

**Title 17**  
**ZONING\***

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              **TRANSITIONAL FACILITIES**  
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\*Prior ordinance history: 70, 71, 122, C-018, C-020, C-027, C-028, C-032, C-035, C-036, C-037, C-039, C-040, C-069, C-71(A), C-076, C-091, C-126, C-129, C-139, C-141, C-143, C-150, C-159, C-162, C-168, C-178, C-179, C-193, C-194, C-202, C-235, C-235-A, C-237, C-238, C-294, C-295, C-297, C-306, C-328, C-331, C-348, C-351, C-356, C-360, C-368, C-371, C-376, C-400, C-401, C-404, C-407, C-424, C-446, C-450, C-498, C-505, C-521, C-522, C-523.

**Chapter 17.01**

**INTRODUCTION**

**Sections:**

- 17.01.010**      **Title.**
- 17.01.020**      **Purpose.**
- 17.01.030**      **Governing Regulations**

**Section 17.01.010**      **Title.**

Title 17, together with the official zoning map, and zoning matrix is the official Zoning Code for the City of Airway Heights.  
(C-446, Added, 04/17/2000)

**Section 17.01.020**      **Purpose.**

The general purpose of Title 17 Zoning is to promote the health, safety, and general welfare and to meet the prerequisites of RCW 36.70.560. The chapters in this Title shall be interpreted as to carry out and implement the purpose and intent of the City of Airway Heights comprehensive plan as currently adopted and amended. More specifically Title 17 Zoning is intended to:

- A. Encourage orderly growth in the city;
  - B. Promote compatible land use;
  - C. Coordinate land use and transportation systems;
  - D. Provide desired levels of population density and intensity of land use;
  - E. Conserve and protect amenities;
  - F. Facilitate the adequate provision of community services and utilities;
- (C-446, Added, 04/17/2000)

**Section 17.01.030**      **Governing Regulations**

Other official ordinances, regulations, and plans have a direct impact on the development of land in the city. These include, but are not limited to, the

Comprehensive Plan; Title 14 Development Code Administration; Title 15 Building Code; Title 16 Subdivision; Title 18 Environmental, and other ordinances, regulations, and plans of other regulatory agencies. Wherever provisions of these or other official regulations overlap or are in conflict with provisions of Title 17 Zoning, the more restrictive provisions, to the extent lawful, shall govern.  
(C-446, Added, 04/17/2000)

**Chapter 17.02**

**COMPREHENSIVE PLAN**

**Sections:**

**17.02.010**      **Adopted by reference.**

**Section 17.02.010**      **Adopted by reference.**

The City of Airway Heights comprehensive plan, as recommended by the city planning commission, by this reference is adopted as the plan for the physical and other general advantageous development of the city. Applications for rezones, conditional use permits, variances, and other actions governed by Title 17 shall be reviewed for consistency with the City of Airway Heights comprehensive plan. The comprehensive plan is designed to satisfy the Washington State Growth Management Act, the Spokane County-Wide Planning Policies, and Airway Heights' locally adopted goals and policies. It is the result of much public participation, and it is the expression of the popular will. The comprehensive plan represents decisions regarding the city's growth which are intended to guide the zoning and subdivision ordinances, as well as capital improvements, budgeting, and other development regulations shaping the physical community. Title 17 Zoning provides a legal instrument for consistent implementation of the city's comprehensive plan.  
(C-446, Added, 04/17/2000)

**Chapter 17.03**

**GENERAL PROVISIONS**

**Sections:**

**17.03.010**      **Title.**  
**17.03.020**      **Interpretation of provisions.**  
**17.03.030**      **Enforcing and administrative officers designated.**  
**17.03.040**      **Intent of administrative**

**17.03.050**      **procedures**  
**17.03.060**      **Administrative decisions.**  
**17.03.065**      **Administrative exceptions.**  
**17.03.070**      **Temporary Use Permit.**  
**17.03.080**      **Amendments to zoning title or map.**  
**17.03.080**      **Initiation of zoning title and map amendments.**  
**17.03.090**      **Variances.**  
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**17.03.190**      **Recreational vehicle residences-- Restrictions.**  
**17.03.200**      **Number of uses per lot.**  
**17.03.210**      **Vacated right-of-way.**

**Section 17.03.010**      **Title.**

This title shall be known as the "zoning ordinance of the city of Airway Heights."  
(C-446, Added, 04/17/2000)

**Section 17.03.020**      **Interpretation of provisions.**

The provisions of this title shall be the minimum requirements adopted for the promotion of public health, safety, welfare and protection. No use listed in this title shall be construed to include other uses unless the language clearly indicates such interpretation. The listing of prohibited uses is for purposes of emphasis or illustration. A zoning matrix is included for referencing permitted uses and conditional uses in each zone. Not all possible uses or variations can be reasonably listed or categorized. If a use is not specifically listed, it shall be reviewed by the city planner to determine the closest comparative use in the zoning matrix per Section 17.05.030 AHMC. Whenever the provisions of this ordinance codified in this title are found to be in conflict with the provisions of any other ordinance, the provisions of this title shall prevail.  
(C-446, Added, 04/17/2000)

**Section 17.03.030**      **Enforcing and administrative officers designated.**

The code enforcement officer and the city planner shall be the enforcing and administrative officers, respectively, for this title.  
(C-446, Added, 04/17/2000)

**Section 17.03.040 Intent of administrative procedures**

Certain administrative decisions for the use of land or structures may be made by the city planner without public hearing, but such decisions will be provided an appeal process.  
(C-446, Added, 04/17/2000)

**Section 17.03.050 Administrative decisions.**

Decisions and interpretations, which apply the provisions of Title 17, shall be held to be minimum requirements for the promotion of the public health, safety and general welfare. The City Planner may make administrative decisions regarding the following:

A. Requests for formal interpretations as to the meaning, intent or proper development and use of land or structures, or the interpretation of a zoning map boundary, shall be made in writing. The City Planner shall issue a determination in writing within one (1) week of receiving a formal written request. Such determinations are appealable under the provisions of Chapter [14.06](#) AHMC.

B. Alterations or additions to an approved site development plan which are minor in nature may be approved administratively and include the following:

1. Additions to buildings, provided that the increase in floor area is less than ten percent (10%) of the total building floor area, and does not exceed minimum requirements of the zone in which it is located;

2. Minor adjustments to the site plan including building locations, parking, and landscaping, provided the minimum zoning requirements are met;

3. Changes in use for a zone from what was originally proposed, provided that the impacts and intensity of the use are equivalent in nature and consistent with the allowed uses in the zone in which it is located.

C. Requests for Temporary Use Permits, under Title 17.  
(C-505, Amended, 05/20/2002; C-446, Added, 04/17/2000)

**Section 17.03.060 Administrative exceptions.**

A. Administrative exceptions may be granted by the City Planner when they involve any of the following circumstances:

1. Any dimensional requirement that does not exceed one (1) foot;

2. Front, rear, and corner yard setback requirements where the deviation is for ten percent (10%) or less of the required yard. No administrative exceptions are allowed for side yard setbacks;

3. Building height requirements where the deviation is for ten percent (10%) or less of the maximum building height;

4. Minimum lot area requirements where the deviation is for an individual lot and is for five percent (5%) or less of the required lot area;

5. Maximum building coverage requirements where the variance is for five percent (5%) or less of the maximum building coverage;

6. Lot frontage where the deviation is ten percent (10%) or less than the required lot frontage;

7. Yard setback exceptions are allowed for the following extensions: eaves or cornices projecting two (2) feet; steps, terraces, porches with no roof may extend ten (10) feet (except in side yard); fireplaces may extend two (2) feet.

8. A nonconforming single family residence may expand the primary use (not the accessory use) provided there is no detriment to surrounding properties, no public health or safety issue is created, the expansion does not exceed the larger of 50% or 800 square feet of the existing primary use footprint, and the expansion is subject to reasonable conditions imposed by the City Planner including a limitation on future expansions of the building, the filing of a covenant declaring the property to be a nonconforming use subject to conditions imposed by the City Planner and that the expansion does not violate any setback, height, or lot area requirements.

B. Applications for administrative exceptions must be made in writing. The City Planner shall provide a written decision within thirty (30) days in granting or denying an administrative exception. The written decision must indicate how the administrative exception is consistent or inconsistent with the zoning. The City Planner, after reviewing a request for an administrative exception, may determine that a variance is required and direct the applicant accordingly. Any city official or the Planning Commission itself may initiate a review by the commission of any interpretation of this title by the City Planner.

(C-523, Amended, 10/07/2002; C-521, Amended, 09/16/2002; C-446, Added, 04/17/2000)

**Section 17.03.065 Temporary Use Permit.**

It is the purpose of this section to provide a process and criteria for authorizing certain uses or activities of a non-permanent nature for limited duration. This section will allow for the review of proposed uses which, because of considerations of traffic, noise, lighting, hazards, health and environmental issues, require a case-by-case review to determine if the temporary use is appropriate on the site and in the vicinity. The imposition of conditions on the approval of an application can occur in order to reduce impacts to adjacent properties and uses.

A. Temporary Use Permit shall be subject to an administrative review process and may be approved, approved with conditions or denied.

B. The provisions of this chapter shall not apply to:

1. Funeral processions;
2. Groups required by law to be so assembled;
3. Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls; and
4. Activities and events deemed by the City Planner to not require a special events permit.

C. Upon submitting the Temporary Use Permit application, the applicant shall also submit a declaration demonstrating property owners within 100 feet of the site proposed for the temporary use were notified in writing or reasonable attempts were made to notify them in writing of the use. The proposed site will be posted with 8.5" x 11" notification sheet(s), posted as approved by the City Planner. A five (5) day comment period will begin when the property has been posted and the notifications mailed or delivered. Written notification and posting text shall be reviewed and approved by the City Planner.

D. A transportation management / parking plan appropriate for the size and type of event may be required.

E. A Temporary Use Permit after consideration of comments, will be approved, in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The Temporary Use shall occur for a maximum of 30 days during any 12-month period.
2. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

3. The proposed site is adequate in size and shape to accommodate the temporary use and the proposed layout and hours of operation ensure the temporary use will operate without detriment to the use and enjoyment of other properties in the project vicinity.

4. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

5. Adequate temporary transportation management / parking must be in place to accommodate vehicular traffic to be generated by the use. Parking will be available either on-site or at alternate locations acceptable to the review authority.

F. If the use is demonstrated to have a negative impact in excess of those presented at the time of application or the effects of the event are greater than anticipated the permit may be revoked or the conditions may be modified to mitigate for impacts by the City Manager. The City Manager may cancel a Temporary Use Permit for failure to comply with the terms of the permit or other City Ordinances.

G. Authorization of a Temporary Use Permit shall be valid for the time specified in the approval, but not to exceed twelve (12) months with a maximum of 30 days of use.

H. Appeals may be made in accordance with AHMC 14.06.

I. Violation. Any person violating any provision of this Code will be subject to the provisions provided in AHMC Chapter 1.16.

J. Hold Harmless. As a condition to the issuance of any permit under this chapter, the applicant shall agree to defend, indemnify and hold harmless the City of Airway Heights, its officers, employees and agents, for any and all suits, claims or liabilities caused by, or arising out of any use authorized by any such permit.

K. Additional permits may be required to meet the conditions established by the permit and/or other City codes.

(C-505, Added, 05/20/2002)

### **Section 17.03.070      Amendments to zoning title or map.**

The city may amend the zoning title or map when it finds that any of the following applies:

1. Such amendment is consistent with the comprehensive plan and is not detrimental to the public health, safety, and welfare;

2. Change in economic, technological, or land use conditions has occurred to warrant modification of the zoning title or map;
  3. An amendment is necessary to correct an error in the zoning title or map;
  4. An amendment is necessary to clarify the meaning or intent of the zoning title or map;
  5. An amendment is necessary to provide for a use or uses that were not previously addressed;
  6. Those amendments deemed necessary by the planning commission and/or the city council.
- (C-446, Added, 04/17/2000)

**Section 17.03.080 Initiation of zoning title and map amendments.**

A. Amendments to the zoning map may be initiated by the planning commission upon its own motion, or by the city council, provided due notice is posted and public hearing is held as prescribed by law; or amendments may be initiated by individual property owners or by a petition of property owners, which petition shall contain the signatures of sixty-one percent (61%) of the property owners within a radius of three hundred (300) feet of the subject property, exclusive of public rights-of-way.

B. Amendments to the zoning title may be initiated by the planning commission upon its own motion, by the city council, provided due notice is posted and public hearing is held as prescribed by law; or by individual property owners and/or citizens of Airway Heights.

C. Upon receipt of an application or petition to amend the zoning title or map, the city planner shall prepare a written report that shall be forwarded to the applicable hearing body(s).

D. Recommendations concerning proposed amendments to the zoning title or map shall be made by the planning commission and reported within ninety (90) days of the city’s receipt of the application or petition.

(C-446, Added, 04/17/2000)

**Section 17.03.090 Variances.**

A. In any case involving undue hardship and practical difficulties rendering compliance with this title extremely difficult, the planning commission shall have the power to grant a variance from any rule, regulation, or provision of this title, bearing in mind the spirit of this title, public safety, and substantial justice. However, no variance shall be granted unless the commission finds that all of the following conditions have been met:

1. Due to special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning title creates practical difficulties and is found to deprive the property of rights and privileges enjoyed by other properties in the vicinity and in similar zoning; and

2. The granting of the variance will neither be materially detrimental to the public welfare nor injurious to the property or improvements in the vicinity and zone in which the property is located.

B. Decision guidelines for consideration of granting a variance request include:

1. Strict application of the zoning title creates an unreasonable burden in light of the purpose to be served by the title;

2. Relaxation of the zoning title requirement will allow a more environmentally sensitive, energy conserving, or superior design;

3. A broader public interest or community need or interest will be served by granting the variance;

4. The granting of a variance should not be based upon precedent established by illegal or nonconforming circumstances;

5. A variance should not establish a precedent or result in a de facto zone reclassification;

6. A variance should be consistent with the intent and general purpose of the comprehensive plan.

(C-446, Added, 04/17/2000)

**Section 17.03.100 Conditional use permits.**

The planning commission shall have the authority to grant a conditional use permit based upon criteria for determining the conditions that would apply for compatibility. Additional conditions may be applied for a conditional use permit to assure compatibility of the use with other uses in the zone. Before issuing a conditional use permit the following facts and conditions must exist:

A. Adequate conditions and restrictions are attached to the development of the property to ensure that the proposed use will be compatible with uses permitted outright in the location;

B. The special standards as outlined in the zoning title for the zone shall be met;

C. Considerations and special conditions that may be applied to a conditional use permit include conditions to increase compatibility and provide mitigation of environmental impacts such as: noise; light and glare; increased yard setbacks; special landscaping and screening, hours of operation, and other reasonable conditions to uphold the spirit and

intent of the zoning title and the comprehensive plan. The planning commission may apply the following conditions and requirements to a conditional use:

1. Control of use;
2. Provision for front, side, or rear setbacks greater than the minimum standards of the zone within which the property is located;
3. Special landscaping, screening, fencing, signing, off street parking, public transit, and/or high occupancy vehicle facilities or any other general development standards;
4. Requiring street dedications and/or roadway and drainage improvements necessary as a result of the proposed use;
5. Control of points of ingress and egress;
6. Control of noise, vibration, odor, glare, and other environmental contaminants; control of operating hours; duration or time limitations for certain activities;
7. Environmental impact requirements: any other reasonable restrictions, conditions, or safeguards that will uphold the spirit and intent of this code and the comprehensive plan and mitigate any adverse impact upon adjacent properties by reason of use, extension, construction, or alterations allowed.

(C-446, Added, 04/17/2000)

#### **Section 17.03.110 Applications.**

A. Any person desiring to request a variance, zone change, or conditional use permit shall submit a complete application on a form provided by the city, a SEPA Environmental Checklist if not exempted under Chapter 18.01 AHMC, and appropriate application fees as provided in Section 17.03.120 AHMC.

B. Applications for variances shall include proof of ownership and a site plan, if applicable, illustrating the special circumstance identified for consideration by the planning commission.

C. Applications for zone changes and conditional use permits shall include proof of ownership and a site plan of acceptable quality, prepared in a neat and legible manner in pencil or ink on high grade twenty-four (24) by thirty-six (36) inch paper and at a horizontal scale of 1"=50' or 1"=100', or as approved by the city planner. The site plan need not be prepared by a licensed land surveyor, but must include the following features and information:

1. Names and addresses of on-site and adjacent property owners, tract designations or subdivision names, location of site by section, township, and range, legal description certified by a registered land

surveyor, notations indicating size, scale, north arrow, and date of preparation;

2. Boundary lines and dimensions of the site and bordering lines of all adjacent parcels;
  3. Easements and rights-of-way on or adjacent to the site, including location width, and purpose;
  4. Streets and alleys on or adjacent to the site, including name, location, and right-of-way widths;
  5. Utilities on and adjacent to the site;
  6. Ground elevations, with ten (10) foot contours if land slope is regular. More detailed mapping may be requested for uneven land or slopes exceeding ten percent (10%);
  7. Existing zoning classifications on and adjacent to the site;
  8. Approximate location of existing and proposed buildings, septic tanks, drainfields, wells or other improvements;
  9. Approximate location of all natural features such as wooded areas, streams, or drainageways;
  10. Minimum building setback lines;
  11. Sites, if any, to be reserved or offered for sale for parks, playgrounds, or other public uses.
- (C-446, Added, 04/17/2000)

#### **Section 17.03.120 Fees.**

There shall be paid to the City a fee determined by council resolution upon the submission of any request for a variance, zone change, temporary use, or conditional use permit, and unless such fee is first paid, no request shall be considered.

(C-505, Amended, 05/20/2002; C-446, Added, 04/17/2000)

#### **Section 17.03.130 Notice of application and public hearing.**

Upon receipt of a complete application or petition for a variance, zone change, or conditional use permit, public notice shall be provided in accordance with Chapter 14.04 AHMC. Notice of public hearings shall also be provided in accordance with Chapter 14.04 AHMC. Such hearings shall be open to the public and any person may support or object to the granting of any petition.

(C-446, Added, 04/17/2000)

#### **Section 17.03.140 Report of planning commission decision.**

A. Upon any decision granting or denying a petition for a variance, zone change, or conditional use permit, or a recommendation on an amendment of general applicability to the zoning title or map, the planning commission shall prepare a written report within ten (10) days which shall contain a review of

the facts, the findings and opinion of the commission, and such orders as the commission deems necessary in such case. All parties of record shall receive a copy of the planning commission's decision, along with findings of fact and specific conclusions. Actions of the planning commission are final unless appealed to the hearing examiner. Recommendations of the planning commission regarding amendments of general applicability to the zoning title or map shall be reviewed and acted upon by the city council, in accordance with Title 14 AHMC, Development Code Administration.

B. A conditional use permit may be suspended or revoked if, after public hearing with notice as provided in the AHMC, the planning commission finds that a grantee or their successors in interest fail to comply with conditions or restrictions contained in the findings of fact and specific conclusions. Actions of the planning commission are final unless appealed to the hearing examiner.  
(C-446, Added, 04/17/2000)

#### **Section 17.03.150      Records.**

The planning department shall keep a permanent record of all petitions, and applications on appeal, for variances, zone changes, and conditional use permits, together with a permanent record of all decisions and orders of the commission in connection therewith. Such records shall be open to the public. In the event of an appeal from any action of the commission, the planning department shall prepare and transmit to the hearing examiner all necessary copies of such records and other necessary information.  
(C-446, Added, 04/17/2000)

#### **Section 17.03.160      Appeals.**

Any final decision of the planning commission in connection with interpretations by the city planner, zone changes, variances, or conditional use permits must be appealed within thirty (30) days to the hearing examiner, who shall have the authority to review, affirm, reverse, amend or modify such decision. Recommendations of the planning commission regarding amendments of general applicability to the zoning title or map shall be reviewed and acted upon by the city council; final city council actions must be appealed to the hearing examiner in accordance with Title 14 AHMC, Development Code Administration. Any aggrieved party may initiate such an appeal by petition to the hearing examiner in writing, specifying the decision appealed from, and signed by the appellant or his agent; provided, the city planner shall have no right

of appeal. The hearing examiner may review the action of the planning commission or city council upon the records and findings made by the commission or council, or may hold such additional hearings or require additional information as the hearing examiner may deem necessary. The decision of the hearing examiner shall be transmitted in writing to the appellant and to the planning commission or city council, and shall be final, except for review by the superior court as provided by law.  
(C-446, Added, 04/17/2000)

#### **Section 17.03.170      Nonconforming uses.**

A. There are currently permitted land uses that are not consistent with the comprehensive plan and the zoning established to implement the land use goals and policies in the comprehensive plan. The City recognizes that previously permitted activities will remain allowable under the new Comprehensive Plan and the provisions of this chapter. These uses, however, will not be allowed to expand if they are not consistent with the land use plan and zoning since they will become nonconforming uses.

Nonconforming uses within the City are encouraged to be eventually replaced with uses that are consistent with the comprehensive plan and zoning. Examples of nonconforming uses within the City include: agricultural activity in areas no longer zoned for agricultural use; residential uses in areas not zoned for residential use; mobile home parks and landfills in commercial or industrial zones; and uses listed as prohibited in the Airport Overlay Zone.

B. The regulations contained in this chapter shall govern the continuation of nonconforming uses.

C. The lawful use of the land or premises existing at the time of the adoption of the ordinance codified in this title may be continued, but if such nonconforming use is abandoned for a period of one (1) year or more, any further use of such land or buildings shall be in conformity with the provisions of this title. When a building or structure is vacant, the previous use therein shall be deemed discontinued.

D. A building or structure containing a nonconforming use shall not be enlarged or expanded except a lawfully erected single family dwelling that is located north of State Route 2 may have the primary use expanded as an administrative exception granted by the City Planner. Upkeep, repair, and maintenance of nonconforming buildings are permitted.  
(C-521, Amended, 09/16/2002; C-446, Added, 04/17/2000)

**Section 17.03.180 Restoration restrictions.**

Nothing in this chapter shall be deemed to prohibit the restoration of a building within a period of six (6) months from the date of its destruction by fire, explosion, or act of God; provided, however, that setback and yard requirements shall be adhered to and there is no increase in the square footage of the previous building. Such restoration shall begin within six (6) months and be completed within one (1) year. No restoration of nonconforming uses will be allowed in the AICUZ overlay crash zone or where sound level is 70+ decibels if such use is a prohibited use in that zone.

(C-446, Added, 04/17/2000)

**Section 17.03.190 Recreational vehicle residences--Restrictions.**

The nonconforming use of a recreational vehicle as a residence shall be terminated upon the removal of the recreational vehicle from the lot.

(C-446, Added, 04/17/2000)

**Section 17.03.200 Number of uses per lot.**

There shall be no more than one (1) residential dwelling unit per buildable lot, unless specifically permitted by the zone or approved as a conditional accessory unit. There shall be no more than one (1) primary use per buildable lot, unless specifically permitted by the zone. Primary uses shall be generally defined as the following: residential use; business/commercial use; industrial use; public and semi public use; and mining.

(C-446, Added, 04/17/2000)

**Section 17.03.210 Vacated right-of-way.**

Whenever a street right-of-way is vacated or railroad right-of-way abandoned, and such right-of-way is not zoned, the zone designation of the land abutting the right-of-way will be adopted. Where zoning is different on each side of the right-of-way the centerline of the right-of-way shall be considered the boundary between the two zones.

(C-446, Added, 04/17/2000)

**Chapter 17.04**

**DEFINITIONS**

**Sections:**

**17.04.010 General.**

**Section 17.04.010 General.**

The following words and phrases as used in this title shall be defined as set forth in this chapter.

**Accessory** - a building, structure or use, or part of a building, structure, or use, located on the same lot and incidental and subordinate to the principal building, structure or use.

**Accessory dwelling unit** - an additional dwelling unit, including separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit. May alternatively be referred to as a 'granny flat,' 'mother-in-law apartment,' or 'garage apartment.'

**Adaptive reuses** - the development of a new use for an older building or for a building originally designed for a special or specific purpose. It is particularly useful as a technique for preserving older buildings of historic or architectural significance. It also applies to the conversion of other special use structures, such as gas stations, train stations, school buildings, hospitals, warehouses, or factories that are no longer needed for their original purpose.

**Adequate public facilities** - facilities that have the capacity to serve development without decreasing levels of service below locally established minimums.

**Adult day care facility** - a state-licensed facility furnishing care, supervision and guidance for an adult or group of adults for a period of less than twenty-four hours per day.

**Adult entertainment business or establishment** - any type of theater, establishment, or gathering place offering any kind of show, display, or advertising emphasizing nudity or specified sexual activities. An adult entertainment business or establishment shall include an adult arcade, adult bookstore, adult novelty store, adult video store, adult motion picture theater, and adult exotic dance studio, each as defined in Chapter 17.18 AHMC.

**Amateur Radio Facilities** – shall mean towers, arrays, antennas, poles, and rods used to send and receive long-distance radio transmissions by private residence.

**Arrays or Antennas** - shall mean any system of electromagnetically tuned wires, poles, rods, reflecting discs or similar devices used to transmit or receive electromagnetic waves between terrestrial and/or orbital based points; includes, but is not limited to, radio antennas, television antennas, satellite dish antennas, and cellular antennas. Types of antennas include:

(1) Omni-directional (or “whip”) antennas which transmit and receive radio frequency signals in a 360-degree radial pattern. For the purpose of this chapter, omni-directional antennas are up to 15 feet in height



and up to six inches in diameter;

(2) Directional (or “panel”) antennas which transmit and receive radio frequency signals in a specific directional pattern of less than 360 degrees; and,

(3) Parabolic (or “dish”) antennas which are bowl-shaped devices for the reception and/or transmission of communications signals in a specific directional pattern.

**Automotive repair** - the storage and repair of trucks and automobiles, including body and fender work and painting. The term does not encompass the business of wrecking automobiles or impoundment car lots when conducted outside of a structure.

**Automobile wrecking and salvage yard** - an area outside of an enclosed building where motor vehicles or recreational vehicles or their parts are dismantled, dumped, stored or sold. The private, noncommercial storage of inoperable vehicles and remnants thereof and public garages are not considered automobile wrecking and salvage yards when all activity, storage, odor and noise is confined wholly within an enclosed building. The following uses shall not be considered an auto wrecking and salvage yard: open sales lots for the sale of new and used motor vehicles which are in operable condition, motor vehicle towing services, and auto and/or body repair establishments which do not store inoperable vehicles for more than ninety (90) days.

**Available public facilities** - facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six (6) years from the time of development.

**Bonus density** - allowing density of development to exceed what would normally be allowed in an area or zone, provided that a certain condition or conditions are met. Examples of such conditions might include clustering of residences, use of community wells, development of low-income housing, etc.

**Broadcast, Relay tower** - shall mean a freestanding support structure, attached antenna(s), and related equipment intended for transmitting, receiving or re-transmitting commercial radio, television, telephone, cellular, or other communication services.

**Building** - a structure with a single roof or connected with a roof built for the support, shelter, or enclosure of persons, animals, stored items, mechanical devices, or property of any kind, and permanently affixed to the ground.

**Building area** - the area of a lot occupied by a main building or structure and its accessory

building(s) or structure(s), not including patios, driveways, open steps and buttresses, terraces, cornices, and ornamental features projecting from building(s) or structure(s) which are not otherwise supported by the ground.

**Building coverage** - the portion of a site occupied by principal and attached buildings, not including patios, driveways, open steps and buttresses, terraces, cornices, and ornamental features projecting from buildings or structures which are not otherwise supported by the ground, expressed as a percentage of the total site area.

**Building site** - legally created or divided lot(s) or parcel(s) of land that is or will be used or occupied by buildings, together with all yards and open spaces required by this code. Building sites may be composed of one lot, a combination of lots, or a combination of lots and fractions of lots.

**Building, main** - the principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permitted use involves more than one building or structure designed or used for the primary purpose, each permitted building or other structure on a lot or building site as defined by this chapter shall be construed as comprising a main building.

**Building, public** - a building constructed for a public purpose, including hospitals, school buildings, police stations, fire stations, libraries, city hall, community centers, school stadiums and post offices.

**Business (service, retail, etc.)** - the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity; the management or occupancy of office buildings, offices, recreational, or amusement enterprises; or the maintenance and use of buildings, offices, and structures or premises by professions and trades or persons rendering services, whether or not for profit.

**Cellular Communications Facility** - means any unstaffed facility for the transmission of radio frequency signals and includes antennas, equipment shelters, and other equipment necessary to provide wireless transmission and reception utilizing cellular technology for various wireless communication systems including cellular phones, Personal Communication Systems (PCS), paging, and similar systems.

**Child care facility** - the provision of supplemental parental care and supervision for a non-related child or children on a regular basis for less than twenty-four (24) hours a day under license by

the Washington State Department of Social and Health Services;

1. **Child day care facility** means a building or structure in which an agency, person, or persons regularly provide care for a group of children for periods of less than twenty-four (24) hours a day. Day care facilities include family day care and commercial day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended;

2. **Day care center** means a facility, licensed by the state, which provides for the care of nine (9) or more children. If located in a private family residence, the portion where the children have access must be separate from the family living quarters, or that portion where the children have access must be used exclusively for their care during the hours that the child day care center is operated;

3. **Family day care** is a day care home, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve (12) or fewer children, including children who reside at the home. A family childcare home does not include baby-sitting services of a casual, non-reoccurring nature or in the child's own home. A family day care home is further not intended to include cooperative, reciprocative childcare by a group of parents in their respective homes. No more than a total of twelve (12) children (including those children under the age of twelve living in the home) shall be present in the home at any one time during hours of operation of a family child care home.

**Church** - a permanent, fully-enclosed building, portion of a building, or group of buildings used for religious worship and instruction, including schools operated by the religious institution on the same site, but excluding facilities for training of religious orders. A single-family dwelling unit (parsonage) is included in this definition with its use for the pastor or caretaker.

**Clear view triangle** - a measurement applied at street intersections, at intersections of streets and alleys, and at intersections of streets and commercial driveways to ensure unobstructed vision between a height of forty-two (42) inches and ten (10) feet above the existing surface of a roadway. A clear view triangle is formed by extending two lines of specified lengths from the center of the intersection along the centerline of both approaches, then connecting the ends of both approaches to form the hypotenuse of a triangle.

**Cluster** - a group of the same or similar elements (housing in this context) occurring closely together.

**Co-location** - shall mean the placement and arrangement of multiple antennas and equipment on a single support structure and equipment pad area.

**Concurrency** - concurrency means that adequate public facilities are available when the service demands of development occur. This definition includes the two concepts of 'adequate public facilities' and of 'available public facilities' as defined within this chapter.

**Conditional uses** - an activity listed among those in any given zone but permitted to locate only after a public hearing and the decision to grant a permit (conditional use permit), imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and ensure against imposing excessive demands upon public utilities as determined by the planning commission.

**Convalescent home or nursing home** - a residential facility licensed by the state or county to provide special care and supervision to convalescents, invalids, and/or aged persons, but where no persons are kept who suffer from mental sickness or disease or physical disorder or ailment which is normally treated within sanitariums or hospitals. Special care in such a facility includes, but is not limited to, nursing, feeding, recreation, boarding, and other personal services.

**Custodial Quarters** - Dwellings used and required for continuous supervision by a caretaker or superintendent and his immediate family. Such dwellings may be occupied only by persons employed on the same premises and their immediate families.

**Dedication** - the deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

**Density** - the number of dwelling units permitted per gross acre of land.

**DOD** - United States Department of Defense

**Domestic animal, large** - animals including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type. Young of horses, mules, donkeys, burros and llamas under one (1) year in age, bovines under ten (10) months in age and sheep, goats and swine under three (3) months in age shall not be included when counting large animals. Miniature animals of similar breeding and type as ordinary large-sized animals are considered large animals.

**Domestic animal, small** - animals or fowl other than for a household pet or large animals, including but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons and other fowl not listed or otherwise defined, mink, chinchilla, nutria, gnawing animals in general and other animals of similar size and type. Young small animals or fowl fewer than three (3) months in age shall not be included when counting small animals or fowl.

**Drive-through facilities** - retail sales or service establishments providing the capability to serve customers who remain within their vehicles.

**Dwelling, multiple family** - one (1) or more building(s) containing two (2) or more dwelling units designed to house two (2) or more families living independently of each other, except for single-family attached dwelling units as defined herein.

**Dwelling, single-family attached** - a dwelling unit for not more than one (1) family that shares a common wall, roof or floor within one (1) other single-family dwelling unit.

**Dwelling, single-family unattached** - a dwelling unit for not more than one (1) family that does not have any wall, roof, or floor in common with any other dwelling unit.

**Dwelling unit** - one or more rooms in a dwelling, designed, occupied or intended for occupancy as separate living quarters, with an individual entrance, cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one (1) family maintaining a household.

