of the factors of subsection A5 of this section and the purposes of this chapter, the planning and zoning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

7. The chief building inspector shall maintain the records of appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

#### B. Conditions for Variance.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items a through k of subsection A5 of this section have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in subsection A5 of this section or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced floor elevation. (Ord. 771 §4(part), 1990)

#### **Article V. Provisions for Flood Hazard Reduction**

##### **17.88.085 General standards.**

In all areas of special flood hazard, the following standards are required:

##### **A. Anchoring.**

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;

b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

d. Any additions to the manufactured home be similarly anchored.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less. (Ord. 771 §4(part), 1990)

**17.88.090 Specific standards.**

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 17.88.040 or Section 17.88.075(B), the following provisions are required:

A. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including

basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certification shall be provided to the official as set forth in Section 17.88.075(C)(2).

C. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with Section 17.88.085(A)(2).
2. All manufactured homes, or those to be substantially improved, shall conform to the following requirements:
  - a. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on a site (i) outside of a new manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred *substantial damage* as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - b. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within Zones A1-30, AH and AE that are not subject to the provisions in subsection C2(a) of this section be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

D. Floodways. Located within areas of special flood hazard established in Section 17.88.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection D1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V of this chapter.

## **Chapter 17.90**

### **Master Plan for Annexation**

Sections:

17.90.010 Plan adopted

#### **17.90.010 Plan adopted.**

The city adopts the Moffat County Master Plan for proposed public facilities, utilities and land uses within the three-mile area surrounding the present city boundaries. (Ord. 733 §5, 1989)

## **Chapter 17.92**

### **Historic Preservation**

Sections:

17.92.010 Purpose

17.92.020 Designation of historic districts or structures

17.92.030 Application

17.92.040 Hearing

17.92.050 Criteria

#### **17.92.010 Purpose.**

The purpose of this chapter is to promote the public health, safety and welfare by encouraging the protection and preservation of architecturally significant or historic structures. (Ord. 814 §1(part), 1995)

#### **17.92.020 Designation of historic districts or structures.**

For the purposes of Section 3403.5 of the 1997 edition of the Uniform Building Code, a building, structure or district may be designated an architecturally significant or historic structure or district by the planning and zoning commission. (Ord. 862 §3, 1997; Ord. 814 §1(part), 1995)

#### **17.92.030 Application.**

Anyone wishing to have a building, structure or district designated as an architecturally significant or historic structure or district shall file an application with the planning and zoning commission, on a form approved by the commission and supplied by the city, containing the following information:

A. The name and address of the owner or applicant;

B. The legal description, street address or other identifying description of the building, structure or district;

C. A picture of the building or structure, if the application is for historic designation of a building or structure;

D. A map of the district, if the application is for historic designation of a district;

E. A statement giving the age of the proposed building or structure, or the general ages of buildings or structures within a district;

F. A brief description as to why the applicant considers the building, structure or district to have historical or architectural significance; and

G. Such additional material as the city manager may request or the applicant may consider pertinent to the application and to the findings prerequisite to designation. (Ord. 814 §1(part), 1995)

#### **17.92.040 Hearing.**

Upon receipt of an application for designation, the planning and zoning commission shall set a date and hold a public hearing on whether such building, structure or district shall be designated as historically or architecturally significant. (Ord. 814 §1(part), 1995)

#### **17.92.050 Criteria.**

The planning and zoning commission shall use the following criteria to determine whether a building, structure or district has architectural or historic significance:

A. Only buildings or structures which have been in existence for at least fifty (50) years, or districts in which the majority of buildings or structures have been in existence for at least fifty (50) years, shall be designated; and

B. A building, structure or a majority of buildings or structures within a district may be designated if they have distinctive characteristics of a type, period or method of construction; or

C. A building, structure or a majority of buildings or structures within a district may be designated if they have some connection to events or persons significant to the history of the city, the county, the state or the United States. (Ord. 814 §1(part), 1995)