**Dwelling unit, as secondary use** – an on-site dwelling to be allowed in R-2, R-3, C-1, C-2, or I-1 zoned areas for use by the owner, manager, security personnel, or representative. This unit is permitted only after the city's technical review committee has established specific standards. These performance standards will make the use more compatible with other permitted uses in the same vicinity and zone. The resident, in locating in an area with potentially incompatible characteristics, leaves the city free of liability.

**FAA** – Federal Aviation Administration

**Family** - an individual or two or more persons related by blood, marriage, legal adoption or guardianship or a group of not more than five unrelated persons, living together as a single non-profit housekeeping unit in a dwelling unit.

**FCC** – Federal Communications Commission

**Fence** - a barrier, constructed of wood, masonry, or any other material except plants, enclosing or separating a field, yard, or other real property, or any portion thereof. "Sight obscuring non-pierced fence" means a masonry wall or a chain woven fence with

wooden or aluminum slats (or any other suitable material) inserted in the weave.

**Flexible setback requirements** - the ability to modify or adapt yard, building envelop, or structure-to-lot line separation standards for the purpose of protecting unique site characteristics (for example: existing trees, watercourses, historic features, environmentally sensitive areas).

**Floor area ratio** - the gross floor area of all buildings or structures on a lot divided by the total lot area. (FAR = total building floor area ÷ total lot area)

**Garage, private** - an accessory building or portion of the principal building located on the same site as the principal building designed and used primarily for the shelter or storage of vehicles owned or operated by the occupants of the principal building.)

**Garage, public** - a building or portion thereof, other than a private garage, used for the care, parking, repair, or storage of automobiles, boats, and/or recreational vehicles or where such vehicles are kept for remuneration or hire.

**Grade** - the average elevation of the finished ground level at the center of all exterior walls of a building. "Preliminary grade" means the average elevation of the ground level prior to construction of any buildings. In case of any wall that is parallel to and within five (5) feet of a lot line, elevation at the lot line adjacent to the center of the wall shall be considered the finished ground level. In the case of any sign, grade shall be measured or determined at the sign support structure.

**Greenbelt** - an open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

**Home industry** - an occupation, profession, or craft, excluding an adult bookstore or adult entertainment establishment, in association with a primary residence, which is of such intensity or broad scope of operation that public hearing review, under the conditional use permit process, is necessary. By character and definition, a home industry is different than a home profession or general commercial, industrial, or business uses.

**Home profession** - a profession or craft, excluding an adult bookstore or adult entertainment establishment, carried on within a residence by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character of the dwelling or neighborhood, and is conducted in such a manner as to not give any outward appearance of a business in

the ordinary meaning of the term. An activity, which does not comply with the following criteria, shall not be deemed a home profession:

1. There shall be no exterior alteration to the dwelling that changes the residential appearance or character thereof;
2. The use, including all storage space, shall not occupy more than forty-nine percent (49%) of the residence's livable floor area. No home profession shall occupy a detached accessory building. All storage areas shall be enclosed within the residence.
3. Only members of the family who reside on the premises shall be engaged in the home profession;
4. Signage standards shall be provided in accordance with the requirements of Chapter 17.24 AHMC;
5. There shall be no window display nor shall sample commodities be displayed outside the building, except that horticultural and floricultural products grown on the premises may be so displayed;
6. There shall be no stock stored nor commodity kept for sale on the premises which is not necessary to the profession or craft;
7. All material or mechanical equipment shall be used in a manner as to be in compliance with WAC 173-60 regarding noise;
8. Traffic generated, which exceeds the following standards, shall be prima facie evidence that the activity is a primary business and not a home profession:
  - a. The parking of more than two (2) customer vehicles at any one (1) time;
  - b. The use of loading docks or other mechanical loading devices;
  - c. Deliveries of materials or products at such intervals so as to create a nuisance to the neighborhood.
9. The hours of operation for a home profession shall be limited from seven (7) a.m. to ten (10) p.m. The applicant shall specify on the home profession permit the hours of operation.
10. A home profession permit shall be issued by the planning department per fee established by city council resolution.

**Hotel/motel** - one (1) or more attached or detached building(s) designed or used for the transient rental of six (6) or more units for sleeping purposes. A central kitchen, dining room and accessory shops and services catering to the general public may be provided. Also commonly referred to as a motel, motor lodge, tourist home, or similar designation. Not included are institutions housing

persons under legal restraint or requiring medical attention or care.

**Household/domestic pet** - any animals (other than livestock, large or small animals, and animals and birds considered to be predatory or wild), such as cats, dogs, rabbits, or birds (canaries, parakeets, etc.), amphibians/reptiles (turtles, lizards, etc.), rodents (rats, mice, gerbils, etc.) and tropical fish that live in or are kept within a residence or on a property containing the owner's residence. Young household pets under the age of four (4) months shall not be included when counting household pets.

**Installer** - an individual, firm, corporation, partnership, association, or agency responsible for the installation of a manufactured home. This includes the owner of the manufactured home or the owner of the real property on which the manufactured home is sited.

**Junkyard** - a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking yards, and places or yards for storage of salvaged materials and equipment. A junkyard shall not be construed to include such uses when conducted entirely within an enclosed building, nor pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment or used cars in operable condition, or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations.

**Kenel, commercial** - a licensed establishment or place, other than a veterinary hospital or clinic or animal shelter, where nine (9) or more dogs and/or nine (9) or more cats over six (6) months of age are housed, groomed, bred, boarded, trained or sold commercially as pets.

**Kenel, private** - the domicile of a person or persons who own or breed five (5) or more dogs and or cats but less than nine (9) dogs and/or cats over six (6) months of age, primarily for personal recreational use, such as participation in recognized conformation shows, field or obedience trials, racing, scenting, pulling, specialized hunting or working trials, water trials, search and rescue, tracking, and for the purpose of improving the physical soundness, temperament, and conformation of a given breed to a standard.

**Landscaping** - site improvements such as lawn, trees, plants and other natural and decorative features, including, but not limited to, patios, plazas, street furniture, and walkways that are integrated with planted materials.

**Legislative proceeding** - a proceeding requiring approval of the city council. For the purposes of this

title the following actions constitute legislative proceedings:

1. Changes to the text of this title;
2. Changes to the text of the comprehensive plan;
3. Area-wide rezone; and
4. Comprehensive plan map changes.

**Livestock** - see "Domestic animal, large."

**Lot** - a platted or unplatted parcel of land, segregated and/or separated from other parcels of land, and being in compliance with State and local platting laws.

1. **Corner Lot** - a lot situated at the intersection of two (2) or more streets, the street frontage of which lots forms an angle not greater than one hundred twenty-eight degrees (128°), and not less than forty-five degrees (45°).

2. **Flag Lot** - a lot in which only a narrow portion fronts on a road and where access to the road is across the narrow portion.

3. **Interior Lot** - a lot fronting on a single street.

4. **Through Lot** - a lot having frontage on two (2), more or less parallel, streets.

5. **Buildable Lot** - a lot created in compliance with state and local platting and zoning laws of applicable state or local requirements for use as a building site, or a legal nonconforming lot as defined herein.

6. **Front Lot Line** - the property line along the street of an interior lot, or the property line along either street of a corner or through lot, as selected by the applicant, prior to construction upon the site.

7. **Rear Lot Line** - the line opposite to the front lot line.

8. **Side Lot Line** - any lot line which is not a front lot line or a rear lot line.

9. **Lot Area** - the total horizontal area within property lines.

10. **Lot Depth** - the horizontal length of a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

11. **Lot Line** - the property lines bounding a lot.

12. **Lot Width** - the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot line.

**Manufactured (mobile) home** - a factory-built structure, transportable in one or more sections as a complete living area, which contains a permanent frame or chassis. The unit may or may not be installed on a permanent foundation. This definition does not include "modular (prefabricated) homes."

**Manufactured (mobile) Home Park** - a tract of land five (5) acres or more in size, legally divided into rental spaces in accordance with this chapter, under common ownership or management for the purpose of locating two (2) or more manufactured (mobile) homes.

**Mixed use development** - the development of a tract of land, building(s), or structure(s) with a variety of different, complementary, and integrated uses (for example: residential, office, manufacturing, retail, public, or entertainment) in a compact urban form. Mixed-use areas are designed to be pedestrian friendly and are intended to reduce dependency on the automobile and create a sense of place. Mixed-use developments are also referred to as mixed-use in-fill developments, mixed-use centers, mixed use urban villages, mixed use neighborhood centers, and mixed use community centers.

**Mobile Support Tower** - shall mean a tower used as a cellular communication facility designed to be portable or mobile in nature and design. A cellular communications facility not intended for long term or permanent placement.

**Modular/prefabricated home** - a modular or prefabricated home constructed after June 15, 1976, in accordance with state and Federal Department of Housing and Urban Development (HUD) requirements, which:

1. Is comprised of at least two (2) fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long, designed to be moved on a one-time basis and placed on a permanent footing and foundation;

2. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences, and is installed on a permanent concrete, cinder block and mortar, stucco-coated pressure-treated wood, or other approved foundation material, or as approved by the city building official;

3. The roof shape and composition shall be similar to the conventional single-family stick-built residential structure and have at least a three-in-twelve pitch with overhang.

4. Shall meet current Uniform Building, Fire, Mechanical and Plumbing Codes and Washington State Energy Codes.

5. This definition does not include "manufactured (mobile) homes."

**Nonconforming use** - a land use or structure that was lawfully established but that does not conform to the present requirements of this code.

**Nude or Nudity** -

1. Less than completely and opaquely covered or in such attire, costume, or clothing as to expose to view male genitals, female genitals, pubic region, buttocks, anus, or any portion of the female breast below a point immediately above the top of the areola;

2. Wearing any device or covering exposed to view which stimulates the appearance of male genitals, female genitals, pubic region, buttocks, anus, or any portion of the female breast below a point immediately above the top of the areola.

**Nuisance** - a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

**Offices** - business uses that provide administrative, contractor, professional or customer services to individuals, business establishments, institutions and/or governmental agencies, not including retail sales, except as ancillary to the primary office use.

**Off-premises sign** - a visual communication devise, structure or fixture which is visible from any right-of-way and is intended to aid in promoting the sale of products, goods, services, or events not available on the premises on which the sign is located or any sign for which a charge is made for the privilege of advertising.

**Off-street parking space** - any space not on a highway or street, where one (1) passenger vehicle or a three-quarter (3/4) ton truck may park, having a minimum width of nine (9) feet and length of twenty-one (21) feet.

**On-premises sign** - a sign that advertises a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, or goods sold or produced on the premises, name of the business, and/or name of the person, firm or corporation occupying the premises.

**Open space** - an area of land that is substantially free of structures, impervious surfaces and other land-altering activities.

**Opponent of record** - any person who testifies in opposition to an application at a public hearing scheduled for the application or any person who submits written opposition to the application before the record is closed to receive such written opposition.

**Outdoor storage/displays** - exterior storage or display of materials, vehicles or equipment.

**Overlay zone** - a mapped area that has special requirements in addition to or different than those of the underlying zone. Development within such an area must conform to the requirements of both zones

and, in the event of inconsistencies, the most restrictive requirements shall control.

**Park, community** - community parks are larger than neighborhood parks, serve several neighborhoods, and have a diversity of recreational opportunities.

**Park, neighborhood** - parks (generally one acre or less) that are intended to meet close in recreation and open space needs with walking distance for the people living within a residential neighborhood.

**Performance standards** - a set or criteria or limits relating to certain characteristics that a particular use or process may not exceed. The standards usually cover noise, vibration, glare, heat, air or water contaminants, and traffic. It is a more precise way of defining compatibility. The performance standards approach is based on the technical ability to identify activities numerically and to measure them to see if they meet ordinance requirements.

**Planned unit development (PUD)** - a land development project planned comprehensively as an entity through a design process prescribed by ordinance which permits some flexibility in the regulations of the underlying zone as defined in Chapter 17.16 AHMC.

**Reception Window Obstruction** - shall mean a physical barrier which would block an electromagnetic signal.

**Recreational vehicle (RV)** - a vehicular type portable structure without permanent foundation, not more than thirty-five (35) feet in length and eight (8) feet in width, primarily designed as temporary living quarters for recreational, camping, or travel use, with or without motor power. This includes, but is not limited to, travel trailer, truck campers, camping trailers, and self-propelled homes. Recreational vehicles are prohibited from use as a dwelling unit in all zoning districts. A recreational vehicle (RV) is not a manufactured home. Exception: a RV type vehicle commonly known as a 'park model,' which has no holding tank (is not self-contained) and may be used as a permanent residential home, shall not be considered a recreational vehicle.

**Recreational vehicle (RV) park** - an area where facilities are provided for recreational or camping vehicles or travel trailers, tents, or other portable habitation, utilized by the public as a place for camping, vacationing, or temporary usage, which are in place for not more than thirty (30) days. The park may include certain recreational or service facilities for the use of the residents of the park. Recreational or camping vehicle parks shall comply with all applicable State and County regulations.

**Sales, retail** - sale to the consumer for direct consumption and generally not for resale.

**Sales, wholesale** - sale for resale and generally not to the consumer for direct consumption.

**Satellite Dish, Large** - shall mean any satellite dish antenna(s) whose diameter is greater than one meter in residential zones or two meters in industrial or commercial zones.

**Satellite Dish, Small** - shall mean any satellite dish antenna(s) whose diameter is less than or equal to two meters within mining, industrial, and commercial zones or one meter in a residential zone.

**Secure Community Transition Facility** – A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to 71.09.250 RCW and any community-based facilities established under 71.09 RCW and operated by the secretary of the Washington Department of Social and Health Services or under contract with the secretary.

**Setback, front** - the minimum horizontal distance measured from the front property line to the nearest wall of the structure.

**Setback, side and rear** - the minimum horizontal distance measured from the side or rear lot line to the nearest wall of the structure.

**Shipping containers** - a unit originally or specifically used or designed to store goods or merchandise during shipping or hauling by land, sea, or air transportation.

**Sign** - any structure, or part thereof, or any device attached, painted or represented on a structure which displays or includes any letter, model, banner, flag, insignia, device or representation used as, or which is in the nature of, all announcement, direction or advertisement. As used in this title, a sign does not include directional, warning or information structures required by or authorized by law or by federal, state, county or city authority.

**Site plan, general** - a scale drawing showing the actual dimensions and shape of a site to be built upon, the size and location of existing buildings on the site to the nearest foot, and the location and dimensions of the proposed building(s), structure(s), or alteration(s).

**Skirting** - a fire resistant material not adversely affected by the elements, which is securely anchored by an approved method to a manufactured home and covers the entire space except the space required for

access to the crawl space (see WAC Regulations #296-150B) between the bottom-most point of the permanent exterior wall of the manufactured home and the surrounding grade level.

**Small lots** – lots with an area of 6000 square feet or less, located within the city limits. Variation of certain requirements (such as setbacks, landscaping, and parking) may be made by the city's technical committee, in the case where hardships are created by such small lots.

**Specified sexual activities -**

1. The caressing, touching, fondling, or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breast of oneself or of one person by another; or

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or

3. Masturbation, actual or simulated; or

4. Human genitals in a state of sexual stimulation, arousal, or tumescence or visual state of sexual stimulation, arousal, or tumescence, even if completely or opaquely covered; or

5. Excretory functions as part of or in connection with any of the activities described above.

**Structure** - anything constructed or erected, which requires location on the ground, or attachment to something having a location on the ground, not including fences or walls used as fences less than six (6) feet in height.

**Stealth Facility:** Any telecommunications or broadcast facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and wireless communication support towers designed to look like trees, clock towers, bell steeples, light poles or flag poles.

**Studio** - an establishment where art or dance (e.g. gymnastics, martial arts, etc.) is studied or taught.

**Subdivision** - the division or re-division of land for the purpose of sale, lease or transfer of ownership.

**Tower** - shall mean any built structure, including any guy wires and anchors, constructed for the support of antennas that would raise the topmost point of the attached antennas more than 25 feet above the surrounding ground or building. This includes, but is not limited to, lattice towers, guy towers, wood or steel monopoles, and attached antennas.

**Underutilized area** - developed land parcels that have a large portion of the area in non-building uses such as surface parking or storage yards, or that have a high percentage of the structure(s) vacant, or that have a low floor area ratio (FAR), or that have buildings which are abandoned, dilapidated, or otherwise seriously impaired by physical deficiencies.

**Use** - the activity or purpose for which land or structures or combinations of land and structures are designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement, and any physical alteration to land itself including removal of vegetation, grading, leveling, paving or excavation. Use also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

**Variance** - the means by which an adjustment may be made in the application of the specific regulations of this code to a particular piece of property, which property, because of special circumstances, is deprived of privileges commonly enjoyed by other properties in the vicinity and similar zone classification and which adjustment remedies the difference in privileges; provided that a variance granted shall not authorize a use otherwise prohibited in the zone classification in which the property is located.

**Wireless Telecommunication Facility** - shall mean any unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communication. A wireless communication facility provides services which include cellular telephone, Personal Communication Services (PCS), other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). A wireless communication facility may be attached to an existing structure or a freestanding tower. A wireless communication facility consists of antenna(s) and related equipment and may include an equipment enclosure, screening, or a support structure.  
(C-498, Added, 04/01/2002; C-446, Added, 04/17/2000)

## Chapter 17.05

### ZONE CLASSIFICATIONS, MAP, AND MATRIX

#### Sections:

#### **17.05.010 Zones-Designated.**

#### **17.05.020 Zones-Shown on map.**

#### **17.05.030 Zones-Matrix.**

#### **Section 17.05.010 Zones-Designated.**

The following essential use classifications or zones are established and may be known as the zone symbols shown:

R-1 Single-family Residential zone - unattached dwelling uses, including modular/prefabricated homes;

RM Manufactured Housing zone - unattached dwelling uses including double-wide manufactured (mobile) homes and manufactured home parks;

R-2 Duplex Residential zone - attached duplex dwelling uses, excluding manufactured (mobile) housing;

R-3 Multiple Family Residential zone - attached dwelling uses;

C-1 Restricted Commercial zone;

C-2 General Commercial zone;

I-1 Light Industrial zone;

I-2 Heavy Industrial zone;

MZ Mining zone;

AO Airport Overlay zone;

PUD Planned Unit Development Overlay zone.

(C-446, Added, 04/17/2000)

#### **Section 17.05.020 Zones-Shown on map.**

The location and boundaries of the zones to which the provisions of this title are applicable are indicated on the "zoning map of the city of Airway Heights," a copy of which map is available for review at the planning department and is also filed in the office of the clerk-treasurer.

(C-446, Added, 04/17/2000)



**Section 17.05.030 Zones-Matrix.**

The zoning matrix provides a quick reference for uses permitted within the zones designated in section 17.05.010 AHMC, and as provided in the individual zone designations in Title 17 Zoning. Each zone designation includes a section describing the purpose and intent to be accomplished by the various zones. It is recognized that all possible uses and variations of uses, which might arise, cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the matrix. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zone classification, it shall be considered as a permitted or non-permitted use within a general zone designation. If permitted, such uses shall be subject to the development standards for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a matrix, it may be permitted as determined by the hearing body in public hearing as an amendment to this code pursuant to section 17.03.070 AHMC. A conditional use permit (or CUP) will be allowed by the hearing body, which will impose certain performance standards. Uses, with the designation on the matrix “ Specific Standards Apply” (S), will be allowed by the technical review committee, which will impose certain performance standards.

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
<b>Residential</b>									
Accessory structures	P	P	P	P	P	P	P	P	P
Bonus density	S	S	S	S	N	N	N	N	N
Custodial Quarters	N	N	N	N	CUP	CUP	CUP	CUP	CUP
Clustered housing	S	S	S	S	N	N	N	N	N
Conditional accessory dwelling unit	CUP	N	N	N	N	N	N	N	N
Dormitory	CUP	CUP	CUP	CUP	N	N	N	N	N
Duplex	N	N	P	P	N	N	N	N	N
Family day care home	S	S	S	S	N	N	N	N	N
Fraternity/sorority	N	N	P	P	N	N	N	N	N
Group home	CUP	CUP	CUP	CUP	N	N	N	N	N
Home industry	CUP	CUP	CUP	CUP	N	N	N	N	N
Home profession	P	P	P	P	N	N	N	N	N
Household pets	P	P	P	P	P	P	P	P	P
Manufactured (mobile) home	N	S	N	N	N	N	N	N	N
Manufactured (mobile) home park	N	S	N	N	N	N	N	N	N
Mixed use development	S	S	S	S	S	S	S	S	N
Modular (prefabricated) home	S	S	S	S	N	N	N	N	N
Multiple family dwelling	N	N	N	P	N	N	N	N	N
Nursing home/convalescent center	CUP	CUP	CUP	CUP	CUP	N	N	N	N
Planned unit development	S	S	S	S	N	N	N	N	N
Retirement/elderly apartments	N	N	N	P	N	N	N	N	N
Secondary use, dwelling unit	N	N	S	S	S	S	S	N	N
Single-family dwelling	P	P	P	P	N	N	N	N	N
<b>Public and Semi-Public Uses/Facilities</b>									
Cemetery	N	N	N	N	N	P	P	N	N
Church & parsonage	CUP	CUP	CUP	CUP	P	P	N	N	N
Composting	N	N	N	N	N	N	N	CUP	CUP

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
storage/processing, commercial									
Community hall, club, or lodge	CUP	CUP	CUP	CUP	P	P	N	N	N
Community recreational facility	CUP	CUP	CUP	CUP	P	P	N	N	N
Community swimming pool	P	P	P	P	N	N	N	N	N
Community transit center	P	P	P	P	P	P	P	P	N
Day care center, adult/child	CUP	CUP	CUP	CUP	P	P	N	N	N
Dog pound/animal rescue center	N	N	N	N	N	P	P	P	N
Fire station	P	P	P	P	P	P	P	P	P
Golf course/driving range/training center	P	P	P	P	P	P	P	N	N
Governmental offices & administration/maintenance facilities	S	S	S	S	P	P	P	P	N
Incinerator	N	N	N	N	N	N	N	P	N
Landfill	N	N	N	N	N	N	N	N	N
Library	P	P	P	P	P	P	N	N	N
Medical office	N	N	N	P	P	P	P	P	N
Medical services including minor emergency clinic	N	N	N	P	P	P	P	N	N
Park-and-ride facility	N	CUP	CUP	P	P	P	P	P	N
Post office	P	P	P	P	P	P	P	P	N
Prison, jail, or institution									
1. Maximum security	N	N	N	N	N	P	P	P	N
2. Minimum security	N	N	N	N	N	P	P	P	N
3. Work release	N	N	N	N	N	P	P	P	N
4. Correctional facility	N	N	N	N	N	P	P	P	N
5. Secure community transition facility	N	N	N	N	N	CUP	CUP	CUP	N
Public building	CUP	CUP	CUP	CUP	S	S	S	S	N
Public park	P	P	P	P	P	N	P	N	N
Public utility gas works	N	N	N	N	N	N	N	P	N
Public utility transmission/distribution facility	P	P	P	P	P	P	P	P	P
Racetracks (horses, dogs, autos, go-carts, snowmobiles, off-road vehicles, motorcycles)	N	N	N	N	N	N	N	P	P
Recreation area, commercial	N	N	N	N	P	P	P	P	N
Recycling collection center	N	N	N	N	N	N	P	P	P
Riding stable	N	N	N	N	N	N	P	P	N
Sanitarium	N	N	N	N	N	P	N	N	N
Schools - public & private									
1. Kindergarten	CUP	CUP	CUP	CUP	P	N	N	N	N
2. Elementary	CUP	CUP	CUP	CUP	P	N	N	N	N

<i>LAND USE</i>		<i>ZONING DESIGNATION</i>								
<i>Type</i>		<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
3.	Middle	CUP	CUP	CUP	CUP	P	N	N	N	N
4.	Junior high	CUP	CUP	CUP	CUP	P	N	N	N	N
5.	High	CUP	CUP	CUP	CUP	P	P	N	N	N
6.	Junior college	CUP	CUP	CUP	CUP	P	P	N	N	N
7.	College or university	CUP	CUP	CUP	CUP	P	P	N	N	N
8.	Specialized training/learning schools or studios (dance, gymnastics, martial arts, etc.)	N	N	N	N	P	P	P	N	N
9.	Professional schools including vocational & trade	N	N	N	N	P	P	P	N	N
	Sewage sludge land application	N	N	N	N	N	N	N	CUP	CUP
	Solid waste hauler	N	N	N	N	N	CUP	CUP	P	N
	Solid waste recycling/transfer site	N	N	N	N	N	P	P	P	P
	Towers	S	S	S	S	S	S	S	S	S
	Utility services and systems	N	N	N	N	N	N	P	P	N
	Wireless communication antenna arrays	P	P	P	P	P	P	P	P	P
	Wireless communication support towers	CUP	CUP	CUP	CUP	CUP	P	P	P	P
<b>Commercial</b>										
	Adult bookstore	N	N	N	N	N	N	N	P	N
	Adult entertainment establishment	N	N	N	N	N	N	N	P	N
	Ambulance service	N	N	N	N	P	P	P	P	N
	Animal/veterinary clinic	N	N	N	N	P	P	P	P	N
	Antique store	N	N	N	N	P	P	P	P	N
	Apparel/tailor shop	N	N	N	N	P	P	P	P	N
	Appliance sales/service	N	N	N	N	P	P	P	P	N
	Archery, rifle, pistol, range or club (indoor only)	N	N	N	N	CUP	CUP	CUP	P	P
	Archery, rifle, pistol, range or club (outdoor)	N	N	N	N	N	N	N	P	P
	Art gallery/studio	N	N	N	N	P	P	P	P	N
	Automobile painting, repair, body & fender works	N	N	N	N	N	P	CUP	P	N
	Automobile/truck sales	N	N	N	N	N	P	P	P	N
	Bakery, retail	N	N	N	N	P	P	P	P	N
	Bank/savings & loan	N	N	N	N	P	P	P	P	N
	Barber/beauty shop	N	N	N	N	P	P	P	P	N
	Bicycle sales/service	N	N	N	N	P	P	P	P	N
	Book/stationary store	N	N	N	N	P	P	P	P	N
	Bowling alley	N	N	N	N	P	P	P	P	N
	Building supply, retail	N	N	N	N	N	P	P	P	N

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
Butcher shop/meat market	N	N	N	N	P	P	P	P	N
Candy/confectionery store	N	N	N	N	P	P	P	P	N
Car wash, automatic/self-service	N	N	N	N	P	P	P	P	N
Carpenter shop	N	N	N	N	P	P	P	P	N
Casino	N	N	N	N	P	P	P	P	N
Ceramics shop	N	N	N	N	P	P	P	P	N
Clothing store, boutique	N	N	N	N	P	P	P	P	N
Contractor' s office/yard	N	N	N	N	N	S	S	P	N
Department/variety store	N	N	N	N	P	P	P	P	N
Drug store	N	N	N	N	P	P	P	P	N
Dry cleaners/laundromat	N	N	N	N	P	P	P	P	N
Electronics systems development/operations including communications & computers	N	N	N	N	P	P	P	P	N
Emergency clinic	N	N	N	N	P	P	P	P	N
Entertainment/recreation facility, including bingo hall, dance hall, skating rink	N	N	N	N	P	P	P	CUP	N
Exercise facility, spa, or gym	N	N	N	N	P	P	P	P	N
Film/camera sales/service	N	N	N	N	P	P	P	P	N
Firewood sales, lot/processing	N	N	N	N	N	CUP	CUP	P	N
Florist shop	N	N	N	N	P	P	P	P	N
Food locker	N	N	N	N	P	P	P	P	N
Funeral home	N	N	N	N	P	P	P	P	N
Furniture sales/repair	N	N	N	N	P	P	P	P	N
General personal services	N	N	N	N	P	P	P	P	N
General retail sales	N	N	N	N	P	P	P	P	N
Gift shop	N	N	N	N	P	P	P	P	N
Grocery store	N	N	N	N	P	P	P	P	N
Gym, athletic club/facility	N	N	N	P	P	P	P	N	N
Hardware store	N	N	N	N	S	S	S	P	N
Hobby shop	N	N	N	N	P	P	P	P	N
Home improvement store	N	N	N	N	P	P	P	P	N
Hospital	N	N	N	P	P	P	N	N	N
Hotel/motel	N	N	N	N	S	P	P	N	N
Jewelry, clock, & musical instrument sales, service & repair	N	N	N	N	P	P	P	P	N
Liquor store	N	N	N	N	P	P	P	P	N
Locksmith	N	N	N	N	P	P	P	P	N
Lumberyard, retail	N	N	N	N	N	S	S	P	N
Manufactured (mobile) home fabrication & sales lot	N	N	N	N	N	P	P	P	N
Massage parlor	N	N	N	N	N	N	P	P	N
Medical, dental, and hospital equipment supply and sales	N	N	N	N	P	P	P	P	N
Medical office	N	N	N	N	P	P	P	P	N

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
Museum	N	N	N	N	P	P	P	P	N
Music store	N	N	N	N	P	P	P	P	N
Office, business or professional	N	N	N	N	P	P	P	S	N
Office supply and computer sales	N	N	N	N	P	P	P	P	N
Outdoor advertising display/structures	N	N	N	N	S	S	S	S	N
Pawn shop	N	N	N	N	P	P	P	P	N
Pet shop	N	N	N	N	P	P	P	P	N
Photographic studio	N	N	N	N	P	P	P	P	N
Print, blueprinting, photostating, xerographic shop	N	N	N	N	P	P	P	P	N
Public pay parking garage/lot	N	N	N	N	P	P	P	P	N
Radio/TV sales/service	N	N	N	N	P	P	P	P	N
Recreational vehicle park	N	N	N	N	CUP	P	P	N	N
Recreational vehicle sales lot	N	N	N	N	N	P	P	P	N
Rental shop	N	N	N	N	N	P	P	P	N
Repair shop for power equipment	N	N	N	N	N	P	P	P	N
Resort	N	N	N	N	N	P	P	N	N
Restaurant/cafe	N	N	N	N	P	P	P	P	N
Restaurant, drive-thru	N	N	N	N	CUP	P	P	P	N
Sandblasting/cutting	N	N	N	N	N	S	S	P	N
Second hand store	N	N	N	N	P	P	P	P	N
Self-service car wash	N	N	N	N	P	P	P	P	N
Service station, automobile	N	N	N	N	CUP	CUP	CUP	CUP	N
Sign painting shop	N	N	N	N	N	P	P	P	N
Tank storage of critical material									
1. Above ground	N	N	N	N	N	N	N	CUP	CUP
2. Below ground	N	N	N	N	CUP	CUP	CUP	CUP	CUP
Tavern	N	N	N	N	P	P	P	CUP	N
Taxidermy	N	N	N	N	N	P	P	P	N
Theater, indoor	N	N	N	N	P	P	P	P	N
Theater, outdoor	N	N	N	N	N	CUP	P	P	N
Truck stop	N	N	N	N	N	P	P	P	N
Upholstery shop	N	N	N	N	P	P	P	P	N
Warehouse	N	N	N	N	N	P	P	P	N
<b>Industrial</b>									
Acid/gas/alcohol/ammonia/chlorine manufacturing, including gasohol	N	N	N	N	N	N	N	N	N
Aircraft manufacturing	N	N	N	N	N	N	N	P	N
Asbestos manufacturing	N	N	N	N	N	N	N	N	N
Asphalt manufacturing	N	N	N	N	N	N	N	N	P
Assembly, light	N	N	N	N	N	P	P	P	N

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
Assembly, heavy	N	N	N	N	N	N	CUP	P	N
Auction yard (excluding livestock)	N	N	N	N	N	N	CUP	P	N
Auto wrecking & salvage yards	N	N	N	N	N	N	N	CUP	N
Automobile assembly plant	N	N	N	N	N	N	N	P	N
Automobile impound yard	N	N	N	N	N	N	N	CUP	N
Automobile painting, repair, body & fender works	N	N	N	N	N	N	CUP	P	N
Automobile & recreational vehicle sales, repair, & maintenance	N	N	N	N	N	N	CUP	P	N
Battery rebuilding/manufacturing	N	N	N	N	N	N	N	N	N
Blast furnace/coke oven	N	N	N	N	N	N	N	N	N
Bleach, bleaching powder & dye manufacturing	N	N	N	N	N	N	N	N	N
Boat building and repair	N	N	N	N	N	N	CUP	P	N
Boat sales, repair, and maintenance	N	N	N	N	N	N	P	P	N
Bottling plant	N	N	N	N	N	N	P	P	N
Brewery, winery &/or distillery	N	N	N	N	N	P	P	P	N
Brick, tile & terra cotta manufacturing	N	N	N	N	N	N	N	P	P
Building supply/hardware distribution & sales	N	N	N	N	N	P	P	P	N
Carbon manufacturing	N	N	N	N	N	N	N	N	N
Carpet, canvas, & rug cleaning & manufacturing	N	N	N	N	N	N	P	P	N
Catalog & mail order houses	N	N	N	N	P	P	P	P	N
Cellulose material manufacturing	N	N	N	N	N	N	N	P	N
Cement, gypsum, lime, plaster of paris & terra cotta manufacturing	N	N	N	N	N	N	N	P	N
Ceramic manufacturing	N	N	N	N	N	N	P	P	N
Chain & cable manufacturing	N	N	N	N	N	N	P	P	N
Charcoal manufacturing and pulverizing	N	N	N	N	N	N	N	N	N
Chemical manufacturing	N	N	N	N	N	N	N	CUP	N
Clothes dyeing	N	N	N	N	N	N	N	CUP	N
Cold storage	N	N	N	N	N	N	P	P	N
Printing, reprographics, bookbinding & graphics services	N	N	N	N	N	P	P	P	N
Communication service systems & sales including facilities	N	N	N	N	N	P	P	P	N
Communication equipment	N	N	N	N	N	P	P	P	N

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
manufacturing									
Computer manufacturing & assembly	N	N	N	N	N	P	P	P	N
Computer programs or systems development	N	N	N	N	P	P	P	P	N
Computer software systems analysis, design & assembly	N	N	N	N	P	P	P	P	N
Concrete product manufacturing/ready-mix concrete	N	N	N	N	N	N	N	P	P
Construction materials manufacturing	N	N	N	N	N	N	S	P	N
Contractor' s office and yard	N	N	N	N	N	N	S	P	N
Cosmetic manufacturing and distribution including perfume & toiletries	N	N	N	N	N	N	P	P	N
Creamery and dairy product manufacturing	N	N	N	N	N	N	P	P	N
Creosote manufacturing/treatment	N	N	N	N	N	N	N	N	N
Day care center in connection with an industrial use	N	N	N	N	N	N	P	P	N
Die casting	N	N	N	N	N	N	N	P	N
Disinfectant and insecticide manufacturing	N	N	N	N	N	N	N	N	N
Distribution center for home delivery	N	N	N	N	N	N	P	P	N
Drop hammer or forge	N	N	N	N	N	N	N	N	N
Dry kiln	N	N	N	N	N	N	N	P	N
Electrical component manufacturing/assembly	N	N	N	N	N	N	CUP	CUP	N
Electrical machinery, equipment & supplies manufacturing	N	N	N	N	N	N	CUP	CUP	N
Electroplating of metal	N	N	N	N	N	N	N	CUP	N
Emery cloth and sandpaper manufacturing	N	N	N	N	N	N	P	P	N
Enameling manufacturing	N	N	N	N	N	N	N	CUP	N
Equipment sales, repair, and maintenance	N	N	N	N	N	N	P	P	N
Explosive manufacturing/storage	N	N	N	N	N	N	N	N	N
Fabric & textile mills	N	N	N	N	N	N	N	N	N
Fertilizer manufacturing	N	N	N	N	N	N	N	N	N
Flour mill	N	N	N	N	N	N	P	P	N
Food product manufacturing/storage	N	N	N	N	N	N	P	P	N
Freight forwarding including terminal	N	N	N	N	N	N	P	P	N
Furniture manufacturing &	N	N	N	N	N	N	P	P	N

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
sales									
Galvanized/dip plating	N	N	N	N	N	N	N	CUP	N
Garment manufacturing	N	N	N	N	N	N	P	P	N
Gas illuminating or heating manufacturing/storage	N	N	N	N	N	N	N	P	N
Gelatin manufacturing	N	N	N	N	N	N	N	P	N
Glass & glass product manufacturing	N	N	N	N	N	N	P	P	N
Glue manufacturing	N	N	N	N	N	N	N	N	N
Graphite manufacturing	N	N	N	N	N	N	N	P	N
Hazardous waste treatment and storage facilities	N	N	N	N	N	N	N	N	N
Household appliances manufacturing	N	N	N	N	N	N	S	P	N
Ice plant	N	N	N	N	N	N	P	P	N
Inflammable liquid/gas storage	N	N	N	N	N	N	N	P	N
Ink manufacturing	N	N	N	N	N	N	N	P	N
Jobber distribution plant	N	N	N	N	N	N	P	P	N
Laboratories/research testing	N	N	N	N	N	N	P	P	N
Lighting equipment manufacturing	N	N	N	N	N	N	S	P	N
Linoleum & oil cloth manufacturing/reduction	N	N	N	N	N	N	N	P	N
Log pole storage	N	N	N	N	N	N	N	P	N
Lubrication grease manufacturing/oil compounding	N	N	N	N	N	N	N	P	N
Lumber mill, sawmill, shingle mill, plywood mill	N	N	N	N	N	N	N	P	N
Lumberyard	N	N	N	N	N	N	S	P	N
Machinery manufacturing	N	N	N	N	N	N	S	P	N
Machine shop	N	N	N	N	N	N	S	P	N
Match manufacturing	N	N	N	N	N	N	N	P	N
Meat & fish canning, curing and smoking, packaging	N	N	N	N	N	N	S	P	N
Medical & laboratory instrument & apparatus manufacturing	N	N	N	N	N	N	P	P	N
Metal fabrication	N	N	N	N	N	N	CUP	P	N
Metal manufacturing, reduction, reclamation & refining	N	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N	P
Nitrating process	N	N	N	N	N	N	N	N	N
Office or sales office for industrial use	N	N	N	N	N	N	P	P	N
Oxygen manufacturing	N	N	N	N	N	N	N	P	N
Paint, lacquer, thinner, turpentine, & varnish	N	N	N	N	N	N	N	N	N



<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
manufacturing									
Paper product, pulp mills/manufacturing	N	N	N	N	N	N	N	N	N
Petroleum manufacturing or refining	N	N	N	N	N	N	N	N	N
Pharmaceutical manufacturing	N	N	N	N	N	N	P	P	N
Pipe manufacturing from clay or metals	N	N	N	N	N	N	N	P	N
Planing mills	N	N	N	N	N	N	N	P	N
Plaster/wallboard manufacturing	N	N	N	N	N	N	N	P	N
Plastic injection molding, including tool and dye making	N	N	N	N	N	N	P	P	N
Plastic manufacturing	N	N	N	N	N	N	N	P	N
Plywood and veneer lamination	N	N	N	N	N	N	N	P	N
Potash works or manufacturing	N	N	N	N	N	N	N	P	N
Power plant	N	N	N	N	N	N	N	P	N
Prefabrication construction including sales	N	N	N	N	N	N	P	P	N
Punch press	N	N	N	N	N	N	N	P	N
Pyroxylin manufacturing	N	N	N	N	N	N	N	P	N
Railroad yard, repair shop & roundhouse	N	N	N	N	N	N	N	P	N
Recycling plant	N	N	N	N	N	N	P	P	N
Rendering plant	N	N	N	N	N	N	N	N	N
Research facility	N	N	N	N	N	N	P	P	N
Rock crusher	N	N	N	N	N	N	N	N	P
Rolling mill	N	N	N	N	N	N	N	P	N
Roofing materials manufacturing	N	N	N	N	N	N	N	P	N
Rope manufacturing	N	N	N	N	N	N	P	P	N
Rubber reclamation, manufacturing/fabrication	N	N	N	N	N	N	N	P	N
Sauerkraut, pickle and similar manufacturing	N	N	N	N	N	N	P	P	N
Self-service storage facility	N	N	N	N	N	P	P	P	N
Sign manufacturing/repair	N	N	N	N	N	N	P	P	N
Slaughterhouse	N	N	N	N	N	N	N	N	N
Smelter and ore reduction	N	N	N	N	N	N	N	N	N
Soap and cleaning compound manufacturing	N	N	N	N	N	N	N	N	N
Starch product manufacturing	N	N	N	N	N	N	N	P	N
Stoneware, earthenware manufacturing	N	N	N	N	N	N	P	P	N
Storage - indoors	N	N	N	N	N	P	P	P	P
Storage - outdoors	N	N	N	N	N	N	CUP	P	P
Sugar refinery	N	N	N	N	N	N	N	P	N

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
Tallow manufacturing	N	N	N	N	N	N	N	N	N
Tanning, (hides & skins)	N	N	N	N	N	N	N	N	N
Tire manufacturing	N	N	N	N	N	N	N	P	N
Tire salvage yard	N	N	N	N	N	N	N	N	N
Tobacco products manufacturing	N	N	N	N	N	N	N	P	N
Truck, automobile, and equipment rental facility	N	N	N	N	N	P	P	P	N
Truck equipment sales, repair and maintenance	N	N	N	N	N	CUP	S	P	N
Vegetable oil manufacturing (no fat rendering)	N	N	N	N	N	N	P	P	N
Welding & sheet metal shop	N	N	N	N	N	N	P	P	N
Wholesaling	N	N	N	N	N	N	P	P	N
Woodworking, cabinet shop	N	N	N	N	N	P	P	P	N
Yeast manufacturing/plant	N	N	N	N	N	N	N	P	N
<b>Agriculture &amp; related</b>									
Agricultural processing plant, warehouse	N	N	N	N	N	N	P	P	N
Agricultural product stand	N	N	N	N	P	P	P	P	N
Airstrip, private	N	N	N	N	N	N	CUP	CUP	N
Animal raising or keeping, small domestic	N	N	N	N	N	CUP	S	P	P
Beekeeping, commercially viable	N	N	N	N	N	N	S	S	N
Beekeeping, hobby	N	N	N	N	N	N	S	S	N
Commercial land cultivation	N	N	N	N	N	N	S	S	P
Dairy	N	N	N	N	N	N	N	N	N
Farm machinery sales & repair	N	N	N	N	N	P	S	P	N
Feed lot/mill	N	N	N	N	N	N	N	N	N
Floriculture flower growing	N	N	N	N	N	P	P	P	P
Gardening	P	P	P	P	P	P	P	P	P
Gasohol plant	N	N	N	N	N	N	N	P	N
Grain elevator	N	N	N	N	N	N	N	P	N
Grazing	N	N	N	N	N	S	S	S	S
Greenhouse - commercial	N	N	N	N	N	P	P	P	N
Horse boarding and training	N	N	N	N	N	N	P	P	N
Horticulture vegetable growing	N	N	N	N	N	N	P	P	P
Kennel, commercial	N	N	N	N	N	P	S	N	N
Kennel, private	N	N	N	N	N	P	S	N	N
Livestock auction yard	N	N	N	N	N	N	N	N	N
Nursery/greenhouse, retail/wholesale	N	N	N	N	P	P	P	P	N
Orchard	N	N	N	N	N	N	P	P	P
Riding stable	N	N	N	N	N	N	P	P	N
Lumber mill, sawmill, shingle mill, plywood mill	N	N	N	N	N	N	N	P	P
Transient - agricultural labor	N	N	N	N	N	N	N	N	N

<i>LAND USE</i>	<i>ZONING DESIGNATION</i>								
<i>Type</i>	<i>R-1</i>	<i>RM</i>	<i>R-2</i>	<i>R-3</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1 *</i>	<i>I-2</i>	<i>MZ</i>
residence									
Tree farming	N	N	N	N	N	N	S	P	P
Vineyard/winery	N	N	N	N	N	P	P	P	N

\* Based upon the different land use emphasis being promoted for either the north or south side of Hwy 2, the technical review committee may alter what activities are permissible.  
(C-522, Amended, 09/16/2002; C-446, Added, 04/17/2000)

## Chapter 17.06

### SINGLE-FAMILY RESIDENTIAL ZONE (R-1)

#### Sections:

<b>17.06.010</b>	<b>Established.</b>
<b>17.06.020</b>	<b>Purpose and intent.</b>
<b>17.06.030</b>	<b>Permitted uses.</b>
<b>17.06.040</b>	<b>Conditional uses.</b>
<b>17.06.050</b>	<b>Prohibited uses.</b>
<b>17.06.060</b>	<b>Development standards.</b>
<b>17.06.070</b>	<b>Density.</b>
<b>17.06.080</b>	<b>Minimum lot area and frontage.</b>
<b>17.06.090</b>	<b>Minimum Yards</b>
<b>17.06.100</b>	<b>Maximum building coverage and height.</b>
<b>17.06.110</b>	<b>Off-street parking.</b>
<b>17.06.120</b>	<b>Sign standards.</b>
<b>17.06.130</b>	<b>Fence and wall standards.</b>
<b>17.06.140</b>	<b>Landscaping standards</b>
<b>17.06.150</b>	<b>Storage standards</b>

#### **Section 17.06.010**      **Established.**

There is established the R-1 single-family residential zone and the standards and regulations by which certain land uses may be permitted therein.  
(C-446, Added, 04/17/2000)

#### **Section 17.06.020**      **Purpose and intent.**

The purpose of the R-1 zone is to implement the lower density range of the residential category of the comprehensive plan. All proposals for rezoning shall be consistent with the goals and policies of the comprehensive plan. The intent and essential function of the R-1 zone is to provide for single-family, unattached dwelling uses. The R-1 zone is intended for an urban neighborhood setting with public services, improved streets, and public water and sewer systems.  
(C-446, Added, 04/17/2000)

#### **Section 17.06.030**      **Permitted uses.**

The land uses permitted in the R-1 zone are listed in the zoning matrix and generally described as follows:

A. Single-family, unattached dwellings, including modular/prefabricated homes constructed to meet all the requirements of the most recently enacted state and federal regulations regarding construction and maintenance of said modular/prefabricated homes. Said

modular/prefabricated homes shall meet city of Airway Heights Building Code Standards, and:

1. Be constructed in two (2) halves comprised of at least two (2) fully enclosed sections each of not less than twelve (12) feet wide by thirty-six (36) feet long, designed to be transported on a one-time basis and placed on a permanent footing and foundation;

2. The siding composition and appearance shall be similar to the conventional single-family stick-built residential structure;

3. Be placed on and firmly attached to a permanent foundation;

4. Have permanent, legal stairs affixed to all exits;

5. Have a size, construction, siting and other features which are harmonious with surrounding residential properties and which shall preserve the general character and integrity of the neighborhood;

6. Shall meet current Uniform Building, Fire, Mechanical, and Plumbing Codes, and current Washington State Energy Code.

B. Clustered single-family housing with an approved PUD overlay as provided in Chapter 17.16 AHMC.

C. Accessory uses:

1. Private garage and carports;
2. Accessory sheds;
3. Outdoor patios;
4. Outdoor fireplaces;
5. Swimming pools;

Hot tubs;

D. Secondary uses:

1. Home profession as defined in Chapter 17.04 AHMC where public hearing review is not required.

2. Noncommercial gardening and fruit raising.

3. Family day care home when licensed by the Department of Social and Health Services of the State of Washington under the administrative policy of WAC 388-155;

a. Such homes shall comply with all building, fire safety, health codes and business licensing requirements;

b. Conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district, except if the structure is a legal nonconforming structure;

c. Be certified by the state department of licensing as providing a safe passenger loading area;

d. No structural or decorative alteration that will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences will be permitted.

e. Signage, if any, will conform to applicable regulations.

**Section 17.06.040 Conditional uses.**

In accordance with Sections 17.03.110 through 17.0.140 AHMC, the planning commission may grant approval for the following uses in the R-1 zone, when satisfied that the use will conform with the comprehensive plan and not have any material adverse effect on neighboring properties:

- A. Public buildings as defined in Chapter 17.04 AHMC, including a community hall, club or lodge, provided that it is related to the local community social activities and its principal activity includes a service customarily carried on as a business.
- B. Churches and auditoriums;
- C. Public and private schools;
- D. Parks and playgrounds;
- E. Day care centers when licensed by the Washington State Department of Social and Health Services.
- F. Home industry as defined in Chapter 17.04 AHMC.
- G. Conditional accessory dwelling units as provided in Chapter 17.25 AHMC.
- H. Special needs housing, including convalescent or nursing homes, and group homes. (C-446, Added, 04/17/2000)

**Section 17.06.050 Prohibited uses.**

The following uses are prohibited in the R-1 zone:

- A. Commercial uses, except home profession and home industry;
- B. Storage, other than storage of household materials used in construction for building on lot, and materials for home profession and home industry;
- C. Keeping of animals, livestock, poultry, except household pets, for personal enjoyment of the occupants, provided a total of five (5) domestic household pets, more than one (1) calendar year of age, shall be harbored not to exceed three (3) of each species; i.e., three dogs, two cats or three cats, two dogs, as defined in Chapter 17.04 AHMC;
- D. Recreational vehicles as defined in Chapter 17.04 AHMC may not be occupied;
- E. All other uses not specifically permitted are prohibited. (C-446, Added, 04/17/2000)

**Section 17.06.060 Development standards.**

Prior to the issuance of a building permit evidence of compliance with Sections 17.06.070 through 17.06.150 shall be provided to the planning department. (C-446, Added, 04/17/2000)

**Section 17.06.070 Density.**

The maximum density of dwelling units in the R-1 zone shall be five (5) units per acre. Only one unit housing one family per lot shall be allowed unless a conditional accessory dwelling unit is approved per Chapter 17.25 AHMC. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base. (C-446, Added, 04/17/2000)

**Section 17.06.080 Minimum lot area and frontage.**

The minimum lot area for residential units in the R-1 zone shall be seven thousand, two hundred (7,200) square feet per unit, with sixty (60) foot street frontage. If units are clustered in a PUD Overlay zone, the minimum lot size shall be five thousand, five hundred (5,500) square feet, with fifty (50) foot street frontage. (C-446, Added, 04/17/2000)

**Section 17.06.090 Minimum Yards**

A. Minimum setback requirements from lot lines are as follows:

- Front yard - 25 feet
- Rear yard - 10 feet
- Side yard - 5 feet
- Corner yard - 15 feet (5 feet for those structures that are outside of the clear view triangle).

B. An additional building set back of a minimum of fifty (50) feet from the right-of-way line or one hundred (100) feet from the centerline, whichever is greater, is required along the west side of Hayford Road.

C. Temporary Structures. No temporary structure, garage, building shed, carport, gazebo, shipping containers, tent, and/or air supported structures shall be erected or maintained in the areas within the front or side yard setback requirements. One shed, with no foundation, that can be removed or detached within a reasonable amount of time to allow access by the fire department, with a maximum size of 120 square feet, shall be allowed within the back yard setback requirements. Except in the R-1 zone, utility sheds and garages will have a five (5) foot setback from the property line on the inside side yard and the rear yard.

D. Decks, Porches and Awnings. Decks, porches and awnings will be permitted in the front yard setback provided the safety railing of the deck or

porch is not less than thirty-six (36) inches in height and not more than forty-eight (48) inches in height; the deck or porch may have a roof built over it, as long as the drip line of the roof does not extend more than ten (10) feet from the front of the structure. The porch shall not be enclosed.  
(C-446, Added, 04/17/2000)

**Section 17.06.100 Maximum building coverage and height.**

A. The maximum total building coverage shall be fifty percent (50%) of the lot area (35% for the dwelling unit).

B. The maximum building height shall be thirty-five (35) feet above the mean ground level.  
(C-446, Added, 04/17/2000)

**Section 17.06.110 Off-street parking.**

Off-street parking spaces shall be provided in accordance with the requirements of Chapter 17.22 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.06.120 Sign standards.**

Signage standards for uses in the R-1 zone shall be provided in accordance with the requirements of Chapter 17.24 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.06.130 Fence and wall standards.**

Fence and wall standards for uses in the R-1 zone shall be provided in accordance with the requirements of Chapter 17.21 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.06.140 Landscaping standards**

Landscaping standards for uses in the R-1 zone shall be provided in accordance with the requirements of Chapter 17.23 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.06.150 Storage standards**

Storage standards for uses in the R-1 zone shall be provided in accordance with the requirements of Chapter 17.26 AHMC.  
(C-446, Added, 04/17/2000)

**Chapter 17.07**

**MANUFACTURED HOUSING  
RESIDENTIAL ZONE (RM)**

**Sections:**

- 17.07.010 Established.**
- 17.07.020 Purpose and intent.**
- 17.07.030 Permitted uses.**
- 17.07.040 Conditional uses.**
- 17.07.050 Prohibited uses.**
- 17.07.060 Development standards.**
- 17.07.070 Density.**
- 17.07.080 Minimum lot area and frontage.**
- 17.07.090 Minimum yards.**
- 17.07.100 Maximum building coverage and height.**
- 17.07.110 Parking standards.**
- 17.07.120 Sign standards.**
- 17.07.130 Fence and wall standards.**
- 17.07.140 Landscaping standards.**
- 17.07.150 Storage standards.**

**Section 17.07.010 Established.**

There is established the manufactured housing residential zone (RM) and the standards and regulations by which certain land uses may be permitted therein.  
(C-446, Added, 04/17/2000)

**Section 17.07.020 Purpose and intent.**

The essential function of the RM zone is to provide for unattached, manufactured (mobile) housing uses on individual lots and within manufactured home parks. The RM zone is designated to implement the single-family residential manufactured (mobile) housing category of the comprehensive plan.  
(C-446, Added, 04/17/2000)

**Section 17.07.030 Permitted uses.**

The land uses permitted in the RM zone are listed in the zoning matrix and generally described as follows:

A. Single-family manufactured (mobile;) home parks which meet the specific standards outlined in Chapter 17.28 AHMC;

B. Single-family manufactured (mobile) housing on individual lots, which meet the following standards:

1. All manufactured homes shall not be more than ten (10) years old as determined by the manufacturer date;
2. All manufactured homes shall be doublewide in size (each half a minimum of 12 feet wide) and have a minimum floor area of 800 square feet when erected;

3. All manufactured homes shall be placed on continuous footings below frost depth as specified by the building inspector and shall be blocked per manufacturers' specifications. The foundation system shall be pit set;

4. All manufactured homes shall be skirted with material that will resemble a typical residential foundation. The required crawl space shall be vented per manufacturer' s specifications. Siding must appear non-metallic and look like a stick built home.

C. Accessory uses as allowed in the R-1 zone; however no accessory structure shall contain more square footage than the primary dwelling unit. Secondary uses as allowed in the R-1 zone. (C-446, Added, 04/17/2000)

**Section 17.07.040 Conditional uses.**

In accordance with Sections 17.03.110 through 17.03.140 AHMC, the following uses may be permitted in the RM zone by the planning commission, provided that the terms of this title will be complied with and that the use will conform to the comprehensive plan:

1. All conditional uses permitted in the R-1 zone. (C-446, Added, 04/17/2000)

**Section 17.07.050 Prohibited uses.**

The following uses are prohibited in the RM zone:

1. All uses prohibited in the R-1 zone. (C-446, Added, 04/17/2000)

**Section 17.07.060 Development standards.**

Prior to the issuance of a building permit, evidence of compliance with Sections 17.07.070 through 17.07.150 shall be provided to the planning department. (C-446, Added, 04/17/2000)

**Section 17.07.070 Density.**

The maximum density of dwelling units on individual lots in the RM zone shall be seven (7) dwelling units per acre. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base. (C-446, Added, 04/17/2000)

**Section 17.07.080 Minimum lot area and frontage.**

A. The minimum lot area for manufactured (mobile) homes on individual lots in the RM zone shall be six thousand (6,000) square feet, with sixty (60) foot street frontage. (C-446, Added, 04/17/2000)

**Section 17.07.090 Minimum yards.**

A. The minimum yards and setbacks for permitted and accessory uses in the RM zone shall be as follows:

- Front yard - 25 feet
- Rear yard - 10 feet
- Side yard - 5 feet
- Corner yard - 15 feet (5 feet for those structures that are outside of the clear view triangle).

B. Temporary Structures. No temporary structure, garage, building shed, carport, gazebo, shipping containers, tent, and/or air supported structures shall be erected or maintained in the areas within the front or side yard setback requirements. One shed, with no foundation, that can be removed or detached within a reasonable amount of time to allow access by the fire department, with a maximum size of 120 square feet, shall be allowed within the back yard setback requirements. Except in the R-1 zone, utility sheds and garages will have a five (5) foot setback from the property line on the inside side yard and the rear yard.

C. Decks, Porches and Awnings. Decks, porches and awnings will be permitted in the front yard setback provided the safety railing of the deck or porch is not less than thirty-six (36) inches in height and not more than forty-eight (48) inches in height; the deck or porch may have a roof built over it, as long as the drip line of the roof does not extend more than ten (10) feet from the front of the structure. The porch shall not be enclosed. (C-446, Added, 04/17/2000)

**Section 17.07.100 Maximum building coverage and height.**

A. The maximum building coverage in the RM zone shall be fifty percent (50%) of the lot area (35% for the dwelling unit).

B. The maximum height of buildings or structures in the RM zone shall be thirty-five (35) feet above the mean ground level. (C-446, Added, 04/17/2000)

**Section 17.07.110 Parking standards.**

Off-street parking spaces shall be provided in accordance with the requirements of Chapter 17.22 AHMC.

**Section 17.07.120 Sign standards.**

Signage standards for uses in the R-1M zone shall be as provided in Chapter 17.24 AHMC. (C-446, Added, 04/17/2000)

**Section 17.07.130 Fence and wall standards.**

Standards for fences and walls in the R-1M zone shall be as provided in Chapter 17.21 AHMC. (C-446, Added, 04/17/2000)

**Section 17.07.140 Landscaping standards.**

Landscaping standards for uses in the R-1M zone shall be as provided in Chapter 17.23 AHMC. (C-446, Added, 04/17/2000)

**Section 17.07.150 Storage standards.**

Storage standards for uses in the R-1M zone shall be as provided in Chapter 17.26 AHMC. (C-446, Added, 04/17/2000)

**Chapter 17.08**

**DUPLEX RESIDENTIAL ZONE (R-2)**

**Sections:**

- 17.08.010 Established.**
- 17.08.020 Purpose and intent.**
- 17.08.030 Permitted uses.**
- 17.08.040 Conditional uses.**
- 17.08.050 Prohibited uses**
- 17.08.060 Development Standards**
- 17.08.070 Density.**
- 17.08.080 Minimum lot area and frontage.**
- 17.08.090 Minimum Yards**
- 17.08.100 Maximum building coverage and height.**
- 17.08.110 Off-street parking.**
- 17.08.120 Sign standards.**
- 17.08.130 Fence and wall standards.**
- 17.08.140 Landscaping standards.**
- 17.08.150 Storage standards.**

**Section 17.08.010 Established.**

There is established the R-2 duplex residential zone and the standards and regulations by which certain land uses may be permitted therein. (C-446, Added, 04/17/2000)

**Section 17.08.020 Purpose and intent.**

The purpose of the R-2 zone is to implement the lower and medium density range of the residential category of the comprehensive plan. The intent and essential function of the R-2 duplex residential zone is to provide for single-family attached and unattached dwelling units, excluding manufactured (mobile) housing. The R-2 zone is intended for an urban neighborhood setting with public services, improved streets, and public water and sewer systems. (C-446, Added, 04/17/2000)

**Section 17.08.030 Permitted uses.**

The land uses permitted in the R-2 zone are listed in the zoning matrix and are generally described as follows:

- A. All essential uses permitted in the R-1 zone, in accordance with the conditions and standards prerequisite thereto, except as are specifically established for the R-2 zone;
- B. Accessory uses as permitted in the R-1 zone;
- C. Secondary uses as permitted in the R-1 zone. (C-446, Added, 04/17/2000)

**Section 17.08.040 Conditional uses.**

In accordance with Sections 17.03.110 through 17.03.140 AHMC, the following uses may be permitted in the R-2 zone by the planning commission, subject to such standards and conditions as the planning commission may determine; provided, that the terms of this title will be complied with and that the use will conform with the comprehensive plan:

All conditional uses permitted in the R-1 zone. (C-446, Added, 04/17/2000)

**Section 17.08.050 Prohibited uses**

The following uses are prohibited in the R-2 zone:

- A. All uses prohibited in the R-1 zone. (C-446, Added, 04/17/2000)

**Section 17.08.060 Development Standards**

Prior to the issuance of a building permit evidence of compliance with Sections 17.08.070 through 17.08.150 shall be provided to the planning department. (C-446, Added, 04/17/2000)

**Section 17.08.070 Density.**

The maximum density of dwelling units in the R-2 zone shall be ten (10) units per acre. One and two



unit housing structures per individual lot shall be allowed, unless an additional unit is approved per Chapter 17.25 AHMC, Conditional accessory dwelling unit. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.

(C-446, Added, 04/17/2000)

**Section 17.08.080 Minimum lot area and frontage.**

The minimum lot area for each duplex unit shall be three thousand (3,000) square feet, with a minimum frontage of thirty (30) feet per unit. Single-family detached residential units in the R-2 zone shall be on a minimum lot size of six thousand (6,000) square feet per unit, with a minimum frontage of sixty (60) feet per unit. If units are clustered in a PUD Overlay zone, the minimum lot size shall be five thousand (5,000) square feet per structure (attached or unattached), with a minimum frontage of fifty (50) feet per unit.

(C-446, Added, 04/17/2000)

**Section 17.08.090 Minimum Yards**

A. Minimum setback requirements from lot lines are as follows:

Front yard - 25 feet

Rear yard - 10 feet

Side yard - 5 feet

Corner yard - 15 feet (5 feet for those structures that are outside of the clear view triangle).

B. An additional building set back of a minimum of fifty (50) feet from the right-of-way line or one hundred (100) feet from the centerline, whichever is greater, is required along the west side of Hayford Road.

C. Temporary Structures. No temporary structure, garage, building shed, carport, gazebo, shipping containers, tent, and/or air supported structures shall be erected or maintained in the areas within the front or side yard setback requirements. One shed, with no foundation, that can be removed or detached within a reasonable amount of time to allow access by the fire department, with a maximum size of 120 square feet, shall be allowed within the back yard setback requirements.

D. Decks, Porches and Awnings. Decks, porches and awnings will be permitted in the front yard setback provided the safety railing of the deck or porch is not less than thirty-six (36) inches in height and not more than forty-eight (48) inches in height;

the deck or porch may have a roof built over it, as long as the drip line of the roof does not extend more than ten (10) feet from the front of the structure. The porch shall not be enclosed.

(C-446, Added, 04/17/2000)

**Section 17.08.100 Maximum building coverage and height.**

A. The maximum total building coverage shall be fifty percent (50%) of the lot area (35% for the dwelling unit).

B. The maximum building height shall be thirty-five (35) feet above the mean ground level.

(C-446, Added, 04/17/2000)

**Section 17.08.110 Off-street parking.**

Off-street parking spaces shall be provided in accordance with the requirements of Chapter 17.22 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.08.120 Sign standards.**

Signage standards for uses in the R-2 zone shall be provided in accordance with the requirements of Chapter 17.24 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.08.130 Fence and wall standards.**

Fence and wall standards for uses in the R-2 zone shall be provided in accordance with the requirements of Chapter 17.21 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.08.140 Landscaping standards.**

Landscaping standards for uses in the R-2 zone shall be provided in accordance with the requirements of Chapter 17.23 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.08.150 Storage standards.**

Storage standards for uses in the R-2 zone shall be provided in accordance with the requirements of Chapter 17.26 AHMC.

(C-446, Added, 04/17/2000)

## Chapter 17.09

### MULTIPLE FAMILY RESIDENTIAL ZONE (R-3)

#### Sections:

<b>17.09.010</b>	<b>Established.</b>
<b>17.09.020</b>	<b>Purpose and intent.</b>
<b>17.09.030</b>	<b>Permitted uses.</b>
<b>17.09.040</b>	<b>Conditional uses.</b>
<b>17.09.050</b>	<b>Prohibited uses.</b>
<b>17.09.060</b>	<b>Development standards.</b>
<b>17.09.070</b>	<b>Density.</b>
<b>17.09.080</b>	<b>Minimum lot area and frontage.</b>
<b>17.09.090</b>	<b>Minimum yards.</b>
<b>17.09.100</b>	<b>Maximum building coverage and height.</b>
<b>17.09.110</b>	<b>Off-street parking.</b>
<b>17.09.120</b>	<b>Sign standards.</b>
<b>17.09.130</b>	<b>Fence and wall standards.</b>
<b>17.09.140</b>	<b>Landscaping standards.</b>
<b>17.09.150</b>	<b>Storage standards.</b>

#### **Section 17.09.010**      **Established.**

There is established the R-3 multiple-family residential zone and the standards and regulations by which certain land uses may be permitted therein. (C-446, Added, 04/17/2000)

#### **Section 17.09.020**      **Purpose and intent.**

The purpose of the R-3 zone is to implement the medium to high-density range of the residential category of the comprehensive plan. The intent and primary function of the R-3 multiple-family residential zone is to provide for the location of multiple-family dwelling units at a medium to high density. The R-3 zone is intended for an urban neighborhood setting with a full range of public services. Multiple-family residential uses should be located along arterials of a collector or higher status, and should provide a transition from the higher intensity land uses to the single-family and duplex residential zones. (C-446, Added, 04/17/2000)

#### **Section 17.09.030**      **Permitted uses.**

The land uses permitted in the R-3 zone are listed in the zoning matrix and generally described as follows:

A. All uses permitted in the R-2 zone, in accordance with standards and regulations

established thereto except as are specifically established for the R-3 zone;

B. Apartment buildings and multiple dwellings;

C. Accessory uses as allowed in the R-2 zone. (C-446, Added, 04/17/2000)

#### **Section 17.09.040**      **Conditional uses.**

In accordance with Sections 17.03.110 through 17.03.140 AHMC, the following uses may be permitted in the R-3 zone by the planning commission, subject to such standards and conditions as the planning commission may determine; provided, that the terms of this title will be complied with and that the uses will conform to the comprehensive plan.

A. All conditional uses permitted in the R-2 zone;

B. Day care centers, licensed by the Washington State Department of Social and Health Services.

C. Convalescent or nursing homes for the care of the aged, licensed by the appropriate state agency.

D. Group homes, licensed by the appropriate state agency.

(C-446, Added, 04/17/2000)

#### **Section 17.09.050**      **Prohibited uses.**

The following uses are prohibited in the R-3 zone:

A. All uses prohibited in the R-2 zone. (C-446, Added, 04/17/2000)

#### **Section 17.09.060**      **Development standards.**

Prior to the issuance of a building permit evidence of compliance with Sections 17.09.070 through 17.09.150 shall be provided to the planning department. (C-446, Added, 04/17/2000)

#### **Section 17.09.070**      **Density.**

The density range for dwelling units in the R-3 zone shall be ten (10) to twenty (20) units per acre. Multiple unit housing structures shall be encouraged in the R-3 zone. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base. (C-446, Added, 04/17/2000)

#### **Section 17.09.080**      **Minimum lot area and frontage.**

The minimum lot area for each duplex unit shall be six thousand (6,000) square feet, or three thousand

(3,000) square feet per unit, with a minimum frontage of thirty (30) feet per unit. A minimum lot size for multiple family units other than duplexes shall not apply, however, sixty (60) feet of frontage on a street such as a collector arterial or higher is required. If multiple family units are clustered in a PUD Overlay zone, the minimum lot size shall not apply, except a single-family unit or duplex structure shall require a minimum lot size of five thousand (5,000) square feet, with a minimum frontage of fifty (50) feet per unit.  
(C-446, Added, 04/17/2000)

**Section 17.09.090 Minimum yards.**

A. Minimum setback requirements from lot lines are as follows:

- Front yard - 25 feet
- Rear yard - 10 feet
- Side yard - 5 feet per story
- Corner yard - 15 feet (5 feet for those structures that are outside of the clear view triangle).

B. An additional building set back of a minimum of fifty (50) feet from the right-of-way line or one hundred (100) feet from the centerline, whichever is greater, is required along the west side of Hayford Road.

C. Temporary Structures. No temporary structure, garage, building shed, carport, gazebo, shipping containers, tent, and/or air supported structures shall be erected or maintained in the areas within the front or side yard setback requirements. One shed, with no foundation, that can be removed or detached within a reasonable amount of time to allow access by the fire department, with a maximum size of 120 square feet, shall be allowed within the back yard setback requirements.

D. Decks, Porches and Awnings. Decks, porches and awnings will be permitted in the front yard setback provided the safety railing of the deck or porch is not less than thirty-six (36) inches in height and not more than forty-eight (48) inches in height; the deck or porch may have a roof built over it, as long as the drip line of the roof does not extend more than ten (10) feet from the front of the structure. The porch shall not be enclosed.  
(C-446, Added, 04/17/2000)

**Section 17.09.100 Maximum building coverage and height.**

A. The maximum building coverage shall be fifty percent (50%) of the lot area.

B. The maximum building height shall be thirty-five (35) feet above the mean ground level.

(C-446, Added, 04/17/2000)

**Section 17.09.110 Off-street parking.**

Off-street parking spaces shall be provided in accordance to the requirements of Chapter 17.22 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.09.120 Sign standards.**

Signage standards for uses in the R-3 zone shall be provided in accordance with the requirements of Chapter 17.24 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.09.130 Fence and wall standards.**

Fence and wall standards for uses in the R-3 zone shall be provided in accordance with the requirements of Chapter 17.21 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.09.140 Landscaping standards.**

Landscaping standards for uses in the R3 zone shall be provided in accordance with the requirements of Chapter 17.23 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.09.150 Storage standards.**

Storage standards for uses in the R-3 zone shall be provided in accordance with the requirements of Chapter 17.26 AHMC.

(C-446, Added, 04/17/2000)

**Chapter 17.10**

**RESTRICTED COMMERCIAL ZONE (C-1)**

**Sections:**

- 17.10.010 Purpose and intent.**
- 17.10.020 Permitted uses.**
- 17.10.030 Conditional uses.**
- 17.10.040 Prohibited uses.**
- 17.10.050 Development standards.**
- 17.10.060 Density.**
- 17.10.070 Minimum lot area and frontage.**
- 17.10.080 Minimum yards.**
- 17.10.090 Building coverage and height.**
- 17.10.100 Parking standards.**
- 17.10.110 Sign standards.**
- 17.10.120 Fence and wall standards.**
- 17.10.130 Landscaping standards.**
- 17.10.140 Storage standards.**

**Section 17.10.010 Purpose and intent.**

The C-1 zone is intended to implement the commercial category of the comprehensive plan. The purpose and intent is to provide for commercial uses which are restricted to retail, downtown businesses, or shopping center type of uses, having no permanent outdoor sales or storage areas.  
(C-446, Added, 04/17/2000)

**Section 17.10.020 Permitted uses.**

The uses are permitted in the C-1 zone are listed in the zoning matrix and generally described as follows:

- A. Any retail business which is primarily conducted or operated inside a building, having no permanent outdoor sales or storage area;
- B. Banks and professional offices;
- C. Barbershops, beauty parlors;
- D. Dry-cleaning establishments and laundries;
- E. Billiard and pool parlors;
- F. Theaters, recreational centers and other places of amusement which are entirely operated inside a single building;
- G. Restaurants, cafes, taverns;
- H. Studios;
- I. Grocery, hardware, clothing, furniture stores, drugstores and novelty shops;
- J. Public buildings, in accordance with specific standards;
- K. Churches, auditoriums, private schools, lodges, and social clubs;
- L. Parks and playgrounds;
- M. Signs attached to buildings and advertising products or services sold therein and other signs as provided in Chapter 17.24 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.10.030 Conditional uses.**

In accordance with Sections 17.03.110 through 17.03.140 AHMC, the planning commission may grant approval for the following uses in the C-1 zone when satisfied that the use will be in harmony with the comprehensive plan and existing uses:

- A. Drive through fast food restaurants;
- B. Service stations;
- C. Custodial quarters.  
(C-446, Added, 04/17/2000)

**Section 17.10.040 Prohibited uses.**

The following uses are prohibited in the C-1 zone:

- A. Industrial and manufacturing uses;

- B. Kennels and keeping of livestock or poultry;
- C. Adult entertainment establishments.  
(C-446, Added, 04/17/2000)

**Section 17.10.050 Development standards.**

Prior to the issuance of a building permit, evidence of compliance with Sections 17.10.080 through 17.10.140 shall be provided to the planning department.  
(C-446, Added, 04/17/2000)

**Section 17.10.060 Density.**

No density requirements apply in the C-1 zone, except for those areas within the Fairchild Air Force Base accident potential zones defined in Chapter 17.15 AHMC. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.  
(C-446, Added, 04/17/2000)

**Section 17.10.070 Minimum lot area and frontage.**

No minimum lot size shall apply in the C-1 zone. Frontage on a minor arterial or higher classification is required.  
(C-446, Added, 04/17/2000)

**Section 17.10.080 Minimum yards.**

A. Minimum setback requirements from lot lines are as follows:

- Front yard - 25 feet
- Rear yard - 10 feet
- Side yard - 5 feet per story
- Corner yard - 15 feet (5 feet for those structures that are outside of the clear view triangle).

An additional building set back of a minimum of fifty (50) feet from the right-of-way line or one hundred (100) feet from the centerline, whichever is greater, is required along the west side of Hayford Road.

The technical review committee may alter these setback guidelines when a design has given adequate attention to the surrounding activities and land uses.  
(C-446, Added, 04/17/2000)

**Section 17.10.090 Building coverage and height.**

- A. The maximum building coverage shall be sixty percent (60%) of the lot area.
- B. The maximum building height shall be thirty-five (35) feet above the mean ground level.

(C-446, Added, 04/17/2000)

**Section 17.10.100 Parking standards.**

Off-street parking spaces shall be provided in accordance with the requirements of Chapter 17.22 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.10.110 Sign standards.**

Signage standards for uses in the C-1 zone shall be provided in accordance with the requirements of Chapter 17.24 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.10.120 Fence and wall standards.**

Fence and wall standards for uses in the C-1 zone shall be provided in accordance with the requirements of Chapter 17.21 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.10.130 Landscaping standards.**

Landscaping standards for uses in the C-1 zone shall be provided in accordance with the requirements of Chapter 17.23 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.10.140 Storage standards.**

Storage standards for uses in the C-1 zone shall be provided in accordance with the requirements of Chapter 17.26 AHMC.

(C-446, Added, 04/17/2000)

**Chapter 17.11**

**GENERAL COMMERCIAL ZONE (C-2)**

**Sections:**

- 17.11.010 Purpose and intent.**
- 17.11.020 Permitted uses.**
- 17.11.030 Conditional uses.**
- 17.11.040 Prohibited uses.**
- 17.11.050 Development standards.**
- 17.11.060 Density.**
- 17.11.070 Minimum lot area and frontage.**
- 17.11.080 Minimum yards.**
- 17.11.090 Building coverage and height.**
- 17.11.100 Parking standards.**
- 17.11.110 Sign standards.**
- 17.11.120 Fence and wall standards.**
- 17.11.130 Landscaping standards.**
- 17.11.140 Storage standards.**

**Section 17.11.010 Purpose and intent.**

The C-2 zone is a land use classification suitable for general commercial uses. Its function is to provide for areas in which retail sales relating to heavy equipment and to products normally displayed or stored out of doors may be conducted, such as automobile sales, truck and tractor sales, boat sales, lumberyards, etc. It also provides for areas in which businesses requiring substantial space may be carried on, such as motels and recreational vehicle parks.

(C-446, Added, 04/17/2000)

**Section 17.11.020 Permitted uses.**

The uses are permitted in the C-2 zone are listed in the zoning matrix and generally described as follows:

- A. Any use permitted in a C-1 zone;
- B. Motels, hotels;
- C. Service stations;
- D. Drive-in restaurants;
- E. Bowling alleys;
- F. Lumberyards (new lumber and materials);
- G. Open storage of materials for retail sale on site, but not storage in the open of junk, salvage or secondhand building materials except as provided in Chapter 17.26 AHMC, Storage and shipping containers;
- H. Farm machinery and heavy equipment sales and service;
- I. Commercial garages;
- J. Animal hospitals, clinics and kennels;
- K. Feed, seed and fertilizer stores;
- L. Warehouses;
- M. Heating and plumbing equipment sales, supplies and service.

(C-446, Added, 04/17/2000)

**Section 17.11.030 Conditional uses.**

In accordance with Sections 17.03.110 through 17.03.140 AHMC, the planning commission may grant approval for the following uses in the C-2 zone, when satisfied that the use will be in harmony with the comprehensive plan and the intent of the C-2 zone, and when the conditional use will not have a material adverse effect on neighboring properties. In granting such approval, the planning commission may require special restrictions such as sight-obscuring fences, suitable landscaping, yard requirements, signs, etc., and may also require time limits for the proposed use. Any reasonable

restrictions for the suppression of noise, smoke, or odors may be required.

- A. Drive-in theaters;
  - B. Migratory amusements, such as circuses, carnivals, and fireworks stands;
  - C. Industrial and manufacturing uses with an approved mixed-use development plan;
  - D. Any use which could present a significant environmental impact.
  - E. Any other proposed use of commercial nature.
  - F. Custodial quarters.
- (C-446, Added, 04/17/2000)

**Section 17.11.040 Prohibited uses.**

The following uses are prohibited in the C-2 zone:

- A. Billboards and other outdoor advertising structures other than those advertising the business located on the same lot as the structure in accordance with Chapter 17.24 AHMC.
  - B. Residential dwelling units aside from those allowed in a mixed-use development or dwelling unit as a secondary use;
  - C. Wrecking, salvage, and junk yards.
- (C-446, Added, 04/17/2000)

**Section 17.11.050 Development standards.**

Prior to the issuance of a building permit, evidence of compliance with Sections 17.11.060 through 17.11.140 shall be provided to the planning department.

(C-446, Added, 04/17/2000)

**Section 17.11.060 Density.**

No density requirements apply in the C-2 zone, except for those areas within the Fairchild Air Force Base accident potential zones defined in Chapter 17.15 AHMC. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.

(C-446, Added, 04/17/2000)

**Section 17.11.070 Minimum lot area and frontage.**

No minimum lot size shall apply in the C-2 zone. A minimum street frontage of sixty (60) feet is required.

(C-446, Added, 04/17/2000)

**Section 17.11.080 Minimum yards.**

A. Minimum setback requirements from lot lines are as follows:  
Front yard - 25 feet  
Rear yard - 10 feet  
Side yard - 5 feet per story  
Corner yard - 15 feet (5 feet for those structures that are outside of the clear view triangle).

B. An additional building set back of a minimum of fifty (50) feet from the right-of-way line or one hundred (100) feet from the centerline, whichever is greater, is required along the west side of Hayford Road.

C. The technical review committee may alter these setback guidelines when a design has given adequate attention to the surrounding activities and land uses.

(C-446, Added, 04/17/2000)

**Section 17.11.090 Building coverage and height.**

A. The maximum building coverage shall be sixty percent (60%) of the lot area.  
B. The maximum building height shall be thirty-five (35) feet above the mean ground level.

(C-446, Added, 04/17/2000)

**Section 17.11.100 Parking standards.**

Off-street parking spaces shall be provided in accordance with the requirements of Chapter 17.22 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.11.110 Sign standards.**

Signage standards for uses in the C-2 zone shall be provided in accordance with the requirements of Chapter 17.24 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.11.120 Fence and wall standards.**

Fence and wall standards for uses in the C-2 zone shall be provided in accordance with the requirements of Chapter 17.21 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.11.130 Landscaping standards.**

Landscaping standards for uses in the C-2 zone shall be provided in accordance with the requirements of Chapter 17.23 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.11.140 Storage standards.**

Storage standards for uses in the C-2 zone shall be provided in accordance with the requirements of Chapter 17.26 AHMC.  
(C-446, Added, 04/17/2000)

## Chapter 17.12

### LIGHT INDUSTRIAL ZONE (I-1)

#### Sections:

<b>17.12.010</b>	<b>Purpose and intent.</b>
<b>17.12.020</b>	<b>Permitted uses.</b>
<b>17.12.030</b>	<b>Conditional uses.</b>
<b>17.12.040</b>	<b>Prohibited uses.</b>
<b>17.12.050</b>	<b>Development standards.</b>
<b>17.12.060</b>	<b>Density.</b>
<b>17.12.070</b>	<b>Minimum lot area and frontage.</b>
<b>17.12.080</b>	<b>Minimum yards.</b>
<b>17.12.090</b>	<b>Building coverage and height.</b>
<b>17.12.100</b>	<b>Parking standards.</b>
<b>17.12.110</b>	<b>Sign standards.</b>
<b>17.12.120</b>	<b>Fence and wall standards.</b>
<b>17.12.130</b>	<b>Landscaping standards.</b>
<b>17.12.140</b>	<b>Storage standards.</b>

#### **Section 17.12.010 Purpose and intent.**

The purpose and intent of the light industrial zone (I-1) is to implement the industrial category of the comprehensive plan. The light industrial zone provides a location for high technology industrial and incidental commercial uses of a light intensity, which have minimal environmental impacts. Restrictive development standards of this zone are intended to result in a clean, quiet industrial development, with primary activities conducted in enclosed buildings. Developments in this zone are characterized by park-like grounds and attractive buildings, which are compatible with nearby residential and commercial land uses. In the light industrial zone, no building or premises shall be used nor any building or structure be hereafter erected or altered unless otherwise provided in this title.

(C-446, Added, 04/17/2000)

#### **Section 17.12.020 Permitted uses.**

Land uses permitted in the I-1 zone are listed in the zoning matrix. Any land or buildings in the light industrial zone may hereafter be used, or may be constructed to be used, for industrial uses and those commercial uses allowed in the C-2 zone, except for those commercial uses only permitted in the C-1 zone. The city planner and code enforcement officer are to determine if compatibility exists between uses. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, assembly, freight handling, or similar operations. In the light industrial zone, all industrial operations shall:

A. Be carried on in such a manner and with such precautions against fire and explosion hazards as to be acceptable to the city fire chief or designee;

B. Store all raw materials, finished products, machinery, and equipment, including company-owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring non-pierced fence not less than six (6) feet in height. Liquids shall be stored in underground tanks in accordance with uniform standards prescribed by the city fire chief or designee and the fire district concerned;

C. Emit no obnoxious odors of any kind;

D. Exhaust no waste into the air or dust created by industrial operation;

E. Discharge no treated or untreated sewage or industrial waste into any surface water or onto open ground. All methods of sewage and industrial waste treatment and disposal shall be approved by the Spokane County Regional Health District, and shall meet the requirements of the Spokane County Air Pollution Control Authority;

F. Carry on no operation that would produce heat or glare perceptible from any property line of the lot on which the industrial operation is located;

G. Use no industrial and exterior lighting in a manner that produces glare on public highways and neighboring property;

H. Conduct no mining, extracting, filling, or soil stripping operations;

I. Use only oil, gas, or electricity as industrial fuel;

J. Conform to the most recent city ordinance concerning noise levels.

(C-446, Added, 04/17/2000)

#### **Section 17.12.030 Conditional uses.**

In accordance with Sections 17.03.110 through 17.03.140 AHMC, the planning commission may grant approval for certain conditional uses listed on the zoning matrix in the I-1 zone, when satisfied that the use will be in harmony with the comprehensive plan and the intent of the I-1 zone, and when the conditional use will not have a material adverse effect on neighboring properties. In granting such approval, the planning commission may require special restrictions such as sight-obscuring fences, suitable landscaping, yard requirements, signs, etc., and may also require time limits for the proposed use. Any reasonable restrictions for the suppression of noise, smoke, or odors may be required.

(C-446, Added, 04/17/2000)



**Section 17.12.040 Prohibited uses.**

Prohibited uses in the restricted industrial zone include, but are not limited to, the following:

- A. Cemeteries;
- B. Public and parochial schools, general hospitals, sanitariums, and churches;
- C. Slaughterhouses, stockyards, fat rendering, soap manufacture, glue manufacture, tannery, paper manufacture, wool scouring and cleaning, cotton textile sizing, scouring, bleaching, dyeing and similar uses, varnish manufacture, creosote and creosote products manufacture;
- D. The production of corrosive and noxious chemicals including, but not limited to, acids, acetylene gas, ammonia, chlorine, bleaching compound;
- E. The production and processing of coal and coal tar, the processing of petroleum and petroleum products, the aboveground storage of petroleum products, and petroleum refining;
- F. The extraction, preparation, and processing of dust producing mineral products including, but not limited to, abrasives, cement, lime, fertilizer, plaster, crushed stone, and the mining of sand, gravel, or top soil;
- G. The smelting and reduction of metallic ores including, but not limited to, blast furnaces, open hearth, and electrical furnace, Bessemer converters, and nonferrous metal smelters;
- H. The manufacture and storage of explosive products, including, but not limited to, dynamite and commercial explosives, TNT, military explosives, and fireworks;
- I. Auto wrecking yards and the storage of junk;
- J. General residential uses.

(C-446, Added, 04/17/2000)

**Section 17.12.050 Development standards.**

Prior to the issuance of a building permit, evidence of compliance with Sections 17.12.060 through 17.12.140 shall be provided to the planning department.

(C-446, Added, 04/17/2000)

**Section 17.12.060 Density.**

No density requirements apply in the I-1 zone, except for those areas within the Fairchild Air Force Base accident potential zones defined in Chapter 17.15 AHMC. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.

(C-446, Added, 04/17/2000)

**Section 17.12.070 Minimum lot area and frontage.**

A minimum lot size of fifteen thousand (15,000) square feet shall apply in the I-1 zone. A minimum street frontage of one hundred (100) feet is required.

(C-446, Added, 04/17/2000)

**Section 17.12.080 Minimum yards.**

A. Minimum setback requirements from lot lines are as follows:

Front yard - 35 feet from the property line or 65 feet from the centerline

Rear yard - 15 feet

Side yard - 5 feet per story except for attached buildings.

Corner yard - 25 feet from the property line or 55 feet from the centerline

B. An additional building set back of a minimum of fifty (50) feet from the right-of-way line or one hundred (100) feet from the centerline, whichever is greater, is required along the west side of Hayford Road.

C. The technical review committee may alter these setback guidelines when a design has given adequate attention to the surrounding activities and land uses.

(C-446, Added, 04/17/2000)

**Section 17.12.090 Building coverage and height.**

A. The maximum building coverage shall be sixty percent (60%) of the lot area.

B. No building hereafter erected or structurally altered in a restricted industrial zone shall exceed three stories or a maximum height of thirty-five (35) feet above the mean ground level.

(C-446, Added, 04/17/2000)

**Section 17.12.100 Parking standards.**

Off-street parking spaces shall be provided in accordance with the requirements of Chapter 17.22 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.12.110 Sign standards.**

Signage standards for uses in the I-1 zone shall be provided in accordance with the requirements of Chapter 17.24 AHMC.

(C-446, Added, 04/17/2000)

**Section 17.12.120 Fence and wall standards.**

Fence and wall standards for uses in the I-1 zone shall be provided in accordance with the requirements of Chapter 17.21 AHMC. (C-446, Added, 04/17/2000)

**Section 17.12.130 Landscaping standards.**

Landscaping standards for uses in the I-1 zone shall be provided in accordance with the requirements of Chapter 17.23 AHMC. (C-446, Added, 04/17/2000)

**Section 17.12.140 Storage standards.**

Storage standards for uses in the I-1 zone shall be provided in accordance with the requirements of Chapter 17.26 AHMC. (C-446, Added, 04/17/2000)

**Chapter 17.13**

**HEAVY INDUSTRIAL ZONE (I-2)**

**Sections:**

- 17.13.010 Purpose and intent.**
- 17.13.020 Permitted uses.**
- 17.13.030 Conditional uses.**
- 17.13.040 Prohibited uses.**
- 17.13.050 Development standards.**
- 17.13.060 Density.**
- 17.13.070 Minimum lot area and frontage.**
- 17.13.080 Minimum yards.**
- 17.13.090 Building coverage and height.**
- 17.13.100 Parking standards.**
- 17.13.110 Sign standards.**
- 17.13.120 Fence and wall standards.**
- 17.13.130 Landscaping standards.**
- 17.13.140 Storage standards.**
- 17.13.150 Fire hazards.**
- 17.13.160 Industrial waste.**

**Section 17.13.010 Purpose and intent.**

The purpose and intent of the heavy industrial (I-2) zone is to implement the industrial category of the comprehensive plan. Most heavy industrial land uses are intense by nature and present compatibility issues, therefore, the heavy industrial area should be primarily located south of Highway 2. In the I-2 zone, no building or premises shall be used nor shall any building or structure be hereafter erected or altered unless otherwise provided in this chapter. (C-446, Added, 04/17/2000)

**Section 17.13.020 Permitted uses.**

Land uses permitted in the I-2 zone are listed in the zoning matrix. Any trade, industry, processing activity, commercial activity, or other use with frontage on a public street and in accordance with the standards and requirements established in this title, other applicable legislation, and official regulations promulgated by a public agency having jurisdiction except as specifically prohibited in Section 17.13.040 AHMC. The city planner and code enforcement officer are to determine if compatibility exists between uses. (C-446, Added, 04/17/2000)

**Section 17.13.030 Conditional uses.**

In accordance with Sections 17.03.110 through 17.03.140 AHMC, the planning commission may grant approval for the following uses in the I-2 zone, when satisfied that the use will be in harmony with the comprehensive plan and the intent of the I-2 zone, and when the conditional use will not have a material adverse effect on neighboring properties. In granting such approval, the planning commission may require special restrictions such as sight-obscuring fences, suitable landscaping, yard requirements, signs, etc., and may also require time limits for the proposed use. Any reasonable restrictions for the suppression of noise, smoke, or odors may be required;

- A. Auto wrecking and salvage yard;
- B. Junkyard;
- C. Temporary workspace, including manufactured (mobile) homes, for custodial and security personnel provided that occupancy is limited to no more than twelve (12) hours in a twenty four (24) hour period for any employees. This workspace shall not be used for a residence.
- D. Full service restaurants, taverns, dance halls, bingo parlors, and other assemblies without fixed seating.
- E. Custodial quarters.

(C-446, Added, 04/17/2000)

**Section 17.13.040 Prohibited uses.**

In the I-2 zone, prohibited uses include, but are not limited to, the following:

- A. Single-family, manufactured (mobile) homes, and other multiple family dwellings;
- B. Cemeteries;
- C. Institutions or homes for the treatment or convalescent of persons, children, aged persons, alcoholics, the wounded, or mentally infirm;

- D. Hotels;
- E. Motels and auto courts;
- F. Public and parochial schools, except trade schools;
- G. Manufactured (mobile) home parks;
- H. Recreational vehicles as defined in Chapter 17.04 AHMC;
- I. Kennels
- J. Sanitary landfills, garbage and refuse dumps;
- K. All mining activities;
- L. Slaughterhouses, rendering plants, fat rendering, livestock feed yard, livestock sales yard, commercial riding academy, stockyards, soap manufacturing, glue manufacturing, tannery, paper manufacturing, wood scouring and cleaning, cotton textile sizing, scouring, bleaching, dyeing and similar uses, varnish manufacturing, creosote and creosote products manufacturing, and fertilizer manufacturing;
- M. Disposal of offal or dead animals;
- N. The production of corrosive and noxious chemicals including, but not limited to, acids, acetylene gas, ammonia, chlorine, and bleaching compounds;
- O. The production and processing of coal and coal tar, the processing of petroleum and petroleum products, and petroleum refining;
- P. The manufacture and storage of explosive products, including, but not limited to dynamite and commercial explosives, TNT, military explosives, and fireworks;
- Q. Churches and auditoriums.  
(C-446, Added, 04/17/2000)

**Section 17.13.050 Development standards.**

Prior to the issuance of a building permit, evidence of compliance with Sections 17.13.060 through 17.13.140 shall be provided to the planning department.  
(C-446, Added, 04/17/2000)

**Section 17.13.060 Density.**

No density requirements apply in the I-2 zone, except for those areas within the Fairchild Air Force Base accident potential zones defined in Chapter 17.15 AHMC. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.  
(C-446, Added, 04/17/2000)

**Section 17.13.070 Minimum lot area and frontage.**

A minimum lot size of fifteen thousand (15,000) square feet shall apply in the I-2 zone. A minimum street frontage of one hundred (100) feet is required.  
(C-446, Added, 04/17/2000)

**Section 17.13.080 Minimum yards.**

- A. Minimum setback requirements from lot lines are as follows:
  - Front yard - 35 feet from the property line or 65 feet from the centerline
  - Rear yard - 15 feet
  - Side yard - 5 feet per story except for attached buildings.
  - Corner yard - 20 feet from the property line or 50 feet from the centerline

B. An additional building set back of a minimum of fifty (50) feet from the right-of-way line or one hundred (100) feet from the centerline, whichever is greater, is required along the west side of Hayford Road.

C. Industrial uses that abut any residential zone shall have a minimum setback of sixty-five (65) feet and shall meet minimum landscaping requirements provided in Chapter 17.23 AHMC.

D. The technical review committee may alter these setback guidelines when a design has given adequate attention to the surrounding activities and land uses.  
(C-446, Added, 04/17/2000)

**Section 17.13.090 Building coverage and height.**

A. The maximum building coverage shall be sixty percent (60%) of the lot area.

B. No building hereafter erected or structurally altered in a restricted industrial zone shall exceed three stories or a maximum height of thirty-five (35) feet above the mean ground level.  
(C-446, Added, 04/17/2000)

**Section 17.13.100 Parking standards.**

Off-street parking spaces shall be provided in accordance with the requirements of Chapter 17.22 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.13.110 Sign standards.**

Signage standards for uses in the I-2 zone shall be provided in accordance with the requirements of Chapter 17.24 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.13.120 Fence and wall standards.**

Fence and wall standards for uses in the I-2 zone shall be provided in accordance with the requirements of Chapter 17.21 AHMC. (C-446, Added, 04/17/2000)

**Section 17.13.130 Landscaping standards.**

Landscaping standards for uses in the I-2 zone shall be provided in accordance with the requirements of Chapter 17.23 AHMC. (C-446, Added, 04/17/2000)

**Section 17.13.140 Storage standards.**

Storage standards for uses in the I-2 zone shall be provided in accordance with the requirements of Chapter 17.26 AHMC. (C-446, Added, 04/17/2000)

**Section 17.13.150 Fire hazards.**

All industrial activities shall be carried on in such a manner and with such precautions against fire and explosion hazards, as are acceptable to the State Fire Marshal. (C-446, Added, 04/17/2000)

**Section 17.13.160 Industrial waste.**

All methods of sewage and industrial waste treatment and disposal shall be approved by the Spokane County Regional Health District, and shall be acceptable to the Spokane County Air Pollution Control Authority. (C-446, Added, 04/17/2000)

uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base. Future use of a mining site after reclamation will convert to a nature-based activity per Section 17.14.020 D. (C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.020 Permitted uses.**

In the mining zone only the following uses are permitted and as herein specifically provided and allowed by this chapter:

A. Quarrying, blasting, and mining of minerals or materials, including but not limited to, sand and gravel, rock, and clay.

B. The primary reduction and processing of minerals or materials, together with the necessary buildings, structures, apparatus, or appurtenances on said property including, but not limited to, concrete batching, asphalt mixing, brick, tile, and concrete products manufacturing plants, and rock crushers and the use of accessory minerals and materials from other sources necessary to convert the minerals or materials to marketable products.

C. Recycling of demolition debris consisting of clean concrete or cured asphalt.

D. Natural land supporting wildlife. (C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.030 Conditional uses.**

In accordance with, Sections 17.03.110 through 17.03.140, AHMC, the planning commission may grant approval for the following uses in the MZ zone, when satisfied that the use will be in harmony with the comprehensive plan and the intent of the MZ zone, and when the conditional use will not have a material adverse effect on neighboring properties. In granting such approval, the planning commission may require special restrictions such as sight-obscuring fences, suitable landscaping, yard requirements, signs, etc., and may also require time limits for the proposed use. Any reasonable restrictions for the suppression of noise, smoke, or odors may be required;

A. Dwellings used and required by mining or quarrying operations for continuous supervision by a caretaker or superintendent and his immediate family. (C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.050 Development standards outside the aquifer sensitive area.**

**Chapter 17.14**

**MINING ZONE (MZ)**

**Sections:**

- 17.14.010 Purpose and intent.**
- 17.14.020 Permitted uses.**
- 17.14.030 Conditional uses.**
- 17.14.050 Development standards outside the aquifer sensitive area.**
- 17.14.060 Reclamation required outside the aquifer sensitive area.**
- 17.14.070 Deleted**
- 17.14.080 Deleted**

**Section 17.14.010 Purpose and intent.**

The purpose and intent of the mining zone is to implement the mining category of the comprehensive plan. The mining zone allows for the quarrying, blasting, reduction, processing, and mining of minerals or materials in locations that are designated as mining on the comprehensive plan. Proposed land

A. A geo-technical/hydrological report of the site and surrounding area is required prior to mining, used to properly assess water availability and mitigate water quality impacts.

B. The operators shall comply with all existing water quality monitoring regulations of the state Department of Ecology and the Spokane County Regional Health District.

C. Prior to commencement of mining, evidence of compliance with the following standards must be provided to the planning department. Each proposed mining operation must adequately address all requirements to the satisfaction of the Planning Director.

1. The minimum site area of land within a mining zone shall be five (5) acres. There is no minimum frontage requirement, but access approval and permits must be obtained from appropriate agencies;

2. Mining and quarrying shall be permitted up to within fifty (50) feet of any property line, provided all provisions herein set forth are complied with and provided further that such mining or quarrying does not impair lateral or subjacent support or cause earth movements or erosion to extend into this 50-foot setback or beyond. Whenever a mining or quarry operation is located adjacent to another mining or quarry operation, the mining or quarry operation may be permitted up to the property line to meet or improve the reclamation objectives;

3. Structures or buildings in a mining zone shall not be located closer than one hundred (100) feet to a primary residential zone;

4. Whenever mining zone property, developed for the mining or quarrying of minerals or materials, has a common property line with a primary residential zone established prior to establishing the mining zone, there shall be installed and/or maintained a site-obscuring screen. Acceptable methods of screening shall include, but not be limited to, fencing, berms, and/or landscaping. Planting screens shall be a minimum of ten (10) feet in width, be maintained and/or planted in good soil, irrigated as necessary, and maintained in good condition until operations on-site cease and rehabilitation of the site is completed. Installation of plantings shall result in healthy plants capable of achieving the screening intent of this section. All material shall conform to the guidelines established by the current American Standard for Nursery Stock, published by the American Association of Nurserymen. Such site-obscuring fence, berm, and/or landscaping herein required shall be installed as a yard improvement at or before the time mining or quarrying operations

commence or within sixty (60) days. Said fence, berm, and/or landscaping shall be installed and maintained at the expense of the owner or lessee of mining zoned property;

5. Fencing shall be provided for the City of Airway Heights and maintained by the owner/operator in good condition at all times in the following locations:

a. Exterior or boundary of any portion of the site on which operations exist;

b. Exterior boundary of any portion of the site which has been mined and not yet rehabilitated.

c. Where serious safety issues arise, fence requirements may be more stringent;

6. A protective eight-foot (8' ) high berm or other provisions may be required adjacent to property lines where the edge of the pit is within one hundred (100) feet of a street or railroad right-of-way;

7. Sound pressure levels, as measured on properties adjacent to property in a mining zone, shall conform to the provisions of Washington Administrative Code (WAC) Section 173-60-040 Maximum Permissible Environmental Noise Levels, for noise originating in a Class C EDNA (industrial zone);

8. Provisions of Spokane County Air Pollution Control Authority (SCAPCA) shall be adhered to in the development of property in the mining zone. Specifically reference SCAPCA Regulation I, Section 6.04 Odors and Nuisances, Section 6.05 Particulate Matter and Preventing Particulate Matter from Becoming Airborne, and Section 6.06 Emission of Air Contaminants or Water Vapor, Detriment to Persons or Property;

9. A mining and reclamation plan must be submitted and approved by the Washington State Department of Natural Resources under the provisions of the Revised Code of Washington (RCW) 78.44 Surface Mining, with city approval of the subsequent use. In addition to the information requested in the mining and reclamation plan, anticipated days, hours and duration of operation must be addressed;

10. All necessary and required access permits, including a haul route agreement with the City of Airway Heights, shall be obtained prior to use of the site;

11. All permits/applications filed with the Department of Natural Resources, SCAPCA, Spokane County Health District, the Department of Ecology, the City of Airway Heights, and any other related organization or agency;

12. Approved bonds or other performance securities as required by the Department of Natural Resources;

13. A minimum of ten (10) feet above the highest known aquifer elevation shall be maintained in the mining pit area. Stringent regulations of all agencies of jurisdiction shall apply;

14. A drainage channel shall be constructed around the active gravel pit area to keep surface runoff from outside the pit excavation from entering the pit area;

15. Fuel storage areas and service facilities shall incorporate provisions to prevent lubricants and petroleum products from contaminating either the pit area or drainage channels by such means as a secondary storage container capable of containing potential pollutants;

16. No liquid-asphalt cement or other waste materials shall be disposed of on the mining site or adjacent property;

17. The use of fertilizers, pesticides and herbicide shall not be allowed within fifty (50) feet of an active pit when the geo-technical/hydrological report shows evidence of potential contamination. (C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.060 Reclamation required outside the aquifer sensitive area.**

A. Reclamation plans shall include:

1. A specification of the amount of material to be left between the aquifer high water mark and the final grade of the reclaimed site;

2. Provisions will be provided for limiting access to and activities within the rehabilitated site until the use of the land is changed.

B. In order to ensure further use of land classified as mining subsequent to the removal of native materials, the following provisions covering land rehabilitation or reclamation shall be conformed to:

1. In rehabilitated gravel pits above an aquifer, uses may be very limited or specifically conditioned when new uses are requested for the property;

2. Upon the exhaustion of minerals or materials in the mining zone, or upon the permanent abandonment of the quarrying, mining, or processing operation, all buildings, structures, apparatus, or appurtenances accessory to the quarrying or mining operation shall be removed or otherwise dismantled to the satisfaction of the city of Airway Heights (if so required by the city).

(C-450, Repealed & Replaced, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.070 Deleted**  
(C-450, Repealed, 07/17/2000; C-446, Added, 04/17/2000)

**Section 17.14.080 Deleted**  
(C-450, Repealed, 07/17/2000; C-446, Added, 04/17/2000)

**Chapter 17.15**

**AIRPORT OVERLAY ZONE (AO)**

**Sections:**

- 17.15.010 Purpose and intent.**
- 17.15.020 Airspace and accident potential areas.**
- 17.15.030 General use restrictions.**
- 17.15.040 Height restrictions.**
- 17.15.050 Administrative height variances.**
- 17.15.060 Approach areas (AA).**
- 17.15.070 Accident potential zone A (APZ-A).**
- 17.15.080 Accident potential zone B (APZ-B)**
- 17.15.090 Substantial noise impact areas (LdN-65).**
- 17.15.100 Prohibited uses.**

**Section 17.15.010 Purpose and intent.**

The purpose and intent of the airport overlay zone is to reduce the potential for airport hazards because it is found that:

A. An airport hazard endangers the lives and property of users of landing fields and property or occupants in the vicinity of landing fields near the city;

B. An airport hazard of the obstructive type in effect reduces the size of the area available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport and the public investment therein;

C. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the airport affected;

D. It is necessary to prevent the creation or establishment of airport hazards in order to protect the public health, safety, and general welfare, and to promote the most appropriate use of land;

E. The elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may need to raise and expend public funds.

In order to carry out the purpose and intent of the airport overlay zone, the following development standards, in addition to the requirements of the underlying zone, shall apply to all areas of the city where the following described condition exists. The following sections provide additional specific detail concerning safe airport operations and use of surrounding properties.  
(C-446, Added, 04/17/2000)

**Section 17.15.020      Airspace and accident potential areas.**

In order to carry out the purpose and intent of the airport overlay zone as set forth above, and also to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from airports near the city, there is created and established the following airspace and land use safety areas:

A. Conical Area (CA). All that land which lies directly under an imaginary surface (the conical surface) extending outward from the primary surface at an elevation of thirty-five (35) feet above the elevation of the centerline of the runway at the nearest point for a distance of thirty-five hundred (3,500) feet and then upward and outward at a slope of one (1) vertical foot for every one hundred (100) horizontal feet for a horizontal distance of thirty thousand (30,000) feet, as measured radially outward from the edge of the primary surface, except that for those areas described below as approach areas, the conical surface shall extend upward and outward from the primary surface at a slope of one (1) vertical foot for every one hundred (100) horizontal feet for a horizontal distance of thirty thousand (30,000) feet as measured radially outward from the edge of the primary surface.

B. Approach Area (AA). All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface.

The approach area extends outward from the ends of the primary surface a minimum of ten thousand (10,000) feet. For those runways ten thousand (10,000) feet or less in length, the approach area expands uniformly to a width of:

1. Four thousand feet (4,000) for existing or planned precision instrument runways or nonprecision instrument runways having visibility minimums as low as three-fourths (3/4ths) of a statute mile; or

2. Three thousand five hundred (3,500) feet for existing or planned nonprecision instrument runways having visibility minimums greater than three-fourths (3/4ths) of a statute mile; or

3. Two thousand five hundred (2,500) feet for existing or planned visual runways other than utility; or

4. Two thousand two hundred fifty (2,250) feet for existing or planned visual utility runways.

For those runways greater than ten thousand (10,000) feet in length, the width of the approach area expands outward uniformly on each side of the primary surface from the primary surface at a flare equaling fifteen (15) feet perpendicular to the runway centerline for every one hundred (100) feet parallel to the runway centerline for a distance equal to the length of the runway.

C. Accident Potential Zone A (APZ-A). All land in that portion of the approach area of the runway as defined herein above which extends outward from the end of the primary surface a distance equal to one-third (1/3rd) of the existing or planned length of the runway.

D. Accident Potential Zone B (APZ-B). All land in that portion of the approach area of a runway as defined herein above which extends outward from APZ-A distance equal to two-thirds (2/3rds) of the existing or planned length of the runway.  
(C-446, Added, 04/17/2000)

**Section 17.15.030      General use restrictions.**

Subject at all times to the height restrictions set forth in Chapter 17.15 AHMC, no use shall be made of any land in the conical area defined in this chapter which creates or causes interference with the operations or radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airports, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

Furthermore, prior to development or issuance of a building permit in any of the airspace and/or accident potential areas defined in this chapter, the awarding of an avigation easement to the appropriate airport(s) shall be required and recorded with the Spokane County auditor's office. This requirement shall not apply to requests for permits related to remodeling or for other construction not affecting avigation. This provision shall be construed and limited to application as a land use restriction only.  
(C-446, Added, 04/17/2000)

**Section 17.15.040 Height restrictions.**

Except as otherwise provided in this code, and except as necessary and incidental to airport operations, no structure or object of natural growth shall be constructed, altered, maintained, or allowed to grow in any airspace area as described herein above so as to project above the conical surface except:

A. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height and would be located in an area of established development where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation;

B. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Federal Aviation Administration (FAA), or an appropriate military service at military airports, the location and height of which is fixed by its functional purpose. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

In all cases, no structure shall be erected so high as to increase the Federal Aviation Administration landing and approach and departure minimums for aircraft using the runways of the affected airports. (C-446, Added, 04/17/2000)

**Section 17.15.050 Administrative height variances.**

The city planner may administratively grant height variances after review of a proposal under the following procedure:

A. The administrative authority of the affected airport will be given thirty (30) calendar days from the variance request filing date to review the proposal and submit written comments to the city planner indicating whether or not the proposal creates a hazard or obstruction to the operation of the affected airport. Failure to comment will indicate "no obstruction";

B. A finding by the city planner that the structure will not exceed specifications identified in the Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace, Sections 77.23, 77.25, 77.28 and 77.29;

C. Any person aggrieved by an administrative approval or denial of a height variance by the city planner may file an appeal with the city council

within ten (10) calendar days of the administrative action. Such appeal shall be in writing setting forth all claims and justifications for granting the variance. The appeal shall be scheduled to be heard by the city council at the next available regular city council meeting.

Notice of such hearing shall be given by the applicant to the commanding officer of Fairchild Air Force Base, the Spokane County Airport Board, and such others as the city planner may specify. (C-446, Added, 04/17/2000)

**Section 17.15.060 Approach areas (AA).**

A. Within accident potential zones A and B, an applicant requesting a zone change which does not include a specific site development plan shall be required, prior to development of a specific site plan, to meet in a pre-development conference with the city planner. The purpose of the pre-development conference will be to discuss location of buildings and design of the project in order to maintain compatibility with the airport environment. Building permits will not be issued until the city planner has approved final site development plans. Such administrative approval shall be issued within thirty (30) days and may include requirements to mitigate impacts of the project and to ensure that the standards of the zone are upheld. The city planner at his/her option may require city council approval of site development plans.

B. Any person aggrieved by an administrative action, including conditions imposed by the city planner, may file an appeal with the city council within ten (10) calendar days of the administrative action. The appeal shall be scheduled to be heard by the city council at the next available hearing date. Notice of such hearing shall be given by the applicant to the commanding officer of Fairchild Air Force Base, the Spokane County Airport Board, and such others as the city planner may specify.

In the event that the city planner forwards the site development plan to the city council for approval, the above notice and appeal provisions shall be controlling for such hearing and appeal therefrom.

(C-446, Added, 04/17/2000)

**Section 17.15.070 Accident potential zone A (APZ-A).**

Within areas designated as accident potential zone A, no buildings or premises shall be used nor any building or structure be hereafter erected or altered unless otherwise provided in this code except



for one or more of the following uses when allowed in the underlying zone:

- A. Warehousing including building for commercial storage of personal property;
  - B. Outdoor storage of equipment, automobiles, machinery, building materials, and contractor's equipment storage yards;
  - C. Cemetery;
  - D. Nursery;
  - E. General agricultural use except feed lots or other agricultural uses which attract substantial quantities of birds;
  - F. Public utility facility necessary for public service;
  - G. Quarry, gravel pit, and mining;
  - H. Maintenance and repair facility;
  - I. Open storage area for commercial storage of personal property such as boats and recreational vehicles;
  - J. Concrete batching plant;
  - K. Junkyard and automobile wrecking and salvage yard;
  - L. Rail or trucking freight terminal.
- (C-446, Added, 04/17/2000)

**Section 17.15.080 Accident potential zone B (APZ-B)**

The following uses are specifically prohibited in accident potential zone B:

- A. Campground;
  - B. Church;
  - C. Hospital;
  - D. Manufactured (mobile) Home Park;
  - E. Motel;
  - F. Helipport or helipad;
  - G. Hotel;
  - H. Nursing home;
  - I. School;
  - J. Stadium;
  - K. Theater;
  - L. Multiple family apartments;
  - M. Duplexes;
- (C-446, Added, 04/17/2000)

**Section 17.15.090 Substantial noise impact areas (LdN-65).**

Substantial noise impact areas are defined as those areas where it has been determined that existing or potential noise levels exceed 65 LdN (day-night average sound level).  
(C-446, Added, 04/17/2000)

**Section 17.15.100 Prohibited uses.**

In areas where substantial noise impacts exist, the following uses are prohibited:

- A. Churches;
  - B. Hospitals;
  - C. Libraries;
  - D. Manufactured (mobile) home parks;
  - E. Nursing homes;
  - F. All residential uses.
  - G. Schools.
- (C-446, Added, 04/17/2000)

**Chapter 17.16**

**PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONE**

**Sections:**

- 17.16.000 Authorization.**
- 17.16.010 Purpose and intent.**
- 17.16.020 Preliminary PUDs.**
- 17.16.030 Final PUDs.**
- 17.16.040 Phasing.**
- 17.16.050 Installation of improvements.**
- 17.16.060 Permitted uses.**
- 17.16.070 Accessory uses.**
- 17.16.080 Access to development.**
- 17.16.090 Development standards.**
- 17.16.100 Density.**
- 17.16.110 Minimum lot area.**
- 17.16.120 Minimum frontage.**
- 17.16.130 Minimum yards.**
- 17.16.140 Maximum building coverage and height.**
- 17.16.150 Parking standards.**
- 17.16.160 Signage standards.**
- 17.16.170 Landscaping standards.**
- 17.16.180 Storage standards.**
- 17.16.190 Refuse Storage**
- 17.16.200 Mechanical equipment.**
- 17.16.210 Utilities.**
- 17.16.220 Street design flexibility.**
- 17.16.230 Required open space.**
- 17.16.240 Design criteria.**
- 17.16.250 Public transit.**

**Section 17.16.000 Authorization.**

There may be situations in which the basic provisions of this title may be modified to permit the improvement of land by what is known as a planned unit development (PUD). The planning commission may, after giving notice as required by law and holding a public hearing, recommend approval of a PUD and apply conditions of approval for

performance and improvements. Planned unit developments (PUDs) shall be permitted in residential zones unless otherwise stated in Title 17.0. All PUDs shall conform to the subdivision requirements of Title 16 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.16.010 Purpose and intent.**

It is intended that a PUD be used as an overlay zone in conjunction with the underlying zone to permit a greater degree of flexibility and diversification in the design of a development. Preservation of unique site features and open space is one function of a PUD. Other characteristics include, but are not limited to, private parks, private streets, pedestrian pathways, lighting, fencing, entry sign/monumentation, and landscaping.  
(C-446, Added, 04/17/2000)

**Section 17.16.020 Preliminary PUDs.**

A. PUDs shall be initiated by the owner of all property involved if under one ownership, or by joint application of all owners having title to all the property in the area proposed for PUD.

B. The PUD process consists of two phases, a preliminary phase and a final phase. A preliminary PUD includes a site development plan illustrating the concept of the development and uses to be allowed. The decision by the planning commission to approve a preliminary PUD shall be binding. This preliminary phase shall not be construed as to render the final PUD inflexible. Said approval is valid for a five (5) year period, which may be extended up to three (3) years by determination of the city planner. Any extension of time must be requested by the applicant, in writing, prior to expiration of the original approval, stating specific reasons for such a request.

C. The preliminary PUD application shall include all the requirements for a preliminary plat application contained in Sections 16.03.030, 16.03.040, and 16.03.050 AHMC, and shall be processed in accordance with Title 14 Development Code Administration. In addition, a complete PUD application shall include a PUD narrative and a PUD map which shall include but is not limited to the following:

1. All proposed improvements that are to be constructed on the land and their locations, including, but not limited to, all residential and nonresidential structures, building heights, recreational facilities, site plans and information showing walls, fences, refuse areas, streets, sidewalks, and public transit facilities;

2. Common open space areas indicating size, grades, and functions upon completion;

3. Floor plans of typical dwelling units, the unit size in square feet, and the amount of private non-common open space in square feet;

4. Locations and dimension of all off-street parking facilities, public and private, including public transit and park and ride lots;

5. Locations and sizes of all public and semipublic sites, if applicable (i.e., schools, churches, parks, etc.);

6. A tabulation of the percentage of total building coverage in the development;

7. A tabulation of densities within each project area, phase, or sector;

8. Building elevations showing typical architectural styles to be constructed;

9. A schematic landscaping plan indicating the type and the size of plant material to be used and the method for providing permanent maintenance to all planned areas and open spaces;

10. A proposed phasing plan and/or timing schedule, if applicable.  
(C-446, Added, 04/17/2000)

**Section 17.16.030 Final PUDs.**

A. Prior to expiration of the preliminary PUD, approval of the final PUD is required. Approval of the final PUD shall be administrative unless the planning commission, at the preliminary PUD hearing, determines a public hearing on the final PUD is required as a condition of final approval. A final PUD differs from the preliminary PUD in the amount of detailed information provided. The final PUD shall include all the requirements for a final plat contained in Chapter 16.05 AHMC, including approved road plans and drainage systems, assurance of building and fire code compliance, and those requirements and conditions applied to preliminary PUD approval. Any PUD not finalized prior to the expiration of the preliminary PUD approval shall become void. Construction shall not commence until a PUD has been given final approval.

B. No major changes in the approved final PUD such as rearrangement of lots, blocks, streets, building locations, development standards, or other such changes, may be made subsequent to final development plan approval except upon application to the planning department and consideration by the planning commission.  
(C-446, Added, 04/17/2000)

**Section 17.16.040 Phasing.**

A. A PUD may be developed in phases or increments, subject to an approval phasing schedule. A master-phasing plan shall be submitted with the preliminary PUD for approval by the city planner. The phasing plan may be approved provided:

1. It includes all land identified in the legal description for the project;
2. The phasing sequence is identified by a map;
3. Each phase has reasonable public or private infrastructure to support the number of dwelling units contained within that phase;
4. The unfinalized portion meets the minimum lot size of the underlying zone for the proposed use, or as further provided under this chapter; and
5. The city approves the necessary documents so that all road improvements required are assured for that phase.

B. A phasing plan may be amended following preliminary PUD approval. The amended phasing plan may be approved by the city planner provided the above criteria are met.  
(C-446, Added, 04/17/2000)

**Section 17.16.050 Installation of improvements.**

Following approval of a preliminary PUD by the planning commission, and prior to administrative approval of the final PUD, the subdivider or applicant shall complete minimum improvements in accordance with the provisions of Chapter 16.04 AHMC by one of the following methods:

A. By furnishing the city with a performance bond, satisfactory to the city attorney, in which assurance is given the city that the installation of the minimum improvements will be carried out as provided in this chapter, Chapter 16.04 AHMC, and other city ordinances, and according to the specifications of the city engineer, within three (3) years from the date the final PUD is approved by the city planner;

1. The city council may grant a one (1) year extension beyond the required three (3) years if the subdivider or applicant furnishes an extension to the performance bond, satisfactory to the city attorney.

B. By actual installation of improvements in accordance with the provisions of this chapter and in accordance with the installation requirements and under the supervision of the city engineer;

C. By combination of these methods.  
(C-446, Added, 04/17/2000)

**Section 17.16.060 Permitted uses.**

A. In the PUD overlay zone no building, structure, or improvements shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for those uses specifically permitted in the following zones:

1. Single-Family Residential Zone (R-1);
2. Manufactured Housing Zone (RM);
3. Duplex Residential Zone (R-2);
4. Multiple Family Residential Zone (R-3).  
(C-446, Added, 04/17/2000)

**Section 17.16.070 Accessory uses.**

Within a PUD, all accessory uses, buildings, and structures are allowed in conformance with this title and the underlying zone in which the PUD is located.  
(C-446, Added, 04/17/2000)

**Section 17.16.080 Access to development.**

A. The major internal streets serving each PUD shall be functionally connected to at least one minor arterial or collector street as defined in the Airway Heights Public Works Standards. The streets connecting with any PUD, regardless of the zone in which it is located, must be of sufficient size and character to accommodate the traffic generated by the project, without significantly altering the character of existing residential neighborhoods. Evaluation of the proposal pursuant to this title shall include consideration of the following criteria:

1. The increase of traffic which will be generated by the development;
2. The existing width and condition of streets to be affected;
3. The presence or absence of improved sidewalks;
4. Potential impacts upon the value of surrounding properties;
5. The anticipated impact upon availability of parking;
6. The existence of a particular conflict between vehicular and pedestrian traffic;
7. The street type designated by the Public Work Standards.  
(C-446, Added, 04/17/2000)

**Section 17.16.090 Development standards.**

Prior to the issuance of a building permit, evidence of compliance with the provisions of Sections 17.16.100 through 17.16.250 shall be provided to the planning department.  
(C-446, Added, 04/17/2000)

**Section 17.16.100 Density.**

A. In any PUD, the number of dwelling units per acre of land shall not exceed that permitted by the underlying zone, except as approved for density bonus by the planning commission. Residential bonus density shall be determined by using the following formula:

$$\text{Net Development Factor} \times \text{Number of Units allowed in underlying zone} + \text{Bonus Density earned} = \text{Total Units Permitted.}$$

The net development factor is the total acreage of the PUD minus the area set aside for, or existing in, any of the following:

1. Churches and schools;
2. Commercial and/ or industrial uses;
3. Single-family residential platted area, if determining net development factor for the multifamily portion of a mixed, single-family/multiple family development;
4. Natural water bodies, including lakes, streams, swamps, marshes, and bogs which are not incorporated in the common open space plan of the PUD;
5. Seventy-five percent (75%) of areas having slopes which exceed forty percent (40%);

B. The following units per acre may be cumulatively earned as additional density to the base unit density of the underlying zone:

1. Common open spaces.
  - a. Three-tenths (.3) unit per acre bonus if at least ten percent (10%) of the dry, common open space has a slope of ten percent (10%) or less;
  - b. Three-tenths (.3) unit per acre bonus if significant recreation areas are developed and equipped with such features as, but not limited to, trails, landscaped open areas, pools, tennis courts, children’s play area, etc.
2. Environmental concerns.
  - a. Fifteen one-hundredths (.15) unit per acre bonus if on-site drainage controls is accomplished through integrating facilities into the usable common open space or common recreation area;
  - b. Fifteen one-hundredths (.15) unit per acre bonus if significant general public access is provided to a lake or river, one-tenth (.1) unit per acre bonus to trails; one-tenth (.1) unit per acre bonus to scenic viewpoints.
3. Internal circulation and parking.

a. One-tenth (.1) unit per acre bonus if the off street parking is fifty (50) feet or less from the entrance to the building served; provided that, if one can walk under cover from structure to parking, the parking may be up to on hundred fifty (150) feet away and still receive the bonus;

b. Two tenths (.2) unit per acre bonus if one-half (½) of the required parking is covered; three-tenths (.3) unit per acre bonus if all the required parking is covered;

c. Fifteen one-hundredths (.15) unit per acre bonus if parking areas are kept small (ten to twenty spaces in a group) and interspersed with landscaping, or provided within or under main buildings;

d. Fifteen one-hundredths (.15) unit per acre bonus if provisions is made for an internal bikeway, physically separated from, and not adjacent to, heavy auto traffic facilities.

4. Public service and facility availability.

a. Fifteen one-hundredths (.15) unit per acre bonus if public transit is available within one-quarter (¼) mile walking distance of the majority of dwelling units and offices;

b. Fifteen one-hundredths (.15) unit per acre bonus if off-site convenience shopping facilities are functionally accessible within reasonable walking distance (approximately one-half mile);

c. One-tenth (.1) unit per acre bonus if sewer and water lines lie within, or are adjacent to, the site at the time of application, and the sewer district and water district indicate that their systems will not be stressed by the added development;

d. Fifteen one-hundredths (.15) unit per acre bonus if the primary means of access to the project is via an arterial;

e. One-tenth (.1) unit per acre bonus if the development provides a crime prevention plan, incorporating locks, dwelling unit lighting, street lighting, doors, windows, and alarms, approved by the City of Airway Heights Police Department provided that such crime prevention plan is not in conflict with other applicable laws and ordinances;

f. One-tenth (.1) unit per acre bonus if the project is located within a portion of a school district which that district has identified as a preferred enrollment growth area, consistent with that district’s five (5) year planning objectives;

g. Fifteen one-hundredth (.15) unit per acre bonus if integrated special facilities and a program to encourage and facilitate use of public transit and other ride-sharing (e.g. van/carpooling) are incorporated into the design and operation of the project (e.g. sheltered, lighted waiting/loading facilities, including benches, posted and distributed

schedule/route information; park-and-ride spaces; carpool matching programs; subscription bus service; bus passes incorporated in monthly maintenance charges). This effort must be approved by the planning department in consultation with the Spokane Transit Authority (STA);

h. Two-tenths (.2) unit per acre bonus if the applicant uses a design/development team, consisting of an architect, engineer, landscape architect, land surveyor, and builder, through the design and construction phases of the project;

i. Fifteen one-hundredths (.15) unit per acre bonus if the development features a mix of housing types with at least ten percent (10%) of the total dwelling units being detached, single-family dwellings. Detached, single-family residences; attached, single-family residences; duplexes; townhouses and apartments are examples of housing types.

C. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.

(C-446, Added, 04/17/2000)

#### **Section 17.16.110 Minimum lot area.**

Each lot utilized for residential purposes shall have a minimum area of eight hundred (800) square feet, unless the underlying zone(s) specifically sets minimum lot areas for residential purposes in a PUD.

(C-446, Added, 04/17/2000)

#### **Section 17.16.120 Minimum frontage.**

Each lot utilized for residential purposes shall have a minimum width of thirty (30) feet with thirty (30) feet minimum frontage on a public or private street, or pedestrian access, unless the underlying zone(s) specifically sets minimum frontage for residential purpose in a PUD.

(C-446, Added, 04/17/2000)

#### **Section 17.16.130 Minimum yards.**

Except when otherwise approved at time of PUD hearing, minimum setbacks of the underlying zone shall apply to exterior project boundaries. Interior yards shall be as approved on the PUD site development plan. Each development will be reviewed to ensure adequate provision of light and air for all structures.

(C-446, Added, 04/17/2000)

#### **Section 17.16.140 Maximum building**

#### **coverage and height.**

A maximum of sixty percent (60%) of the site may be utilized for building coverage, exclusive of right-of-way dedications. Building height maximums of the underlying zone may be waived on an individual building to allow greater flexibility with the development. Consideration shall be given to adjacent land uses and building heights, as well as building relationships within the development.

(C-446, Added, 04/17/2000)

#### **Section 17.16.150 Parking standards.**

Parking standards for uses in a PUD Overlay zone shall be as provided in Chapter 17.22 AHMC.

(C-446, Added, 04/17/2000)

#### **Section 17.16.160 Signage standards.**

Signage standards for uses in a PUD overlay zone shall be as provided in Chapter 17.24 AHMC.

(C-446, Added, 04/17/2000)

#### **Section 17.16.170 Landscaping standards.**

A schematic landscape design must be submitted with the preliminary PUD application. Landscaping standards for uses in a PUD overlay zone shall be as provided in Chapter 17.23 AHMC.

(C-446, Added, 04/17/2000)

#### **Section 17.16.180 Storage standards.**

Storage standards for uses in a PUD overlay zone shall be as provided in Chapter 17.26 AHMC.

(C-446, Added, 04/17/2000)

#### **Section 17.16.190 Refuse Storage**

All outdoor trash, garbage, and refuse storage areas shall be screened on all sides from public view and, at a minimum, be enclosed on three (3) sides with a five and one-half (5-1/2) foot high concrete block, masonry wall, or sight-obscuring fence with a sight-obscuring gate for access.

(C-446, Added, 04/17/2000)

#### **Section 17.16.200 Mechanical equipment.**

All rooftop mechanical equipment shall be placed behind a permanent screen, completely restricted from view.

(C-446, Added, 04/17/2000)

#### **Section 17.16.210 Utilities.**

All utilities shall be underground unless deemed unavailable to do because of conditions such as terrain. The power or phone companies involved in the PUD shall be the prime factor for whether or not

the city planner will allow for the change in the utilities. All changes in the utilities are subject to review by the city planner and planning commission. (C-446, Added, 04/17/2000)

**Section 17.16.220 Street design flexibility.**

A. Within a PUD project, private street pavement widths may be reduced to twenty (20) feet for one-way traffic, or twenty-two (22) feet for two-way traffic, provided that all the following conditions are fulfilled:

1. On-site parking shall be provided which is functionally convenient to planned dwelling units, and which is at least equal to the zone requirement plan; one-half stall per unit for guest parking;
2. One-way streets or loop streets with one (1) access point shall serve no more than thirty (30) units and be no more than fifteen hundred (1500) feet long; one-way streets shall be signed at every intersection;
3. On-street parking shall be prohibited;
4. Privately owned and maintained “no parking” or “fire lane” signs shall be required;
5. Roadway horizontals and vertical alignment shall be consistent with Airway Heights Public Works Standards;
6. Assurance of permanent maintenance of private streets and parking areas shall be provided by the landowners, unless otherwise provided by a homeowners association through protective covenants maintained by legal means by the group or organization.
7. All areas which are to be occupied or traveled over by motor vehicles shall be paved;
8. All street shall have sidewalks and be compliant with current ADA (American Disabilities Act) regulations;
9. All streets, parking areas, and facilities shall be compliant with current ADA (American Disabilities Act) regulations.

B. Drainage. A drainage plan shall be required consistent with the Airway Heights Public Works Standards.

C. Pedestrian circulation facilities. Within PUD projects, pedestrian circulation facilities serving each unit shall be provided in accordance with the following criteria:

1. Paved with asphalt, concrete, or Portland cement;
2. Safely convenient to each dwelling unit served;
3. Functionally and safely convenient to schools and to industrial, commercial, recreational, and utility areas within or adjacent to the project, and

functionally convenient to a larger pedestrian circulation system outside the PUD;

4. Sufficiently wide (minimum of six feet) to accommodate the potential uses;
5. Located and designed in accordance with approval from the city engineer, and
6. All facilities and services will be compliant with current ADA (American Disabilities Act) regulations.

D. All streets, parking areas, and facilities shall be lighted. All light poles shall be made of metal. (C-446, Added, 04/17/2000)

**Section 17.16.230 Required open space.**

A. A minimum of ten percent (10%) of total area of the PUD shall be reserved as common open space. The applicant shall choose one (1) or any combination of the following three (3) methods of administering common open space:

1. Dedication of common open space to the city, which is subject to formal city acceptance;
2. Establishment of an association or nonprofit corporation of all property owners or corporations within the project area to ensure perpetual maintenance of all common open space;
3. Retention of ownership, control, and maintenance of all common open space by the applicant. All privately owned common open space shall continue to conform to its intended use and remain as expressed in the final PUD plan by the inclusion in all deeds of appropriate restrictions to ensure that the common open space is permanently preserved according to the final PUD plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners of the PUD and shall contain a prohibition against future divisions or segregations without further city approvals.

B. All common open space, as well as public and recreational facilities, shall be specifically included in the phasing schedule and be constructed and fully improved by the applicant at an equivalent or greater rate than the construction of structures.

C. A minimum of two hundred (200) square feet of private open space shall be provided per residential unit. (C-446, Added, 04/17/2000)

**Section 17.16.240 Design criteria.**

The aforementioned development standards contained in Sections 17.16.110 through 17.16.230 AHMC are intended to accomplish the following design criteria objectives in all PUDs:

A. Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape, and particular attention shall be given to the retention of natural landscape features of the site;

B. The layout of structures and other facilities shall effect a conservation in street and utility improvements;

C. Recreational areas (active and passive) shall be generally dispersed throughout the development and shall be easily accessible from all dwelling units. (C-446, Added, 04/17/2000)

**Section 17.16.250 Public transit.**

All developments located within the Public Transit Benefit Area requiring twenty (20) or more parking spaces shall provide bus loading and shelter facilities if so required by the planning department in consultation with the Spokane Transit Authority (STA).

(C-446, Added, 04/17/2000)

**Chapter 17.17**

**CRITICAL AQUIFER RECHARGE AREA OVERLAY ZONE(Reserved)**

**Chapter 17.18**

**ADULT ENTERTAINMENT STANDARDS**

**Sections:**

- 17.18.010 Findings of Fact.**
- 17.18.020 Purpose and Intent.**
- 17.18.030 Definitions.**
- 17.18.040 Administration of licensing.**
- 17.18.050 License required; Fee.**
- 17.18.060 License applications.**
- 17.18.070 Issuance of licenses.**
- 17.18.080 Denial of application for licenses.**
- 17.18.090 License term-renewals.**
- 17.18.100 Other license requirements.**
- 17.18.110 Specifications– Exotic dance studios.**
- 17.18.120 Standards of conduct and operation applicable to exotic dance studios.**
- 17.18.130 Regulations applicable to adult arcades, adult motion pictures theaters and other adult**

- entertainment businesses providing on site entertainment.**
- 17.18.140 Regulations applicable to book stores, novelty stores, video stores and other businesses whether or not qualifying as adult entertainment businesses.**
- 17.18.150 Exemptions.**
- 17.18.160 Record keeping requirements.**
- 17.18.170 Inspections.**
- 17.18.180 Hours of operation.**
- 17.18.190 Appeal of license denial– Hearing.**
- 17.18.200 License suspension and revocation– Hearing.**
- 17.18.210 Nuisance declared.**
- 17.18.220 Limitation of liability.**
- 17.18.230 Violation penalty– misdemeanor.**
- 17.18.240 Additional enforcement.**

**Section 17.18.010 Findings of Fact.**

Based on public testimony and other evidence and information before it, the city council makes the following findings of fact:

A. The secondary effects of the activities defined and regulated in this chapter are detrimental to the public health, safety and general welfare of the citizens of the city and, therefore, such activities must be regulated as provided in this chapter.

B. Regulation of the adult entertainment industry is necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred in other cities. This history of criminal activity in the adult entertainment industry has included prostitution, narcotics and liquor law violations, breaches of the peace and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants. The City of Airway Heights desires to avoid criminal activity associated with the entertainment industry.

C. Contact between entertainers and patrons of adult entertainment businesses facilitates prostitution and other related crimes and the concern over unlawful sexual activities and related crimes is a legitimate health concern of the City which demands reasonable regulation of adult entertainment businesses in order to protect the health and well-being of the citizens; and

D. Licensing is a legitimate and reasonable means of accountability to ensure that operators of adult entertainment businesses comply with reasonable regulations and to ensure that operators do

not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

E. In the absence of regulation, the activities described in this section occur regardless of whether the adult entertainment is presented in conjunction with the sale of alcoholic beverages.

F. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors, to ensure that each such entertainer is an adult, to ensure that such entertainers have not assumed a false name which would make regulation of the entertainer difficult or impossible and to ensure that such entertainers are not involved in criminal activity.

G. It is necessary to have a licensed manager on the premises of establishments offering adult entertainment at such times as such establishments are offering adult entertainment so that there will, at all necessary times, be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.

H. The license fees required in this chapter are needed for conducting necessary regulatory measures and are designed to help defray the substantial expenses incurred by the city in regulating the adult entertainment industry.

I. Hidden ownership interests for the purposes of skimming profits and avoiding the payment of taxes have historically occurred in the adult entertainment industry in the absence of regulation. These hidden ownership interests have historically been held by organized and white-collar crime elements. In order for the city to effectively protect the public health, safety and general welfare of its citizenry, it is important that the city be fully apprised of the actual ownership of adult entertainment establishments.

J. The City Council desires to prevent these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life, preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

K. It is not the intent of this chapter to suppress any speech activities protected by the First Amendment or Article I, Section 5 of the Washington State Constitution, but to enact content neutral regulations which address the secondary effects of adult entertainment businesses, as well as the health problems associated with such businesses.  
(C-446, Added, 04/17/2000)

### **Section 17.18.020 Purpose and Intent.**

It is the purpose of this chapter to regulate adult entertainment businesses and related activities to promote health, safety, morals, and general welfare of the citizens of the City of Airway Heights, and to establish reasonable and uniform regulations to prevent the establishment of adult entertainment businesses in locations within the City which would have a harmful effect on the residents of the City. The purpose of this chapter is to alleviate undesirable social problems that accompany adult entertainment businesses, and to enact content neutral regulations which address the secondary effects of adult entertainment businesses as well as health problems associated with such business, not to curtail the First Amendment expression, namely dancing or entertainment. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials.  
(C-446, Added, 04/17/2000)

### **Section 17.18.030 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Adult entertainment:** "Adult Entertainment" means any dance, amusement, show, display, exhibition, pantomime, modeling or any other like performance of any type for the use or benefit of a member or members of the public or advertised for the use or benefit of a member of the public where such is characterized by the performer" "nudity", as defined herein, or the exhibition of "specified sexual activities", also defined herein, or which emphasizes and seeks to arouse or excite the patron's sexual desires.

**Adult entertainment business:** "Adult Entertainment Business" shall mean an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Motion Picture Theater, and Adult Exotic Dance Studio, more specifically defined as follows:



A. Adult Arcade: "Adult Arcade" shall mean an establishment where for any form of consideration, one or more still or motion picture projectors, slide projectors, computer generated or enhanced pornography, panoram, peep show, or similar machines, or other image producing machines, for personal viewing, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which provides materials for individual viewing by patrons on the premises of the business which are characterized by the depiction or description of "nudity" or "specified sexual activities".

B. Adult Bookstore, Adult Novelty Store, or Adult Video Store: "Adult Bookstore", "Adult Novelty Store", or "Adult Video Store" shall mean a commercial establishment which has as a significant or substantial portion of its stock-in-trade or revenues, substantial meaning twenty (20) percent or more, for any form of consideration, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other photographic reproductions or visual representations which are characterized by the depiction or description of "nudity" or "specified sexual activities". It shall be a rebuttable presumption that twenty (20) percent of a business' stock-in-trade or revenues is considered substantial.

An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing "nudity" or "specified sexual activities", and still be categorized as Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such business purposes will not serve to exempt such establishments from being categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "nudity" or "specified sexual activities".

C. Adult Motion Picture Theater: "Adult Motion Picture Theater" shall mean a commercial establishment where films, motion picture, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of "nudity" or "specified sexual activities" are regularly shown for any form of consideration.

D. Exotic Dance Studio: "Exotic Dance Studio", also known as "topless bar" and "adult cabaret", shall mean a nightclub, bar, restaurant, or similar commercial establishment to which any member of the public is invited or admitted and where an

entertainer provides live adult entertainment performances to any member of the public.

**City:** "City" means the City of Airway Heights, Washington.

**Clerk:** "Clerk" shall mean such city employees or agents, as the mayor shall designate to administer this chapter or any designee thereof.

**Conviction:** "Conviction" means an adjudication of conviction of guilt and occurs at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact finding motions, and appeals. Conviction also means a bail forfeiture.

**Employee:** "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any adult entertainment business offering adult entertainment, whether or not such person is paid compensation by the operator of said business.

**Entertainer:** "Entertainer" means any person who provides live adult entertainment in an adult entertainment business whether or not an employee of the operator and whether or not a fee is charged or accepted for such entertainment.

**Establish:** "Establish" shall mean and include any of the following:

A. To open or commence any adult entertainment business as a new business; or

B. To convert an existing business, whether or not an adult entertainment business, to any adult entertainment businesses defined herein.

C. To add any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or

D. To relocate any such adult entertainment business.

**License:** "License" shall mean a license to operate, manage or entertain at any premises that is classified as an adult entertainment business.

**Licensed premises:** "Licensed Premises" shall mean any premises that requires a license and that is classified as an adult entertainment business.

**Licensee:** "Licensee" shall mean a person in whose name a license to operate, manage or entertain at an adult entertainment business has been issued, as well as the individual listed as an applicant on the application for a license.

**Manager:** "Manager" means any person appointed by an owner or operator of an adult entertainment business who manages, directs, administers or is in charge of the affairs and/or the

conduct or operation of an adult entertainment business and includes assistant managers.

**Nude or Nudity:** “Nude or Nudity” shall mean:

A. Less than completely and opaquely covered or in such attire, costume or clothing as to expose to view male genitals, female genitals, pubic region, buttocks, anus, or any portion of the female breast below a point immediately above the top of the areolae; or

B. Wearing any device or covering exposed to view which stimulates the appearance of male genitals, female genitals, pubic region, buttocks, anus, or any portion of the female breast below a point immediately above the top of the areolae.

**Operator:** “Operator” shall mean and include the owner, permit holder, custodian, manager, operator, or person in charge of, conducting or maintaining an adult entertainment business.

**Panoram or Peep Show:** “Panoram” or “Peep Show” means any device which, upon insertion of a coin or by any other means, exhibits or displays a picture or view by film, video, or by any other means.

**Person:** “Person” shall mean any individual, firm, joint venture, copartnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver or any other group or combination acting as a unit.

**Specified Sexual Activities:** “Specified Sexual Activities” shall mean and include any of the following:

A. The caressing, touching, fondling or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breast of oneself or of one person by another, or

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or

C. Masturbation, actual or simulated; or

D. Human genitals in a state of sexual stimulation, arousal or tumescence or visual state of sexual stimulation, arousal or tumescence, even if completely and opaquely covered; or

E. Excretory functions as part of or in connection with any of the activities set forth in subdivisions A through D in this subsection.

(C-446, Added, 04/17/2000)

#### **Section 17.18.040 Administration of licensing.**

The clerk is responsible for granting, denying, revoking, renewing, suspending, and canceling adult entertainment business, managers and entertainers

licenses. The Planning Director and the Building Official or their designee are responsible for ascertaining whether a proposed adult entertainment business for which an adult entertainment business license is being applied for complies with all building code and land use requirements enumerated herein and all other applicable building code and zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date of this chapter.

(C-446, Added, 04/17/2000)

#### **Section 17.18.050 License required; Fee.**

A. Adult entertainment business license required.

1. No person or entity shall use any property or premises for an adult entertainment business with the City of Airway Heights except within those areas authorized for location of said businesses as set forth in Airway Heights zoning Code. No adult entertainment business shall be established, operated or maintained in the city unless the owner or operator thereof has obtained an adult entertainment business license from the clerk. It is unlawful for any entertainer, employer or operator to knowingly work in or about or to knowingly perform any service directly related to the operation of an unlicensed public adult entertainment business.

Violation/penalty. Any violation of the provisions of this subsection shall constitute a misdemeanor as set forth in this chapter.

2. The annual fee for an exotic dance studio business license shall be set by resolution. This amount shall be used for the cost of administration of this chapter.

3. The annual license fee for all other adult entertainment businesses subject to this chapter shall be set by resolution. This amount shall be used for the cost of administration of this ordinance.

4. The above-referenced licenses expire annually on December 31.

5. The applicant must be 18 years of age or older.

B: License for managers and entertainers required.

1. No person shall work as an entertainer at an adult entertainment business without having first obtained an entertainer’s license from the clerk. No person shall work as a manager of an exotic dance studio, adult arcade, adult motion picture theater or other adult entertainment businesses providing on-site entertainment without having first obtained a manager’s license from the clerk, the purpose being

to require licensed managers at adult entertainment at business establishments to monitor the conduct of patrons viewing adult entertainment on the premises and ensure compliance with this chapter. On-site entertainment includes, but is not limited to, live entertainment, the viewing of films and videos and other such entertainment on the premises, whether or not for a fee or other consideration, as opposed to strictly the sale or rental of adult books, magazines, novelties and videos. Violation/penalty. It shall be unlawful and a person commits a misdemeanor as set forth in this chapter if he or she acts or performs as a manager or entertainer in an adult entertainment business without said valid and current license as required in this section.

2. The annual fee for such a license shall be set by resolution. This amount shall be used for the cost of administration of this ordinance.

3. This license expires annually on December 31.

4. The applicant must be 18 years of age or older.

(C-446, Added, 04/17/2000)

#### **Section 17.18.060 License applications.**

A. Adult entertainment business. All applications for an adult entertainment business license for places which offer adult entertainment shall be submitted in the name of the person or entity proposing to conduct such adult entertainment on the business premises. All applications for an adult entertainment business license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the city, along with a non-refundable application-processing fee to be set by resolution, which shall contain the following information.

1. Names, any aliases or previous names, driver's license number, if any, business, mailing, and residential address, telephone number, and social security numbers of the applicant and each partner, corporate officer, director, specifying the interest and management responsibility of each such applicant, partner, corporate officer and/or director.

2. If a partnership, whether general or limited; and if a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.

3. Addresses of the applicant for the five- (5) years immediately prior to the date of application.

4. Any and all criminal misdemeanor or felony convictions or forfeitures, other than parking offenses or minor traffic violations, including dates of conviction, nature of the crime, name and location of court and disposition for each individual, partner, corporate officer and/or director identified in subparagraph 1 above for the ten (10) years immediately preceding the date of application.

5. A description of the business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.

6. Whether the applicant or any individual, partner, corporate officer, or director identified in subparagraph 1 above has had a previous license under this chapter or other similar ordinances from another city or county denied, suspended, or revoked, including the name and location of the adult entertainment business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension, or revocation.

7. Whether the applicant or any individual, partner, corporate officer, or director identified in subparagraph 1 above holds any other licenses under this chapter, or other similar adult entertainment business ordinance from another city or county and, if so the names and locations of such other permitted businesses.

8. The Single classification of license for which the applicant is filling.

9. The name and location of the proposed adult entertainment business, including a legal description of the property, street address, and telephone number(s), if any, together with the name and address of each owner and lessee of the property.

10. Two (2) two-inch by two-inch color photographs of each applicant, taken within six (6) months of the date of the application, showing only the full face of the applicant. The photographs shall be provided at the applicant's expense. Alternatively, the applicant may be required to submit to a photograph taken at the direction of the clerk.

11. Complete sets of fingerprints of each individual, partner, corporate officer, and director on forms prescribed by the Chief of Police.

12. In the case of an exotic dance studio, a scale drawing or diagram showing the configuration of the premises for the proposed exotic dance studio, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. The applicant shall further

demonstrate conformance with Airway Heights City Zoning Code pertaining to the location of adult entertainment businesses.

13. Authorization for the city, its agents and employees to investigate and seek information to confirm any statements set forth in the application.

14. Identification and/or information, as requested by the clerk, supplemental to that required in a complete application when deemed necessary to confirm statements set forth in the application or determine compliance with this chapter. The application will be deemed complete when the applicant submits responses to all inquiries on the application form and pays the prescribed fees.

15. Subparagraphs 10 and 11 above shall not be applicable to adult bookstores, adult novelty stores or adult video stores provided that such business does not provide on-site entertainment.

B. Processing adult entertainment business license applications.

1. Upon receipt of the complete application and fee, the clerk shall provide copies to the police, planning and other applicable departments for their investigation and review to determine compliance of the proposed adult entertainment business with the laws and regulations which each department administers. Each department shall, within thirty (30) days of the date of receipt of such application, report to the clerk whether such application and premises complies with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed adult entertainment business is not in conformance with the requirements of any provisions of any applicable statute, code, ordinance, regulation or other law in effect in the city. A recommendation for denial shall be in writing and cite the specific reason therefor, including applicable laws.

2. An adult entertainment business license shall be issued by the clerk within thirty (30) days of the date of filing a complete license application and fee, unless the clerk determines that the applicant has

failed to meet any of the requirements of this chapter or provide any information required under this subsection, or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. Upon request of the applicant, the clerk shall grant an extension of time, up to but not to exceed twenty (20) additional days, in which to provide all information required for license application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application. If the clerk finds that the applicant has failed to meet any of the requirements for issuance of an adult entertainment license, the clerk shall deny the application in writing, and shall cite, in writing, the specific reasons therefor, including applicable laws. If the clerk fails to issue or deny the license within thirty (30) days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable laws, operate the business for which the license was sought until notified, in writing, by the clerk that the license has been denied.

C. Manager or entertainer license. All applications for a manager or entertainer's license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the city, along with a non-refundable application processing fee to be set by resolution, which shall contain the following information:

1. The applicants name, any aliases or previous names, home address, home telephone number, date and place of birth, driver's license number, if any, social security number and, for entertainers, any stage names or nicknames used in entertaining.

2. The name and address of each business at which the applicant intends to work.

3. Documentation that the applicant has attained the age of eighteen (18) years. Any of the following shall be accepted as documentation of age:

a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth; or

b. A state issued identification card bearing the applicant's photograph and date of birth.

c. An official passport issued by the United States of America.

d. An immigration card issued by the United States of America.

e. Any other picture identification that the city determines to be acceptable.

4. A complete statement of all convictions of the applicant for any misdemeanor or felony

violations in this or any other city, county or state, except parking violations or minor traffic infractions.

5. A description of the applicant's principal activities or service to be rendered.

6. Resident addresses and telephone numbers for the period of three (3) years immediately prior to the date of application specifying the period of residence at each address.

7. The names and addresses of employers or individuals or businesses for whom the applicant was an employee or independent contractor for the period of three (3) years immediately prior to the date of application, including the period of employment.

8. Two (2) two-inch by two-inch color photographs of each applicant, taken within six (6) months of the date of the application, showing only the full face of the applicant. The photographs shall be provided at the applicant's expense.

Alternatively, the applicant may be required to submit to a photograph taken at the direction of the clerk.

9. Complete sets of fingerprints of each manager and entertainer on forms prescribed by the Chief of Police.

10. Authorization for the city, its agents and employees to investigate and seek information to confirm any statements set forth in the application.

11. Supplemental identification and/or information, as requested by the clerk, deemed necessary to confirm any information set forth in the application or to determine compliance with this chapter.

D. Processing managers or entertainers license applications. A copy of the application shall be provided to the police and other applicable departments for its review, investigation and recommendation. An adult entertainment business manager's or an adult entertainer's license shall be issued by the clerk within fourteen (14) days from the date the complete application and fee were received unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, or that the applicant has made any false, misleading or fraudulent statement of material fact in the application for a license. Upon request of the applicant, the clerk shall grant an extension of time, up to but not to exceed twenty (20) additional days, in which to provide all information required for license application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application. If the clerk determines that the applicant has failed to meet any

of the requirements for issuance of a managers or entertainers license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If a request for extension of time is not made, and the clerk has failed to approve or deny the license within fourteen (14) days of filing of a complete application for an adult entertainment business manager's license, the applicant may, subject to all other applicable laws, commence work as an adult entertainment business manager in a duly licensed adult entertainment business until notified, in writing, by the clerk that the license has been denied. An applicant for an adult entertainment manager or entertainer's license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license will automatically expire on the fourteenth (14) day (or such day established pursuant to any extension granted herein) following the filing of a complete application and fee, unless the clerk has failed to approve or deny the license application, in which case the temporary license shall be valid until the clerk approves or denies the application, or until the final determination of any appeal from a denial of the application. (C-446, Added, 04/17/2000)

#### **Section 17.18.070 Issuance of licenses.**

Upon completion of the investigation and review by the departments, a review of the recommendations and verifications, and a determination that all matters contained in the application are true and correct and that this chapter has been complied with, the clerk shall issue such license applied for in accordance with the provisions of this chapter. The applicable license fee, together with any delinquent fees that may then be due shall first be paid to the city. (C-446, Added, 04/17/2000)

#### **Section 17.18.080 Denial of application for licenses.**

The clerk shall deny the application to:

A. An applicant who is under eighteen (18) years of age.

B. An applicant who is overdue on his/her payment to the City of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to an adult entertainment business.

C. An applicant whose place of business is conducted by an agent, unless such agent possesses the same qualifications required of the licensee, or in the case of a manager of an adult entertainment

business, the manager has obtained a manager's license.

D. A partnership unless all the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the agent or said partnership.

E. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein. Such license shall be issued to the agent of said corporation.

F. An applicant who has failed to provide information required on a license application for the issuance of the license or has made, with the intent to mislead, a materially false representation in the application for a license under this chapter which the applicant knows to be false.

G. The applicant has failed to comply with any provision or requirement of this chapter.

H. An applicant having an interest in any license granted under this chapter revoked within six months from the date of application.  
(C-446, Added, 04/17/2000)

#### **Section 17.18.090 License term-renewals.**

A. There shall be no prorating of the license fees for licenses required pursuant to this chapter, and all such licenses shall expire on the thirty-first day of December of each year, except that in the event that the original application is made subsequent to June 30, then one-half of the annual fee shall be accepted for the remainder of said year.

B. Application for renewal of licenses issued hereunder shall be made to the clerk no later than thirty days prior to the expiration of adult entertainment business licenses and managers and entertainers business licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. All applicants for a license renewal shall present their current license for verification of identity, and upon issuance of a renewed license, shall surrender the expiring license to the clerk. There shall be assessed and collected by the clerk, an additional charge of twenty-five percent (25%) of the license fee, on applications not made on or before said date.

C. The clerk shall renew a license upon application unless the clerk is aware of facts that would disqualify the applicant from being issued the license for which he or she seeks renewal, and further provided that the application complies with all

provisions of this chapter as now enacted or as the same may hereafter be amended.  
(C-446, Added, 04/17/2000)

#### **Section 17.18.100 Other license requirements.**

A. Duty to Supplement.

1. Applicants for a license under this chapter shall have a continuing duty to promptly supplement application information required in the event that said information changes in any way from what is stated on the application. If any person or entity acquires, subsequent to the issuance of an adult entertainment business license for places offering adult entertainment, an interest in the licensed premises or the licensed business, immediate notice of such acquisition shall be provided in writing to the clerk. The notice shall include the information required to be provided for the original adult entertainment business. The failure to supplement the application on file with the clerk regarding such change in ownership or interest within thirty (30) days from the date of such change, shall be grounds for suspension or revocation of a license.

2. The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with health, fire, and building codes of the City.

3. The fact that a person possesses other types of State or City permits and/or licenses does not exempt him/her from the requirement of obtaining an adult entertainment business license.

B. Manager on Premises. A licensed manager shall be on duty on the premises of an adult business at all times that adult entertainment is being provided.

C. License Nontransferable. No license or permit issued pursuant to this chapter shall be assignable or transferable. For purposes of this chapter, "assignable" or "transferable" shall mean and include any of the following:

1. The sale, lease or sublease of the business; or
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift or other similar legal devise which transfers the ownership or control of the business, except for transfer by bequest or other operation of law.

D. Name of Business and Place of Business. No person granted a license pursuant to this chapter shall operate the adult entertainment business under a name not specified in the license, nor shall he or she

conduct business under any designation or location not specified in the license.

E. License – Posting and Display.

1. The adult entertainment business license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, and the address of the licensed adult entertainment business. The license shall be posted in a conspicuous place at or near the entrance to the licensed premises so that it can be easily read at any time the business is open.

2. The license of the manager on duty shall be prominently posted during business hours.

3. Entertainer licenses need not be posted, but must be available on the premises when the entertainer is on the premises, for immediate inspection by any city official or law enforcement agency having jurisdiction. The clerk for the business premises for which the manager is managing must endorse managers' and entertainers' licenses and the entertainer is entertaining.

4. Under no circumstances will photocopies or other forms of reproduction be acceptable as proof of issuance of any license required under this chapter.

5. Violation/penalty. Any violation of the provisions of this subsection is a misdemeanor as set forth in this chapter.

F. Inspection of licenses. The manager shall, upon request by any law enforcement officer or business license inspector, make available for inspection the entertainer licenses required to be on the premises as described herein.

(C-446, Added, 04/17/2000)

**Section 17.18.110 Specifications– Exotic dance studios.**

A. Separation of Adult Entertainment Performance Area. The portion of the exotic dance studio premises in which dancing and adult entertainment by an entertainer is performed shall be a stage or platform at least twenty-four (24) inches in elevation above the level of the patron seating areas and shall be situated so that no dances, performances, or exhibitions by an entertainer shall occur closer than ten (10) feet to any patron. The stage(s) must be visible from the common areas of the premises and at least one manager's station.

B. Lighting. Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by patrons so that all objects are plainly visible at all times, and shall be illuminated so that patrons, on any part of the premises open to the public, shall be able

to read a program, menu, or list printed in eight (8) point type.

C. Visibility. No adult entertainment performance may be visible outside the premises of the adult entertainment business.

D. Submittal of Plans. Building plans showing conformance with the requirements of this section shall be included with any application for an exotic dance studio business license.

E. Signs. Signs of sufficient size to be readable at twenty (20) feet shall be conspicuously displayed in the public area of the establishment stating the following:

**THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY THE CITY OF AIRWAY HEIGHTS. ENTERTAINERS ARE:**

1. Not permitted to engage in any type of sexual conduct;
2. Not permitted to dance or appear nude, except on stage;
3. Not permitted to solicit or demand or to directly accept, or receive any gratuity or other payment from a patron.

(C-446, Added, 04/17/2000)

**Section 17.18.120 Standards of conduct and operation applicable to exotic dance studios.**

A. Standards for Patrons, Employees and Entertainers. The following standards of conduct must be adhered to by patrons, entertainers and/or employees of exotic dance studios at all times adult entertainment is performed.

1. Admission to exotic dance studios under this section shall be restricted to persons of the age of eighteen (18) years or more.

2. All dances, performances, or exhibitions by an entertainer shall occur on the entertainment performance area intended for that purpose described in Section 17.18.110(A).

3. No dances, performances, or exhibitions by an entertainer shall occur closer than (10) feet to any patron.

4. No patron shall go into or upon the adult entertainment performance area described in Section 17.18.110(A) above while adult entertainment is being performed.

5. No Patron, employee or entertainer shall be nude on the premises and no entertainer shall entertain while nude except on the entertainment performance area described in Section 17.18.110(A).

6. No patron, employee or entertainer shall allow, encourage, or knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, pubic area, or genitals of any other person.

7. No patron, employee or entertainer shall allow, encourage, or permit physical contact between an employee or entertainer and any member of the public, which contact is intended to arouse or excite sexual desires.

8. No employee or entertainer shall perform acts in a lewd or obscene fashion or perform acts of or acts which simulate:

a. Specified sexual activities as defined in this chapter; or

b. The touching, caressing or fondling of the breasts, buttocks or genitals.

9. No entertainer employed or otherwise working at an exotic dance studio shall solicit any gratuity or other payment from a patron or customer.

10. No customer or patron of an adult entertainment business shall directly pay or give any gratuity or other payment to any entertainer.

11. It is unlawful for any entertainer, manager, employee, or waitperson to perform more than one such function at an exotic dance studio on the same business day.

12. It is unlawful for any entertainer to use any stage name or nickname not listed in the application for entertainer's license.

13. No exotic dance studio licensee shall employ as an entertainer a person under the age of eighteen years of a person not licensed pursuant to this chapter.

14. No exotic dance studio licensee shall service, sell, distribute, or suffer the consumption or possession of any intoxicating liquor or controlled substance upon the premises of the licensee.

B. The responsibilities of the manager of an exotic dance studio shall include but are not limited to:

1. A licensed manager shall be on duty at an exotic dance studio at all times adult entertainment is being provided or members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours. Managers shall be required to verify and ensure that entertainers possess a current and valid entertainer license available for immediate inspection on the premises.

2. The licensed manager on duty shall not be an entertainer.

3. The manager licensed under this Chapter shall maintain visual observation of each member of

the public at all times any entertainer is present in the public or performance area of the exotic dance studio. Where there is more than one performance area, or the performance area is of such size or configuration that one manager or assistant manager is unable to visually observe, at all times, each adult entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter shall be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the exotic dance studio.

4. The manager shall be responsible for and shall assure that the actions of members of the public, the adult entertainers and all other employees shall comply with the dress code and conduct set forth in this chapter and all other requirements of this chapter.

C. Violation/penalty. Any violation of the provisions of this section by a patron, owner, operator, manager, or any employee is a misdemeanor as set forth in this chapter.

(C-446, Added, 04/17/2000)

**Section 17.18.130 Regulations applicable to adult arcades, adult motion pictures theaters and other adult entertainment businesses providing on site entertainment.**

A. Specifications.

1. The licensee shall not permit any doors to public areas on the premises to be locked during business hours.

2. Any room or area on such premises shall be readily accessible at all times for inspection by any law enforcement officer or license inspector.

B. Additional specifications applicable to adult arcades.

1. The interior of the show premises shall be arranged in such a manner as to insure that patrons are fully visible from the waist down, and all person viewing such panoram pictures shall be visible from the common areas of such premises.

2. No more than one patron at a time shall be present in a booth, cubicle, room, or stall wherein adult entertainment is provided.

3. The licensee shall maintain, at a minimum, illumination as required in this chapter for exotic dance studios, generally distributed in all parts of the premises at all times when the facility is open or when the public is permitted to enter or remain therein

C. Standards of Conduct.



1. Admission shall be restricted to persons of the age of eighteen (18) years or more and it shall be unlawful for any owner, operator, manager or employee of an adult arcade to knowingly permit or allow any person under the age of eighteen (18) years to be in or upon such premises.

2. No patron shall be unclothed or in such attire, costume or clothing so as to be in a state of nudity or engage in any specified sexual activity and no owner, operator, manager or employee shall knowingly allow such conduct in or upon the premises.

3. Violation/penalty. Any violation of the provisions of this subsection by a patron, owner, operator, manager, or any employee is a misdemeanor as set forth in this chapter.  
(C-446, Added, 04/17/2000)

**Section 17.18.140 Regulations applicable to book stores, novelty stores, video stores and other businesses whether or not qualifying as adult entertainment businesses.**

A. Book stores, novelty stores, video stores, and other businesses that sell or otherwise distribute books, magazines, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of nudity or specified sexual activities, whether or not such businesses qualify as an adult entertainment business under this chapter and whether or not less than 20% of their stock-in-trade or revenues comes from the rental or sale of such items, shall be subject to the following regulations:

1. All such items as are described above shall be physically segregated and closed off from other portions of the store where non-adult entertainment material, if any, is displayed, sold or rented.

2. No advertising for such items shall be posted or otherwise visible, except where such items are authorized for display.

3. Signs readable at a distance of 20 feet shall be posted at the entrance to the business or the area where such items are displayed stating that persons under the age of eighteen (18) are not allowed access to the area where such items are displayed.

4. The manager or attendant shall take responsible steps to monitor the area where such items are displayed to insure that persons under eighteen (18) years of age do not access the age-restricted area.

5. Employees of such businesses shall check identification of persons appearing to be eighteen (18) or under to insure that such items are not rented or sold to persons under the age of eighteen (18).

B. Rental or sale of obscene material (as defined by state law) or material harmful to minors (as defined by state law) to persons under eighteen (18) years of age is prohibited. Violation/penalty. Any violation of the provisions of this subsection by an owner, operator, manager, or employee of an adult entertainment business is a misdemeanor as set forth in this chapter.

(C-446, Added, 04/17/2000)

**Section 17.18.150 Exemptions.**

A. This chapter shall not be construed to prohibit:

1. Plays, operas, musicals, or other dramatic works which are not obscene;

2. Classes, seminars and lectures held for serious scientific or educational purposes; or

3. Exhibitions or dances which are not obscene.

B. For purposes of this chapter, an activity is obscene if:

1. Taken as a whole by an average person applying contemporary community standards the dominant theme of the activity appeals to a prurient interest in sex;

2. The activity portrays or depicts in a patently offensive way, as measured against community standards, representations of:

a. Ultimate sexual acts, normal or perverted, actual or simulated; or

b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

3. The activity taken as a whole lacks serious literary, artistic, political, or scientific value.

(C-446, Added, 04/17/2000)

**Section 17.18.160 Record keeping requirements.**

A. All licenses, papers, records, and things required to be kept pursuant to this chapter shall be open to inspection by the clerk during the hours when the licensed premises are open for business, upon two days' written notice. The purpose of such inspections shall be to determine whether the licenses, papers, records, and things meet the requirements of this chapter.

B. Each adult entertainment business shall maintain and retain for a period of two years the name, address, and age of each person employed or otherwise retained or allowed to perform on the premises as an adult entertainer, including

independent contractors and employees. This information shall be open to inspection by the clerk during hours of operation of the business upon twenty-four hours notice to the licensee.

C. No later than March 1 of each year an exotic dance studio licensee shall file a verified report with the clerk showing the licensee's gross receipts and amounts paid to entertainers for the preceding calendar year. Amounts paid to entertainers include, but are not limited to, tips patrons pay indirectly to entertainers through the adult entertainment business. (C-446, Added, 04/17/2000)

**Section 17.18.170 Inspections.**

In order to insure compliance with this chapter, all areas of licensed adult entertainment businesses, which are open to members of the public, shall be open to inspection by city agents and city employees during the hours when the premises are open for business. The purpose of such inspections shall be to determine if the licensed premises are operated in accordance with the requirements of this ordinance. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this ordinance. Except as provided for in 17.18.160. (C-446, Added, 04/17/2000)

**Section 17.18.180 Hours of operation.**

It is unlawful for any adult entertainment business premises, to be conducted, operated, or otherwise open to the public between the hours of two a.m. (2:00 a.m.) and ten a.m. (10:00 a.m.). Violation/penalty. Any violation of the provisions of this section by the owner, operator or manager of an adult entertainment business is a misdemeanor as set forth in this chapter. (C-446, Added, 04/17/2000)

**Section 17.18.190 Appeal of license denial–Hearing.**

A. Notice. Any person aggrieved by the action of the clerk in refusing to issue or renew any license under this chapter shall have the right to appeal such action to the hearing examiner by filing a notice of appeal with the clerk within ten (10) days of notice of the refusal to issue or renew. Such appeal shall be processed pursuant to the hearing procedures set forth in Chapter 14.06 of the Airway Heights Municipal Code. The hearing examiner shall set a date for hearing such appeal, to take place within forty-five (45) days of the date of receipt of the notice of appeal unless such time is extended by mutual consent. At such hearing the appellant and other interested

persons may appear and be heard, subject to rules and regulations of the hearing examiner. The decision of the clerk not to renew a license shall be stayed during the pendency of any appeal to the hearing examiner and during any judicial appeal.

B. Final Administrative Review. Appeal to the hearing examiner shall constitute final administrative review.

C. Appeal to Municipal Court. An appeal of the decision of the hearing examiner must be filed with Municipal court within ten (10) calendar days from the date the hearing examiner's decision was personally served upon or was mailed to the person to whom the notice of civil violation was directed, or is thereafter barred. The appeal shall be limited to evidence before the Hearing Examiner and the appellant shall be responsible for ordering and paying for a transcript prior to any hearing. (C-446, Added, 04/17/2000)

**Section 17.18.200 License suspension and revocation– Hearing.**

A. Grounds. The clerk, upon the recommendation of the Chief of Police or other city official responsible for administering laws and regulations pertaining to any license issued under this chapter, or his/her designee, may suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or through a materially false representation of fact; or for the conviction of, or failure to comply with, the provisions of this chapter or any other similar local or state law by the licensee or any of his/her servants, agents or employees when the licensee know or should have known of such acts or violations committed by its servants, agents or employees; or the conviction of the licensee, or any of his or her servants, agents, or employees, of any crime or offense involving prostitution, promoting prostitution, sexual crimes against children, sexual abuse, rape, distribution of obscenity or material harmful to minors, or transactions involving controlled substances (as that term is defined in RCW Chapter 69.50) committee on the premises of the adult entertainment business

B. Suspension and Revocation. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the license shall be suspended for a period of thirty (30) days upon the first such violation, ninety (90) days upon the second violation within a 24 month period, and revoked for third and

subsequent violations within a 24 month period, not including periods of suspension; EXCEPT that where the city building official or fire chief or their designees or the Spokane County Health Department find that any condition exists upon the premises of an adult entertainment business which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with Section 17.18.190 above. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property.

C. Notice. The clerk shall provide at least ten (10) days prior written notice to the licensee of the decision to suspend or revoke license. Such notice shall inform the licensee of the right to appeal the decision to the hearing examiner and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. Such appeal shall be processed pursuant to the hearing procedures set forth in Chapter 14.06 of the Airway Heights Municipal Code. The hearing examiner shall set a date for hearing such appeal, to take place within forty-five (45) days of the date of receipt of the notice of appeal unless such time is extended by mutual consent. At such hearing the appellant and other interested persons may appear and be heard, subject to rules and regulations of the hearing examiner. The decision of the clerk shall be stayed during the pendency of any appeal to the hearing examiner and during any judicial appeal.

D. Final Administrative Review. Appeal to the hearing examiner shall constitute final administrative review.

E. Appeal to Superior Court. An appeal of the decision of the hearing examiner must be filed with the Superior Court within thirty (30) calendar days from the date the hearing examiner's decision was personally served upon or was mailed to the person to whom the notice of suspension or revocation was directed, or is thereafter barred.  
(C-446, Added, 04/17/2000)

#### **Section 17.18.210 Nuisance declared.**

A. Public nuisance. Any adult entertainment business operated, conducted, or maintained in violation of this chapter or any law of the City of Airway Heights or the State of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The City Attorney may, in addition to or in lieu of any other remedies set forth in this chapter,

commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter

B. Moral Nuisance. Any adult entertainment business operated, conducted or maintained contrary to the provisions of RCW Chapter 7.48A, Moral Nuisance, shall be, and the same is declared to be, unlawful and a public and moral nuisance and the City Attorney may, in addition to or in lieu of any other remedies set forth herein, commence an action or actions, to abate, remove and enjoin such public and moral nuisance, or impose a civil penalty, in the manner provided by RCW Chapter 7.48A.  
(C-446, Added, 04/17/2000)

#### **Section 17.18.220 Limitation of liability.**

None of the provisions of this ordinance are intended to create a cause of action or provide the basis for a claim against the City, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.  
(C-446, Added, 04/17/2000)

#### **Section 17.18.230 Violation penalty--misdemeanor.**

In addition to other remedies provided for in this chapter, any person violating any of the provisions of this chapter constituting a misdemeanor shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, and each and every day during which any violation is committed, continued or permitted shall be deemed a separate offense; provided, no person shall be deemed guilty of any violation of this ordinance if acting in an investigative capacity pursuant to the request or order of the Police Chief or prosecuting attorney or duly-appointed agent thereof. This section does not apply to an appeal for a license denial pursuant to Section 17.18.190  
(C-446, Added, 04/17/2000)

#### **Section 17.18.240 Additional enforcement.**

The remedies found in this chapter are not exclusive, and the City may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.  
(C-446, Added, 04/17/2000)

## **Chapter 17.19**

### **DEVELOPMENT STANDARDS**

#### **Sections:**

#### **17.19.010 Purpose and intent.**

#### **Section 17.19.010 Purpose and intent.**

The development standards include Chapter 17.19 through Chapter 17.28 AHMC, and apply to all zones designated within Chapter 17.05 AHMC. The intent of the development standards is to provide specific zoning requirements in addition to requirements found within each zone.  
(C-446, Added, 04/17/2000)

## Chapter 17.20

### SIGHT CLEARANCE FOR INTERSECTIONS AND SHOULDERS

#### Sections:

- 17.20.010 Purpose and intent.**
- 17.20.020 Sight distance areas.**
- 17.20.030 Vertical clearance.**
- 17.20.040 Sight obstruction allowed.**
- 17.20.050 Special cases.**

#### **Section 17.20.010 Purpose and intent.**

The purpose of this chapter is directed toward protecting and enhancing the well being of the residents of the city through improved traffic safety at intersections and along roadway shoulders. (C-446, Added, 04/17/2000)

#### **Section 17.20.020 Sight distance areas.**

A. The obstruction of a motor vehicle operator's view on the shoulder or at an intersection shall be prohibited within the sight distance area described in this section, which is located between a height of forty-two (42) inches and ten (10) feet above the existing surface of the street. Sight distance areas include the first twenty (20) feet of the shoulder bordering on the improved road and that portion of an intersection that falls within the clear view triangle as described herein. A clear view triangle shall be formed on all intersections by extending two lines the lengths specified below from the center of the intersection along the centerline of both approaches, then connecting the ends of both approaches to form the hypotenuse of a triangle. To determine the clear view triangle, the measurement along the centerline of the roadway approaches shall be as follows:

1. For the intersection of a local access street with an arterial or higher classification roadway, the area can be determined by measuring from the centerline of the intersection a distance of two hundred (200) feet along the arterial, and a distance of forty (40) feet along the local access street.
2. For the intersection of two local access streets, the area can be determined by measuring from the intersection centerline ninety (90) feet for each street.

B. Fencing, walls, landscaping, signs and any sight obstruction, which constitutes a hazard to the traveling public, shall not be permitted on corner lots in any zone within the area designated as a clear view triangle. The area within the clear view triangle shall

be subject to said restrictions to maintain a clear view on the intersection approaches. (C-446, Added, 04/17/2000)

#### **Section 17.20.030 Vertical clearance.**

Trees or other objects projecting over the improved street shall be maintained no lower than fifteen (15) feet above the surface of the street. (C-446, Added, 04/17/2000)

#### **Section 17.20.040 Sight obstruction allowed.**

The following obstructions are allowed in the clear view triangle:

- A. Traffic-control devices;
- B. Public utility poles;
- C. Structures, fences, and vegetation which were existing prior to passage of the ordinance codified in this chapter which do not constitute a safety hazard and which are substantially in conformance with this title, and buildings constructed in conformance with the provisions of the C-1 zone;
- D. Trees trimmed from the base to the height of ten (10) feet;
- E. Places where contours of the ground allow no cross-visibility at the intersection. (C-446, Added, 04/17/2000)

#### **Section 17.20.050 Special cases.**

Where unusual conditions preclude the application of this section in a reasonable manner, the city planner may establish minimum sight distances based on the intent of this section. These minimum sight distances may be more restrictive than provided elsewhere in this section. (C-446, Added, 04/17/2000)

## Chapter 17.21

### FENCES AND WALLS

#### Sections:

#### 17.21.010 Requirements.

##### Section 17.21.010 Requirements.

A. No fences, walls, or hedges over forty-two (42) inches in height shall be allowed within the front yard setback. Fences, walls, hedges, and landscaping on all corner lots shall be subject to the requirements for maintaining a clear view triangle as required by Chapter 17.20 AHMC. In residential zones, back and side fences shall not exceed six (6) feet in height and can be constructed along the property line provided all requirements of this chapter can be met. Within a PUD, perimeter fencing may be six (6) feet in height in the front yard, as long as the clear view triangle requirements of Chapter 17.20 AHMC are maintained. Entranceway gates, arches, covered entrances, and support structures may exceed six (6) in height when specific design is presented and approved by the planning commission. A minimum of five (5) feet of landscaping is required between the perimeter fence and road right-of-way within a PUD.

B. Front yard hedges, fences, and walls that are continuous in length shall have one (1) access opening a minimum of thirty-six (36) inches in width and shall remain unobstructed by any items other than a gate in order to form a clear passage to the street. Fences, walls, and hedges which existed prior to the adoption of the ordinance codified in this section that exceed the prescribed height or access opening requirements and pose a life safety hazard as to ingress and egress shall be required to provide such access points as defined in this chapter.

C. No electric or barbed wire may be maintained in any zone except within the areas which are continuing with agricultural use, when they do not border residential zones. Electric fences shall be for the confinement of animals and shall conform to the Washington State Rules and Regulations for electrical wiring RCW 19.28, as to voltage, amperage, and safety factors, and shall be energized only with Underwriters Laboratories approved equipment. Electric fences shall be marked with warning signs spaced every one hundred (100) feet along the fence.

D. Fences over six (6) feet in height, but not exceeding eight (8) feet, shall be allowed in mining or industrial zones. Only that portion over six (6) feet in height may be barbed or razor wire. All residential

uses that exist in zones other than residential shall be required to conform to the specifications set forth in this chapter for residential zones.

E. Swimming pools, both public and private, shall be surrounded by a six foot (6' ) high fence, with a gate having latching hardware operable only from the poolside of the fence.

F. Notwithstanding any provision of the Uniform Building Code, a permit must be obtained from the city before any fence is constructed. The fee for such permit shall be in accordance with fees specified in the Uniform Building Code fee schedule or as revised by the city.

(C-446, Added, 04/17/2000)

## Chapter 17.22

### OFF-STREET PARKING AND LOADING

#### Sections:

- 17.22.000 Purpose and intent.**
- 17.22.010 Off-street parking and loading required.**
- 17.22.020 Number of off-street parking spaces required.**
- 17.22.030 Size of parking spaces.**
- 17.22.040 Location of parking spaces.**
- 17.22.050 Parking lot design, surfacing and marking requirements.**
- 17.22.060 Illumination.**
- 17.22.070 Parking requirements for mixed-use occupancies.**
- 17.22.080 Joint-use parking requirements.**
- 17.22.090 Parking for unspecified uses.**
- 17.22.100 Required off-street loading.**

#### **Section 17.22.000 Purpose and intent.**

The purpose of the off-street parking and loading standards is to provide the public with an adequate number of parking spaces, vehicular ingress and egress from a building or parking area to a public street, and access for emergency vehicles. The intent is to control parking, internal circulation, and access out onto a public street and to provide an aesthetically pleasing parking facility which can incorporate the required drainage and landscaping, all in the interest of public safety and general welfare. (C-446, Added, 04/17/2000)

#### **Section 17.22.010 Off-street parking and loading required.**

A. Off-street parking and loading shall be provided and maintained in accordance with this chapter for any building hereafter erected, altered, enlarged, relocated, or reoccupied after being vacant for a period of one (1) year or more.

B. These regulations shall not be interpreted to prevent the occupancy of a building erected prior to the effective date of this chapter where it can be demonstrated that there is insufficient land unoccupied by building upon the site to provide the required number of parking spaces.

C. Where structural alterations or additions subsequent to the effective date of this chapter create units of additional floor space, dwelling units, bowling alleys or other units requiring off-street parking, the number of such spaces required shall be

determined by reference only to the additional floor space, dwelling units, bowling alleys, or other units.

D. Removal of required off-street parking and/or loading spaces from practical use by obstruction, erection of buildings or structures, or by other action is prohibited, and any such action in violation of this section shall be considered a misdemeanor subject to punishment and remedy prescribed in Section 1.16.010 AHMC.

E. Any addition to a building, or any change in use of a building or site to such an extent that a permit or Certificate of Occupancy is necessary, shall require compliance with the provisions contained herein. All required parking areas shall be made permanently available free of charge to the customers of the use on the site and maintained for parking purposes only. No building permit shall be issued until plans showing provision for the required off-street parking have been submitted and approved. Every lot or parcel of land, or portion thereof, used as a public or private parking area shall be developed and maintained in accordance with this section; however, detached single-family and duplex housing shall be exempt from all requirements. (C-446, Added, 04/17/2000)

**Section 17.22.020 Number of off-street parking spaces required.**

The number of off-street parking spaces required for each use shall be as follows (where a use is not listed, the city planner shall determine the number of spaces required based upon similar listed uses):

<i>Land Uses</i>	<i>Parking Spaces Required *</i>
Single-family residences	2 spaces per unit
Duplex residences	2 spaces per unit
Multiple family residences	1 space per unit
Retirement/elderly apartments	1 space per 3 units
Hotels, motels, boarding houses, clubs, and lodges with overnight accommodations	1 space per unit/room, plus parking as required for restaurant, retail, and conference convention facilities
Dormitories	1 space per planned resident
Group homes	1 space per staff person, plus 1 space per five residents, plus 1 space per vehicle operated by the facility
Family day care homes	None required other than for single-family residences
Day care centers/adult day care facilities	1 space per staff person, plus 1 pick-up and drop-off space, plus 1 space per 10 children or adults
Nursing homes and convalescent centers	1 space per 4 beds or per 1,000 square feet
Hospitals	1 space per 4 beds
Junior high schools and elementary schools	2 spaces per teaching station
High schools	6 spaces per teaching station
Colleges, universities, business and trade schools	1 space per 4 seats in classroom, plus 1 space per classroom
Specialized schools/studios (e.g., dance, gymnastics, martial arts, etc.)	1 space per 200 gross sq. ft.
Home industry/profession	None required other than for single-family residences
Professional offices	1 space per 400 gross sq. ft., minimum of 5 spaces
Medical and dental offices, animal veterinary clinics	1 space per 200 gross sq. ft.
Banks and other services	1 space per 400 gross sq. ft., minimum of 5 spaces
Barber or beauty shops/schools	1 space per 75 gross sq. ft.
Laundrettes or self-service laundries	1 space per 4 machines
Libraries, art galleries, museums	1 space per 250 gross sq. ft.
Auditoriums, theaters, stadiums, churches, funeral homes, bingo parlors (fixed seating)	1 space for every 4 seats or 1 space for every 8 ft. of bench or pew
Clubs, lodges, dance halls, bingo parlors and other assemblies (without fixed seating)	1 space for 80 gross sq. ft.
Tennis, racquetball, handball, and similar courts and clubs	2 spaces per court, plus 1 space per 40 gross sq. ft. of assembly area
Bowling alleys	5 spaces per lane
Skating rinks	1 space per 150 gross sq. ft.
Drive-in and take-out restaurants (no seating)	1 space per 50 gross sq. ft., minimum of 6 spaces
Full-service restaurants, taverns, and lounges	1 space per 50 gross sq. ft. including customer service area, minimum of 6 spaces
Car washes and other short turn-around auto services (e.g., tire mounting)	1 space for each employee, plus 3 spaces for each service bay
Auto repair garage	1 space per 400 gross sq. ft., minimum of 3 spaces
Motor vehicle or large machinery retail	1 space per 1,000 gross sq. ft. building space, plus 1 space per 1,500 gross sq. ft. outside display/sales lot or 2 spaces for each 3 employees
Manufactured (mobile) home and recreation vehicle retail	1 space per 3,000 gross sq. ft. of lot area
Furniture or large appliance retail	1 space per 1,000 gross sq. ft.
Other retail, commercial	1 space per 400 gross sq. ft., minimum of 3 spaces
Self-service storage facilities	1 space for each employee, plus 1 space for every 300 storage units
Wholesale commercial and warehouse	1 space per 2,000 gross sq. ft.
Industrial	1 space per 1,000 gross sq. ft. or 2 spaces for each 3 employees
Auto wrecking yards	15 spaces for sites up to 10 acres, 25 spaces for sites over 10 acres

\* The city's technical review committee may provide further determination of required parking spaces (i.e. based upon spaces/employees rather than spaces/square footage) dependent upon the activity.  
(C-446, Added, 04/17/2000)



**Section 17.22.030 Size of parking spaces.**

Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet exclusive of drives and aisles, and a width of not less than nine (9) feet. Each such space shall be provided with adequate ingress and egress. (C-446, Added, 04/17/2000)

**Section 17.22.040 Location of parking spaces.**

General: The following elements pertain to non-joint-use parking requirements:

Off-street parking spaces shall be located as specified herein. Where distance is specified, such distance shall be the walking distance measured from the nearest point of the building that it serves.

A. Off-street parking facilities shall be located within a reasonable distance to the building.

B. All parking spaces and/or stalls and aisles shall be designed according to the following parking design standards:

1. Two-way angled stalls shall have a minimum twenty one foot (21' ) wide aisle. Two way, ninety degree (90°) parking stalls shall have a minimum twenty four foot (24' ) wide aisle;

2. One way parking stalls shall have a minimum twelve foot (12' ) wide aisle for forty five degree (45°) angled stalls;

3. Parking stalls shall be designed so that there is minimal vehicle overhang into adjoining property, public rights of way, landscaped areas, and/or drainage areas.

C. Parking spaces designed at any angle other than those described herein are permitted, provided the width of stalls and aisles is proportionately adjusted based upon the angle proposed.

D. Parking shall be so designed to minimize automobiles backing out into public streets or into main circulation routes within the parking lot. Single-family and duplex residences are exempt from this requirement.

E. Handicap parking shall be installed in accordance with the Regulations for Barrier-Free Facilities as adopted by the Washington State Building Code Advisory Council and as administered by the Building and Safety Department. The handicap parking space shall be included in the number of required parking spaces.

F. Bicycle racks and /or storage shall be provided whenever fifty (50) or more parking spaces are required. There shall be two (2) racks required for fifty (50) to seventy four (74) parking spaces and one

(1) rack for every additional twenty five (25) parking spaces required.

G. A parking plan shall be submitted to the city planner for review and approval prior to the issuance of any building or land use permits. (C-446, Added, 04/17/2000)

**Section 17.22.050 Parking lot design, surfacing and marking requirements.**

A. All off-street parking and commercial, industrial storage areas shall be graded and a paved surface installed before a Certificate of Occupancy for the building is issued. All paving shall be done in a manner consistent with standards set forth by the city engineer, except for the exemptions listed below, which shall be graded and hard surfaced.

1. Parking and storage areas routinely used by cleated and other heavy equipment as approved by the city planner;

2. The city planner may waive portions of these requirements upon recommendations by the city engineer' s office when it can be demonstrated that the proposed surfacing, such as grass pavers or other technology, will not adversely affect air quality, water quality, or the integrity of the parking area.

B. General Requirements (all parking areas). The paving and hard surfacing shall provide for proper storm drainage, and allow for parking stalls and installation of other traffic control devices as set forth by the city engineer. All traffic control devices, such as parking strips designating car stalls, directional arrows or signs, and curbs and other traffic control devices, shall be installed and completed as required by this section and as shown on the approved plans. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas. Pedestrian walks on the exterior of the parking lot shall be curbed or raised six (6) inches above the lot surface or to curb height, excluding those areas used for driveways, curb cuts necessary for meeting handicap requirements, and curb cuts necessary for meeting stormwater requirements. The parking lot surfacing and drainage facilities shall be inspected and approved prior to issuance of a Certificate of Occupancy. Off-street parking stalls shall comply with the minimum parking design standards outlined Section 17.22.040 AHMC. Landscaping for parking areas shall be provided as specified in Section 17.23.080 AHMC. (C-446, Added, 04/17/2000)

**Section 17.22.060 Illumination.**

Any lights provided to illuminate any parking area shall be constructed, shielded, and used so as not to illuminate directly or create glare visible from adjacent properties or public rights-of-way. Lighting resembling or conflicting with traffic signals or emergency vehicles or otherwise creating safety hazards for pedestrian or vehicular traffic is prohibited.

(C-446, Added, 04/17/2000)

**Section 17.22.070 Parking requirements for mixed-use occupancies.**

In the case of mixed-use occupancies in a building or on a lot, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for a particular use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

(C-446, Added, 04/17/2000)

**Section 17.22.080 Joint-use parking requirements.**

A. The owner(s) of a group of uses or buildings may jointly provide for the collective use of off-street parking and loading spaces, subject to the city planner's approval of the plans thereof. Such plans shall include the identification of the limits of the property involved; the outline of all structures; the identification of all other areas not involved in the off-street parking, loading, or access thereto (e.g., pedestrian areas, landscaping, refuse storage areas); the actual layout of all off-street parking and loading spaces, as well as access thereto; identification of those spaces to be used collectively if other than all spaces on the property; and an agreement signed by all owners of the subject property binding them to continued collective use of off-street parking and loading spaces.

B. For shopping centers, the city planner may establish a total parking requirement based upon the mixture of uses contained within the center. If the city planner finds the uses within the center have substantially dissimilar peak demands for off-street parking, the city planner may establish the center's parking requirements at a level reduced up to twenty five percent (25%) of the normal parking requirement.

C. Up to fifty percent (50%) of the parking facilities required by this section for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a

nighttime use or vice versa, provided the reciprocal parking area shall be subject to the conditions set forth in this subsection, nos. F, G, and H.

D. Up to one hundred (100%) of the Sunday and/or nighttime parking facilities required by this section for a church or auditorium incidental to a public or parochial school may be supplied by parking facilities required for the school use, provided that the reciprocal parking area shall be subject to the conditions set forth in this subsection, nos. F, G, and H.

E. For purposes of this subsection, the following uses are typical daytime uses: business offices, barber and beauty shops, and manufacturing or wholesale buildings. The following uses are typical nighttime and/or Sunday uses: auditoriums, incidental to a public or parochial school, churches, dance halls, theaters, and taverns.

F. The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within a reasonable distance of the parking facilities.

G. The applicant shall demonstrate that there is not substantial conflict in the principal operating hours of the buildings or uses for which the joint use of the parking facility is proposed.

H. Parties jointly using off-street parking facilities, as provided for herein, shall execute a legal easement regarding their joint use agreement. The agreement shall be subject to review by the city planner and recorded in the county auditor's office. The agreement shall run with the land and not be terminable without authorization being given by the city planner, based upon changed conditions.

(C-446, Added, 04/17/2000)

**Section 17.22.090 Parking for unspecified uses.**

When the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the city planner, and such determination shall be based upon the requirements for the most comparable use specified herein or other requirements based on the best available information concerning the proposed use.

(C-446, Added, 04/17/2000)

**Section 17.22.100 Required off-street loading.**

A. It is the intent of this section to require all future commercial, business, institutional, or industrial development to provide off-street loading

facilities in order to guarantee full utilization of existing rights-of-way to accommodate present and future traffic demands. Off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls. Off-street loading facilities must be located in such a manner that service vehicles do not block or intrude into public right-of-way or block driveways or parking area circulation.

B. Location and Design:

1. All off-street loading spaces shall be designed to minimize impacts on adjacent properties.

2. In all cases, loading facilities shall be located on the same lot as the structure they are designed to serve. Required front or flanking street side yards cannot be used for loading, except as approved by the city planner. Off-street loading space shall not be included in an area used to satisfy off-street parking requirements.

3. Loading spaces shall be designed and located so vehicles using these spaces do not project into any public right-of-way or otherwise extend beyond property lines.

4. Loading spaces shall be designed and built so no vehicles are required to back to or from an adjacent street, except for minor access for heavy trucking in industrial zones on local access streets.

C. When a proposed structure is intended to be used concurrently for different purposes, final determination of required loading spaces shall be made by the city planner, provided the loading requirements for the combined uses shall not be less than the total requirement for each separate use.

D. Off-street loading spaces shall measure fifteen (15) feet wide, sixty (60) feet long, and fifteen (15) feet high, except if this section requires only one off-street loading space, it may measure twelve (12) feet wide, thirty (30) feet long, and fourteen (14) feet, six (6) inches high.

E. The minimum number of off-street loading spaces shall be required according to the following table:

<b><i>Land Uses</i></b>	<b><i>Sizes</i></b>	<b><i>Loading Spaces Required</i></b>
Industrial, manufacturing wholesale, warehouse, similar uses	10-40,000 sf 40-60,000 sf 60-100,000 sf >100,000 sf	1 space 2 spaces 3 spaces 1 space per 50,000 sf
Offices, hotel/motel, restaurants	20-60,000 sf 60-100,000 sf >100,000 sf	1 space 2 spaces 1 space per 50,000 sf
Hospitals, convalescent centers, nursing homes, similar institutions:	10-40,000 sf 40-100,000 sf >100,000 sf	1 space 2 spaces 1 space per 50,000 sf
Department stores, retail and other commercial uses	10-20,000 sf 20-50,000 sf 50-100,000 sf >100,000 sf	1 space 2 spaces 3 spaces 1 space per 50,000 sf
Residential	No requirement	N/A

(C-446, Added, 04/17/2000)

## Chapter 17.23

### LANDSCAPING

#### Sections:

17.23.010	<b>Purpose and intent.</b>
17.23.020	<b>Definitions.</b>
17.23.030	<b>Application</b>
17.23.040	<b>Approval.</b>
17.23.050	<b>Modification of landscaping requirements</b>
17.23.060	<b>Types of landscaping defined.</b>
17.23.070	<b>Location of required landscaping.</b>
17.23.080	<b>Parking area landscaping.</b>
17.23.090	<b>Street landscaping.</b>
17.23.100	<b>Institutional and recreational use.</b>
17.23.110	<b>Clear view triangle.</b>
17.23.120	<b>Building facade landscaping.</b>
17.23.130	<b>Installation requirements.</b>
17.23.140	<b>Maintenance requirements.</b>
17.23.150	<b>Penalties.</b>
17.23.160	<b>Appeals.</b>
17.23.170	<b>Governing regulation.</b>

#### Section 17.23.010 Purpose and intent.

The purpose of this ordinance is to provide uniform standards for the development and maintenance of the landscaping of private property and public rights-of-way. The purpose of landscaping is to increase the compatibility between different intensities of land uses by providing visual barriers that interrupt the barren expanse of paved parking lots, contribute to the image and appeal of the community, mitigate air and noise pollution, and enhance property values. It is the intent of these requirements to encourage the retention of existing vegetation; to reduce erosion and storm water runoff; to minimize impacts of noise, light and glare; and to aid in regulating vehicular circulation.

Every effort shall be made to locate proposed landscaping in consideration of the microclimate of the site and surrounding properties by manipulation use of sunlight, shade, and wind for increased energy efficiency of the development and for maximum comfort of the users of the site.

Additionally, the landscape should promote the health, safety, and welfare of existing and future residents by providing uniform standards for the installation and maintenance of all landscapes within the city limits, and should include standards for:

- A. Water conservation
- B. Aesthetics

- C. Environmental quality
    1. Air and water
    2. Energy conservation
    3. Wildlife habitat
    4. Shade to reduce summer temperatures
    5. Wind control
    6. Erosion control
  - D. Land values
  - E. Human values
  - F. Preservation and addition of vegetation
  - G. Improved community design.
- (C-446, Added, 04/17/2000)

#### Section 17.23.020 Definitions.

In addition to those definitions contained within Chapter 17.04 AHMC, the following terms shall have the following meaning, unless the context indicates otherwise:

**Berm** - An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**Landscape planting strip** - Required landscaping buffer as specified in Section 17.23.060 AHMC. All required landscaping shall be located on the applicant's property outside of public right-of-ways.

**Buffer, perimeter landscape** - A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one type of land use upon another.

**Deciduous** - A plant with foliage that is shed annually.

**Evergreen** - A plant that retains foliage and remains green year-round

**Ground cover** - Plants normally reaching an average maximum heights of not more than twenty four (24) inches at maturity.

**Incompatibility of land uses** - An issue arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

**Automatic irrigation system** - A permanent, artificial watering system designed to automatically transport and distribute water to plants through the use of a controller. The controller shall be adjustable for time of year and climatic conditions.

**Landscaping** - Any combination of living plants (such as grass, ground cover, shrubs, hedges, or trees) and nonliving landscape material (such as rocks,

pebbles, sand, mulch, walls, fences or decorative paving materials).

**Phased development** - A development that is physically built in stages, on a single parcel, over a set period of time.

**Planned coverage** - Any area of land anticipated to be filled with ground cover.

**Screen** - A method for reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

**Sight obscuring non-pierced fence** - A masonry wall or a chain woven fence with wooden or aluminum slats inserted in the weave may be installed on the property line. Chain link woven fences without slats must be installed five (5) feet inside of the property line with a Type II visual screen between the fence and the property line. (C-446, Added, 04/17/2000)

### **Section 17.23.030 Application**

The planning department or designee shall review and may approve, approve with modifications, or disapprove site landscape development plans for all new developments in accordance with the provisions of this section. The planning department may permit alternative landscaping as set forth in Section 17.23.050 AHMC.

Developments involving additions or alternations to existing structures in which the cost of the additions or alterations exceeds fifty percent (50%) of the value of the existing structures(s) or improvements (value shall be determined from official Spokane County records) shall be subject to the provisions of this section, provided that where existing structures or improvements are situated so as to preclude installation of required landscaping, such required landscaping may be waived by the planning department. (C-446, Added, 04/17/2000)

### **Section 17.23.040 Approval.**

A. No building permit shall be signed off where landscaping is required until a landscaping plan prepared in accordance with this chapter has been submitted and approved by the planning department.

B. Landscaping plans must be submitted with the preliminary site plan at the time of application. Small projects (less than 10,000 square feet of total land area) can be approved by the planning department. Projects greater than ten thousand (10,000) square feet require a landscape architect's

seal. The landscape architect must be licensed in the state of Washington. Approvals will be tied to the release of applicant's building permit or the approval of the site plan. All final plans must be drawn using an appropriate scale (such as 1"=10' -0") and shall contain the following elements:

1. Location of existing and proposed vegetation (with identification of areas where vegetation will be retained);
2. Footprint of all existing and proposed structures and fixtures;
3. Final site grading;
4. Stormwater drainage ponds and swales;
5. All public and private open space;
6. Vehicle and pedestrian use areas that identify all sidewalks, driveways, streets, alleys, and easements on or abutting the site;
7. Clear view triangles in vehicular areas as required by Chapter 17.20 AHMC;
8. Boundaries and dimensions of the site;
9. Location, height and materials for all fences and walls.

For projects on lots greater than 10,000 square feet the following elements shall also be included:

10. An irrigation plan; indicating the location and type of all sprinkler heads, backflow prevention devices, valves, controllers, piping, nozzles, drip irrigation zones, emitters, filters, faucets, etc. with all necessary notes and details to provide one hundred percent (100%) coverage must be clearly indicated on the site plan.

11. Common and scientific names of all plant materials used, along with their size at planting, number of plants, symbol, as well as size (height and width) at maturity, including all landscape planting standards, notes, and details; (C-446, Added, 04/17/2000)

### **Section 17.23.050 Modification of landscaping requirements**

It is not the intention of this chapter to establish arbitrary or onerous regulations or to inhibit creative solutions to land use problems. The planning department may waive some of the landscaping requirements in the following circumstances:

A. When the landscaping would interfere with the adequate flow of stormwater runoff, as determined by the city engineer, along drainage easements and/or when the landscaping would interfere with the adequate treatment of stormwater in grassed percolation areas;

B. When application of requirements of this section would result in more than fifteen percent

(15%) of the site being landscaped. In such cases the planning department shall modify those requirements so that not more than fifteen percent (15%) of the site must be landscaped;

C. When the retention of significant existing vegetation located on the site would result in as good or better landscaping for the purposes of this section.

D. Applications for modified compliance are available through the city's technical review committee, which may waive certain requirements based upon lot size, physical restrictions, and type of use. The planning department will decide cases of alternative compliance as follows:

1. Approval;
2. Approval with conditions;
3. Denial of the proposal,

The decision of the technical committee, via the planning department, regarding modified compliance shall be final unless appealed to the hearing body under the procedure outlined in Chapter 14.06

AHMC

(C-446, Added, 04/17/2000)

**Section 17.23.060      Types of landscaping defined.**

A. The following are types of landscaping are required in Section 17.23.070 AHMC:

1. TYPE I: SCREEN. Type I landscaping shall generally consist of a mix of predominately evergreen plantings, including living trees, shrubs, and ground covers. Evergreen trees shall be a minimum height of four (4) feet at time of planting. Plantings shall be chosen and spaced so as to grow together within five (5) years in a manner that is sufficient to obscure sight through the barrier. The entire planting strip shall be landscaped; however, those plantings used to achieve the sight-obscuring screen shall cover the length of the strip. Existing vegetation may be incorporated into the landscape design as set forth in Section 17.23.050 AHMC and shall be considered acceptable in lieu of new plantings, provided that it contributes to achieving the intent of this section;

2. TYPE II: VISUAL BUFFER. Type II landscaping shall consist of a mix of evergreen and deciduous plantings including living trees, shrubs, and ground covers. Plantings of shrubs and ground covers shall be chosen and spaced to result in a total covering of the landscape strip. Shrubs shall be of a type that, within five (5) years, provide a visual buffer. Deciduous trees shall have a minimum trunk diameter of one and three-quarter (1-3/4) inches at time of planting. Existing vegetation may be

incorporated into the landscape design as set forth in Section 17.23.050 AHMC and shall be considered acceptable in lieu of new plantings, provided that it contributes to achieving the intent of this section.

3. TYPE III: SEE-THROUGH BUFFER. Type III landscaping shall consist of a mix of evergreen and deciduous plantings including living trees, shrubs, and ground covers. Plantings of shrubs and ground covers shall be chosen and spaced to result in a covering of the landscape strip within five (5) years. Shrubs shall be of a type that do not exceed a height at maturity of approximately to four (4) feet. Deciduous trees shall have a minimum trunk diameter of one and three-quarter (1-3/4) inches at time of planting. Evergreen trees shall be a minimum of four (4) feet tall at time of planting and spaced so as to result in a space between vegetation approximately equal to the mature spread of the plantings used. Existing vegetation may be incorporated into the landscape design as set forth in Section 17.23.050 AHMC and shall be considered acceptable in lieu of new plantings, provided that it contributes to achieving the intent of this section;

4. TYPE IV: OPEN AREA LANDSCAPING. Type IV landscaping shall consist of canopy-type deciduous trees or spreading evergreen trees, planted in wells or strips, with a mix of living evergreen and deciduous ground covers and low shrubs. Shrubs shall be of a type that do not exceed a height at maturity of approximately four (4) feet. Planting wells or strips shall be a minimum of thirty-two (32) square feet in area, with the narrowest dimension not less than four (4) feet. Deciduous trees shall have a minimum trunk diameter of one and three-quarter (1-3/4) inches at time of planting. Evergreen trees shall be a minimum of four (4) feet tall at time of planting. Existing vegetation may be incorporated into the landscape design as set forth in Section 17.23.050 AHMC and shall be considered acceptable in lieu of new plantings, provided that it contributes to achieving the intent of this section.

B. All trees, shrubs and plants and materials used shall be in accordance with the American Association of Nurserymen Standards (ANSI 2601-1973) or better.

C. Berms, when planted with turf grass, are not to exceed a slope of three horizontal units to one vertical unit (3:1). A slope of two horizontal units to one vertical unit (2:1) is permissible when the berm is planted with shrubs and other ground cover. Slopes for planted areas are not to exceed two horizontal units to one vertical unit (2:1).

D. Slopes for stormwater facilities planted with turf grass are not to exceed a slope of three horizontal

units to one vertical unit (3:1). Stormwater facilities shall not have more than fifty percent (50%) of the perimeter defined by a wall. Walls around stormwater facilities shall not exceed thirty (30) inches.

E. Shrubs shall be a minimum two (2) gallon root ball size at time of planting.

F. Annual flowers are allowed substitutes for groundcovers for no more than ten percent (10%) of the area required to be landscaped.

G. Over all design effect must be taken into consideration in respect to plant conflicts with utilities, lighting, fire hydrants, utility vaults, etc. (C-446, Added, 04/17/2000)



**Section 17.23.070 Location of required landscaping.**

A. The following table indicates the type and width of landscaping required along side and rear property lines not abutting public streets for various proposed uses, depending on the zoning of adjacent parcels:

**TABLE 1 REQUIRED LANDSCAPING AND SCREENING**

<i>Proposed Use</i>	<i>Type of Adjacent Zoning</i>	<i>Minimum Landscaping Required*</i>	<i>Width of Landscaping</i>	<i>Street Landscaping</i>
Manufactured (mobile) home park; Multiple family dwellings (3 or more units)	C-1, C-2 I-1, I-2	Type II	10 feet	Type III strip 10 feet
	R-1, R-2	Type IV	15 feet	
Uses proposed in commercial zones (C-1 or C-2)	R-1, R-2, R-3	Type II	15 feet	Type IV strip 5 feet
Uses proposed in light industrial zone (I-1)	R-1, R-2, R-3	Type II	15 feet	Type IV strip 15 feet
	C-1, C-2	Type IV	5 feet	
Uses proposed in heavy industrial zone (I-2)	R-1, R-2, R-3	Type II **	15 feet	Type IV strip 15 feet
	C-1, C-2	Type II	10 feet	

\* A lower-number Type may be substituted for a higher number Type.

\*\* The technical review committee may require Type 1 landscaping when the potential exists for a nuisance.

Please note:

The technical review committee may alter the landscaping type required, depending upon the surrounding uses or if the land is considered a small lot.

B. The owners of adjacent properties may agree to consolidate their perimeter plantings along shared boundaries, with each property owner providing one-half of the required landscaping.

(C-446, Added, 04/17/2000)

**Section 17.23.080 Parking area landscaping.**

A. The purpose of the landscaping provisions for parking areas is as follows:

1. To break up the visual effect created by large expanses of barren asphalt;
2. To encourage the preservation of mature trees;
3. To ensure the preservation of land values by creating an environmental quality which complements the objectives of the respective land uses.

B. Landscaping on street frontage: Unless otherwise stated herein, a parking area or outdoor display area fronting on a street right-of-way shall provide a landscaped planting area of Type IV landscaping of at least five (5) feet in width along the entire street frontage except for driveways, provided that the plantings shall not obstruct the sight distance at street intersections or driveway approaches.

C. Additional plantings: Additional plantings may be placed in street right-of-way behind the sidewalk line if the property owner provides the city engineer with a written release of liability for damages which may be incurred to the planting area from any public use of right-of-way.

D. Amount and location: At least ten percent (10%) of the parking area shall be devoted to landscaping (exclusive of landscaping required by C. above within the public right-of-way), provided that:

1. No landscaping area shall be less than thirty two (32) square feet in area;
2. No parking stall shall be located more than sixty (60) feet from a landscaped area. The city planner may approve landscaping plans involving alternatives to this specification for individual properties if it finds the alternative would be more effective in meeting the purposes of this section;
3. Landscaping should be located between parking stalls, at the end of parking columns, or between stalls and the property line. Landscaping which occurs solely between the parking lot and a building or recreation area shall not be considered as satisfaction of these requirements;
4. All required landscaping shall meet the clear view triangle requirements pursuant to Chapter 17.20 AHMC.

E. Size exception: Parking lots containing less than twenty (20) parking spaces need provide only perimeter screening to satisfy the ten percent (10%) area requirement.

F. Materials used: Planting areas shall include liberal landscaping using combinations of such

materials as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, or lawn, provided that the materials used are approved by the city engineer in relationship to stormwater disposal.

G. Internal property lines: When a parking area abuts residentially zoned property along any interior property line, a minimum six-foot (6' ) high screening device, or a minimum fifteen-foot (15' ) wide planting area with Type I or Type II landscaping, as determined by the city planner, shall be installed along the property line.

H. Maintenance of landscaped area: All required landscaping shall have automatic sprinkler systems and be maintained in a healthy growing condition. Dead or dying plantings shall be removed and replaced, or repaired.

I. Protective curbing: Landscaped areas shall be protected from vehicle damage by protective curbing consistent with drainage requirements.

J. Timing of installation: All required landscaping shall be installed prior to issuance of a Certificate of Occupancy with provision that the planning department or building official may authorize up to a four month delay to initiate landscaping, when planting season conflicts would produce high probability of plant loss. Bonding or other adequate security may be required of an applicant to ensure that the landscaping requirements herein are met.

(C-446, Added, 04/17/2000)

**Section 17.23.090 Street landscaping.**

A. The following landscaping is required adjacent to all streets except where permitted structures and driveways are proposed:

1. Within all developments to be located in the multiple family (R-3) zone, a Type III landscaping strip with a minimum width of ten (10) feet shall be provided;
2. Within all developments to be located in any commercial (C-1 or C-2) zone, a Type IV landscaping strip with a minimum width of five (5) feet shall be provided with the use of deciduous trees preferred;
3. Within all developments to be located in an industrial (I-1 or I-2) zone, a Type IV strip with a minimum width of fifteen (15) feet shall be provided;
4. Within the mining (MZ) zone, mining, quarrying and asphalt-mixing type uses will be landscaped per Section 17.14.050(D) AHMC.

B. The plantings shall not violate the sight distance requirements at street intersections or

driveways, nor interfere with the adequate flow of stormwater runoff along drainage easements.  
(C-446, Added, 04/17/2000)

**Section 17.23.100 Institutional and recreational use.**

All public or institutional uses, including churches, commercial and noncommercial recreation facilities (e.g., country clubs, golf courses, tennis courts), community clubs, schools, charitable and fraternal organizations, hospitals, public utility facilities, sewage transfer plants, government facilities, museums, libraries, fire stations, retirement homes, nursing homes, and similar uses, shall provide landscaping as prescribed by Section 17.23.090(B) AHMC, and Section 17.23.120 AHMC, unless otherwise modified by Section 17.23.050 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.23.110 Clear view triangle.**

All landscaping within the clear view triangle shall meet the requirements of Chapter 17.20 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.23.120 Building facade landscaping.**

Perimeter landscaping width requirements can be reduced by twenty five percent (25%), but not less than five (5) feet, if the reduced area is reallocated to landscaping along the facade of a building adjacent to a street right-of-way.  
(C-446, Added, 04/17/2000)

**Section 17.23.130 Installation requirements.**

Landscaping required pursuant to this section must be installed to the satisfaction of the planning department, in accordance with the approved site development plan prior to building occupancy. The planning department or building official may authorize up to a four month delay to initiate landscaping, where planting season conflicts would produce a high probability of plant loss. In the interim, a temporary Certificate of Occupancy (per adopted Uniform Building Code) will be issued. When landscape installation is complete, the owner must contact the building department who will then inspect the property within seventy two (72) workweek hours. If landscaping is not installed as planned, the applicant will receive formal notification and be fined according to the provisions of Section 17.23.150 AHMC. After thirty (30) days of formal noncompliance, the temporary Certificate of Occupancy will be rescinded by the building

department. The planning department may require performance bonds or other appropriate security, including letters of credit, to ensure the landscaping will be installed according to the approved plan specifications.  
(C-446, Added, 04/17/2000)

**Section 17.23.140 Maintenance requirements.**

Property owners shall keep the required planting area maintained in a manner to serve the original purpose intended. Lack of maintenance shall constitute a violation of this code. All of the following maintenance procedures shall be practiced by the applicant:

A. Dead, diseased, stolen, or vandalized plantings shall be replaced within six (6) weeks. If seasonal temperatures do not allow immediate replacement, plants shall be replaced at the beginning of their next planting season;

B. Planting area shall be maintained, pruned, trimmed and kept free of weeds and trash in order to maintain plant health and appearance.

C. Property owners shall keep the required planting area maintained with automatic sprinkler systems and in a manner to serve the original purpose intended. Lack of maintenance shall constitute a violation of this code.

D. Incorporation of Xeriscaping principles is highly encouraged in an effort to conserve potable water. Some examples are:

1. The use of drip irrigation for shrubs and trees;
  2. The adjustment of spray heads to minimize overspray onto walks, driveways, buildings, other impervious surfaces;
  3. Adjustment of system to operate at night.
- (C-446, Added, 04/17/2000)

**Section 17.23.150 Penalties.**

When landscaping is not maintained, the city planner or appointed designee is authorized to notify the owner, tenant, lessee, or assignee of any such owner, that the landscaping is not being adequately maintained and of the penalty for failure to maintain. The notice shall specify the date which maintenance must be accomplished, and shall be sent by certified mail to the owner at his/her last known address. Compliance must be attained within thirty (30) days of the date of notice, unless seasonal temperatures do not permit replanting. In these cases, compliance must be attained thirty (30) days after seasonal temperatures permit replanting. If the landscaping has not been brought into accord by the date of

compliance, each day thereafter shall be considered a separate violation, and the property owner shall be fined an amount specified by the most recent city resolution, based per day, until compliance is achieved. The accrual of civil penalties is suspended pending a decision on any appeal (from the date of filing to the date of the final decision).  
(C-446, Added, 04/17/2000)

**Section 17.23.160 Appeals.**

Applicants may appeal an administrative interpretation and/or decision in accordance with Section 14.05.020 AHMC.  
(C-446, Added, 04/17/2000)

**Section 17.23.170 Governing regulation.**

If there are two conflicting regulations within the Airway Heights Municipal Code (AHMC), the stricter of the two shall apply.  
(C-446, Added, 04/17/2000)

**Chapter 17.24**

**SIGNS**

**Sections:**

- 17.24.010 Purpose.**
- 17.24.020 Definitions.**
- 17.24.030 General requirements.**
- 17.24.040 Exempt signs.**
- 17.24.050 Signs permitted in all zones.**
- 17.24.060 Signs permitted per zone.**
- 17.24.070 Projecting and preexisting signs.**
- 17.24.080 Maintenance.**
- 17.24.090 Removal of certain signs.**
- 17.24.100 Administration.**

**Section 17.24.010 Purpose.**

The purpose of this chapter is to regulate the use of signs by establishing standards to insure the placement of safe, effective signage in all areas within the city. Specific standards contained within this chapter are intended to:

- A. Eliminate possible confusion or conflict between commercial signage and traffic-control signals, signs, or devices;
- B. Reduce the potential visual obstruction signs may cause to the views of pedestrians, visibility of other signs, and building facades when such signs are inappropriately designed or located;

C. Aid in the development of a stronger business climate;

D. Allow for placement of signs that will be both functional and attractive in appearance and not detract from the primary purposes within the zone where the sign is located.  
(C-446, Added, 04/17/2000)

**Section 17.24.020 Definitions.**

In addition to those definitions contained within Chapter 17.04 AHMC, the following words and phrases shall be defined as set forth in this chapter:

**Electric sign** - a sign in which electrical wiring, connections, or fixtures are used as part of a sign.

**Flashing sign** - an electric sign or portion thereof which changes light intensity in a transitory burst or which switches on and off in a constant or irregular pattern. Flashing signs do not include an electric sign in which the flashing portion of the sign displays only the current time, temperature, or date.

**Freestanding sign** - a sign supported by poles or braces and not attached to any building.

**Incidental sign** - means a pole sign or ground sign not over seventy-two (72) inches in height nor twenty-four (24) square feet of area.

**Projecting sign** - a sign, other than a wall sign, which is supported by a wall of a building or structure and projects out away from the building or structure.

**Sign area** - the entire area of a sign on which copy is to be placed. The structure supporting the sign is not included in determining the area of the sign, unless the structure is designed in a way to form an integral background for the display. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising message, copy, graphic symbol, or nonstructural trim.  
(C-446, Added, 04/17/2000)

**Section 17.24.030 General requirements.**

A. All signs erected or altered under the provisions of this code shall meet the state's most recently adopted edition of the Uniform Building Code or any superseding edition adopted by the city, the National Electric Code, and the state's most recently adopted edition of the Uniform Sign Code or any superseding edition adopted by the city.

B. No sign shall be erected, re-erected, constructed, painted, posted, applied, or structurally altered except as provided in this chapter and pursuant to administrative approval of a sign permit

by the city planner, unless exempted under Section 17.24.040 AHMC.

C. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe, that creates a safety hazard for pedestrian or vehicle traffic, or is located within the clear view triangle as delineated in Chapter 17.20 AHMC.

D. No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by any city codes. Nothing herein shall be deemed to authorize any sign to be erected in violation of any civil or proprietary right.

E. No sign shall be permitted which by coloring, shape, wording, or location resembles or conflicts with traffic control signs or devices.

F. Signs located along State Highway No. 2 shall require review by the State Department of Transportation and shall comply with the requirements for uncontrolled access highways as specified in the Highway Advertising Control Act (WAC 468-66).  
(C-446, Added, 04/17/2000)

#### **Section 17.24.040 Exempt signs.**

A. The following signs or displays shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from responsibility to comply with the provisions of this chapter, or any other law or ordinance, including the Uniform Sign and Uniform Building Codes:

1. Traffic- or pedestrian-control signs or signals, or signs indicating scenic or historical buildings or points of interest which are erected by the order of a public official;
2. Official public notices, official court notices, or official sheriff's notices;
3. The flag of a government or public institution;
4. Exterior building signs not visible from streets or other public rights-of-way;
5. Plaques, tablets, or inscriptions indicating the name of a building, its date of construction, or other commemorative information which are attached flat to the building and do not exceed three (3) square feet in total area;
6. Seasonal decorations within the appropriate holiday season, providing they are removed within fourteen (14) days after the holiday;
7. Sculptures, fountains, mosaics, or other art, which do not incorporate advertising or identification;

8. Signs which are painted or mounted on delivery vehicles or other operable commercial vehicles, which are primarily used for transportation and commerce;

9. Temporary political signs and signs displayed in windows of party political headquarters, provided they are removed within fourteen (14) days after the election;

10. Real estate signs as follows:

a. Residential zoned property: One (1) temporary real estate sign for each street frontage located on the premises for sale, lease, or rent, not exceeding five (5) square feet and limited in height to four (4) feet above grade, provided that it is removed within fourteen (14) days after sale, lease or rent of the premises;

b. Commercial/industrial/mining zoned property: One (1) temporary real estate sign for each street frontage located on the premises for sale, lease, or rent, not exceeding thirty-two (32) square feet and limited in height to ten (10) feet above grade, provided that it is removed within fourteen (14) days after sale, lease or rent of the premises.

11. Informational warning signs, such as "No Trespassing," "No Dumping," "No Parking," etc., not to exceed six (6) square feet;

12. Informational service and directional signs, such as "Customer Parking," "Driveway Entrance," "Exit," "Open House," etc., not to exceed six (6) square feet.

13. Incidental signs not to exceed seventy-two (72) inches in height and twenty-four (24) square feet of area.  
(C-446, Added, 04/17/2000)

#### **Section 17.24.050 Signs permitted in all zones.**

The following signs may be permitted in any zone subject to the limitations as provided herein:

A. Bulletin boards may be permitted on the premises of public, charitable, or religious institutions subject to the following:

1. Such sign shall contain not more than thirty-two (32) square feet in area on a face and may be double-faced.
2. No part of the sign shall exceed a height of six (6) feet above grade.
3. The sign, if lighted, may be at ground level and indirectly lighted or internally illuminated.
4. A thirty-two (32) square foot, double-faced sign, no higher than fourteen (14) feet above grade may be permitted for a public or private school on property not less than three (3) acres in size.

B. Temporary subdivision signs advertising the prospective sale or lease of a group of lots or dwelling within a tract or apartment complex may be permitted subject to the following:

1. The sign shall be detached, non-illuminated, and located on the premises being sold or leased.
2. Such sign shall contain not more than forty (40) square feet in area on a face and may be double faced.
3. No part of the sign shall exceed a height of ten (10) feet above grade.
4. The sign shall remain only as long as property remains unsold or unleased for the first time within the tract, but not to exceed one (1) year unless extended by the city planner following written request by the owners/developers of the project.

C. Permanent subdivision or area name signs at the street entrance or entrances to the subdivision or area which identifies the name of the subdivision or area only may be permitted subject to the following:

1. The sign shall consist of decorative masonry walls or wood with illuminated, indirectly lighted, or non-illuminated name plates or letters and be located in a maintained landscaped area.
2. The wall(s) and/or sign(s) shall not exceed six (6) feet in height.
3. The wall(s) and/or sign(s) shall be located on the property, out of the right-of-way, and conform to the clear view triangle requirements in Chapter 17.20 AHMC.

D. Temporary banners, flags, pennants and searchlights may be permitted by the city planner for on-premise use only not exceeding sixty (60) days, provided that such display does not have a significant, adverse impact on nearby residences or institutions.

E. Contractor, architect, surveyor, or engineer signs may be permitted on-premises which identifies the project, developers, building contractor, and/or the subcontractors subject to the following:

1. The location shall not obstruct vehicular site distance or be detrimental to surrounding properties and shall be approved by the city planner.
2. The sign shall not exceed forty (40) square feet in area.
3. The top of the sign shall not exceed ten (10) feet above grade.
4. The sign shall be removed within one (1) year unless extended by the city planner following written request by the owners/developers of the project.

(C-446, Added, 04/17/2000)

All signs shall adhere to the following conditions as they pertain to the zoning classification of the property where the sign is to be located:

A. Residential zones:

1. Nameplates are permitted which indicate no more than the name and address of the occupant of the premises, provided that such sign does not exceed four (4) square feet in area and is a maximum of six (6) feet in height above grade.

2. A detached or attached on-premises sign identifying a child care facility, family day care home, or convalescent/nursing/group home may be permitted provided that such sign does not exceed four (4) square feet in area, is a maximum of six (6) feet in height above grade, and is unlighted.

3. On-premises signs identifying a church, public park, public or private elementary or junior high, multiple family dwelling, nursing home, retirement complex, public building, animal clinic, or cemetery may be permitted subject to the following:

a. One sign, unlighted or with low-intensity lighting, placed flat against an outside wall of the main building, having an area not greater than twenty (20) square feet; and

b. One unlighted, detached sign having an area not greater than fifteen (15) square feet on each face placed back to back. Such sign shall not extend more than ten (10) feet above grade nor six (6) feet in width.

4. On-premise signs identifying a high school, junior college, college, university, hospital, or public golf course may be permitted subject to the following:

a. One sign, unlighted or with low-intensity lighting, placed flat against an outside wall of the main building, having an area not greater than thirty-two (32) square feet; and

b. One unlighted, detached sign having an area not greater than thirty two (32) square feet on each face placed back to back. Such sign shall not extend more than twenty (20) feet above grade nor ten (10) feet in width.

5. One (1) sign identifying a home profession shall be limited in size to a maximum of four (4) square feet in area, a maximum of six (6) feet in height above grade, be unlighted, and be placed flat against the residence.

B. Commercial zones:

1. Off-premises signs, except those exempted under Section 17.24.040 AHMC, are allowed only within commercial (C-1 and C-2) zones and shall meet the following requirements:

a. The maximum area of any one face of an off-premises sign in the C-1 or C-2 zone shall be forty

**Section 17.24.060 Signs permitted per zone.**

(40) square feet. The total maximum area of all faces of a multi-faced off-premises sign shall be eighty (80) square feet.

b. The maximum height of an off-premises sign in the C-1 or C-2 zone shall be twenty (20) feet above grade.

2. The maximum height for all on-premises signs in commercial (C-1 and C-2) zones shall be thirty-five (35) feet; provided, however, that wall signs shall be permitted to extend to the top of the building wall.

3. The maximum sign area of any on-premises sign, unless otherwise provided in this chapter, shall be one hundred fifty (150) square feet, with multifaced signs not exceeding a maximum of three hundred (300) square feet.

C. Industrial/mining zones:

1. The maximum height for all on-premises signs in industrial and mining (I-1, I-2, and MZ) zones shall be twenty (20) feet; provided, however, that wall signs shall be permitted to extend to the top of the building wall.

2. A designated industrial park may have one (1) freestanding park identification sign not exceeding one hundred fifty (150) square feet.

3. Each individual establishment within an industrial park may have one (1) permanent detached or attached sign not exceeding forty (40) square feet in area.

4. An individual establishment not within an industrial park, including a mining use, may have one (1) permanent detached sign not exceeding eighty (80) square feet in area.

(C-446, Added, 04/17/2000)

**Section 17.24.070 Projecting and preexisting signs.**

A. Projecting Signs. All projecting signs erected or changed after adoption of this chapter shall meet the following requirements:

1. Sign area of projecting signs in the C-1 and C-2 zones shall not exceed fifty (50) square feet on any single sign face. Multi-faced signs shall not exceed a maximum of one hundred (100) square feet in total sign area.

2. Projecting signs erected or changed in any zone shall maintain a minimum clearance of fourteen (14) feet between the lowest portion of the sign and the ground surface immediately below the sign if said area is used for pedestrian and/or vehicular movement or parking.

3. Projecting signs shall not extend into the public right-of-way.

4. Businesses shall be allowed no more than one (1) projecting sign for their use. For businesses that have building frontage on two different streets, a maximum of one (1) projecting sign may be located on each separate street frontage.

B. Preexisting Signs. Signs which are existing and in lawful use prior to adoption of this chapter, except temporary or special signs which are not subject to preexisting sign status, shall be considered nonconforming signs and may continue in use subject to the following requirements:

1. Said signs are properly maintained in the matter set forth in Section 17.24.080 AHMC.

2. No alterations are made to said preexisting signs to enlarge or change their original appearances or location in a manner that is held to increase their degree in nonconformity. Such preexisting signs may change the copy and design of the face without affecting their nonconforming status if no changes are made to the sign frame or structure.

3. If any of the above alterations are made, or if any said signs are removed by the owner, the resulting alterations or new replacement signs shall conform to the requirements of this chapter.

(C-446, Added, 04/17/2000)

**Section 17.24.080 Maintenance.**

All signs, including preexisting signs, shall be constantly maintained in a state of security, safety, and repair. If any sign is not properly maintained or is insecurely mounted or otherwise dangerous, it shall be the responsibility of the owner of the premises to repair or remove it. The premises surrounding a freestanding sign shall be kept clean of rubbish and weeds.

(C-446, Added, 04/17/2000)

**Section 17.24.090 Removal of certain signs.**

A. Any sign that is in conformance with this chapter now or hereafter existing which, for a period of sixty (60) days, is no longer advertising a bona fide business conducted or product sold, shall be defaced by the owner, agent, or person having beneficial use of the building, lot, or structure upon which the sign is located.

B. Any sign that is not in conformance with this chapter now or hereafter existing which, for a period of sixty (60) days, is no longer advertising a bona fide business conducted or product sold, shall be removed by the owner, agent, or person having beneficial use of the building, lot, or structure upon which the sign is located.

(C-446, Added, 04/17/2000)

**Section 17.24.100 Administration.**

A. All signs requiring a permit shall be reviewed by the city planner, which shall determine whether the sign is in conformity with the provisions of the chapter. The city planner shall approve or deny the sign permit within ten (10) days of application submittal.

B. In the event the permit application is denied by the city planner, the applicant may appeal to the city council as provided by Chapter 14.06 AHMC, no later than ten (10) business days following the denial of the sign permit application. The city planner shall furnish findings of fact and conclusions with respect to the reasons for denial of the permit to the city council.

C. The administrator of this code shall be the city planner. The city planner is authorized and directed to enforce and carry out all provisions of this code.

D. Any sign not in conformity with this chapter shall, upon notice to the owner thereof, be abated at the sole expense of the owner.

E. Violation of the provisions of this chapter shall be a misdemeanor.  
(C-446, Added, 04/17/2000)

**Chapter 17.25**

**CONDITIONAL ACCESSORY DWELLING UNITS**

**Sections:**

- 17.25.010 Purpose and intent.**
- 17.25.020 Standards and criteria.**
- 17.25.030 Application requirements.**

**Section 17.25.010 Purpose and intent.**

The purpose of providing for accessory dwelling units is to accommodate residents with special needs with a habitable unit, which provides the basic requirements for sleeping, eating, and sanitation. Accessory dwelling units provide for convenient and affordable housing located on the same lot as single-family housing. An accessory dwelling unit is subordinate to the primary dwelling unit and can be added to an existing unit or detached and located in the rear yard area under the standards and criteria of this chapter. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation

Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.  
(C-446, Added, 04/17/2000)

**Section 17.25.020 Standards and criteria.**

Conditional accessory dwelling units are allowed in the R-1 zone but require a conditional use permit and must meet the following standards and criteria:

1. The property owner (which shall include titleholders and contract purchasers) must occupy either the principal unit or the accessory dwelling unit as a permanent residence.
2. The accessory dwelling unit shall be a complete, separate housekeeping unit that can be isolated from the principal unit and meet the minimum requirements of the Uniform Building Code as adopted by the city.
3. Only one accessory dwelling unit shall be created within the principal unit.
4. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, a second entrance shall be located on the side or the rear of the principal unit or in such a manner as to be very unobtrusive in appearance from the primary entrance of the principal unit.
5. Any additions to an existing structure for the purpose of an accessory dwelling unit shall not increase the square footage of the principal unit by more than thirty percent (30%).
6. The accessory dwelling unit shall be clearly a subordinate part of the principal unit. It shall not be more than seven hundred (700) square feet or less than three hundred (300) square feet, nor have more than two (2) bedrooms.
7. The total livable floor area of the principal and accessory units combined must be at least one thousand two hundred (1,200) square feet.
8. No home profession or day care center shall be undertaken in either the principal or accessory dwelling unit.
9. In order to encourage the development of housing units for disabled and handicapped individuals, the planning commission may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility in accordance with Washington State regulations for Barrier Free Facilities.
10. Any other appropriate or more stringent conditions deemed necessary by the planning commission to protect the public health, safety, and



welfare, and the single-family character of the neighborhood.

11. The effective period of the conditional use permit shall be three (3) years. At the end of every three (3) years, renewal shall be automatically extended upon receipt of certification by the city planner that the primary dwelling unit remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged.

12. The right to use an accessory dwelling unit ceases sixty (60) days after the transfer of property title if the owner sells the property. Purchasers of homes that have conditional use permits for accessory dwelling units must reapply to continue the use.

(C-446, Added, 04/17/2000)

**Section 17.25.030 Application requirements.**

A. Application for a permit for an accessory dwelling unit shall be made to the city planner in accordance with the conditional use permit procedures established in Section 17.03.110 AHMC. The following is required for application:

1. A notarized letter of application from the owner(s) stating that the owner(s) will occupy one of the dwelling units on the premises as a permanent residence;
2. A floor plan of the proposed accessory unit drawn to a scale of one-quarter (1/4) inch to one (1) foot, showing the proposed changes to the building including entrance and connecting doors;
3. A site development plan, including approach to entries, general landscaping, and parking.

B. Upon receipt of a complete application public hearing shall be scheduled before the planning commission.

(C-446, Added, 04/17/2000)

**Chapter 17.26**

**STORAGE AND SHIPPING CONTAINERS**

**Sections:**

- 17.26.010 Storage standards.**
- 17.26.020 Shipping containers as storage buildings prohibited.**

**Section 17.26.010 Storage standards.**

A. Storage standards for uses in the R-1, RM, and R-2 zones are as follows:

1. All storage (including storage of recyclable materials) shall be wholly within a building or shall be screened from view from the surrounding properties and shall be accessory to the permitted use on the site. There shall be no storage in any required front yard or flanking street yard.

2. The private, noncommercial storage of up to two (2) inoperable or not currently licensed vehicles or remnants thereof shall be completely sight-screened year-round from uses allowed in this zone with a fence, maintained Type I or II landscaped area, or maintained landscaped berm. There is no number limit within a permitted, completely enclosed building, including doors. Vehicle remnants or parts must be stored inside a vehicle or a permitted, completely enclosed building, including doors. Fencing standards are described in Chapter 17.21 AHMC. Type I and II landscaping requirements are described in Chapter 17.23 AHMC.

B. Storage standards for uses in the R-3 zone are as follows:

1. All storage, except as provided below, shall be wholly within a building and shall be accessory to the permitted use on the site. Where proposed, recreational vehicle parking areas shall be paved and screened from view of adjoining properties.

2. On lots where the primary use is a duplex or multiple-family dwelling, the private, non-commercial storage of inoperable or not currently licensed vehicles or remnants thereof shall be allowed within a permitted, completely enclosed building, including doors.

3. On lots where the primary use is a single-family dwelling, the storage standards are outlined in Section 17.26.010(A)(2).

4. All outdoor trash or refuse containers serving multiple-family and/or offices shall be screened on all sides from public view by a minimum five and one-half (5 ½) foot high wall or fence.

C. Storage standards for uses in the C-1 zone are as follows:

1. All storage shall be wholly within an enclosed building, provided that retail products which are for sale or rental may be stored outdoors during business hours only, so long as such storage does not occur within any required front or flanking street yard nor in any public street or road right-of-way. Recreational vehicles and other machinery normally displayed for sales purposes on an open lot may be so displayed. No inoperable or not currently licensed vehicles or remnants thereof shall be stored or displayed outdoors.

2. All outdoor trash, garbage, or refuse storage areas shall be screened on all sides from public view and at a minimum be enclosed on three (3) sides with a five and one-half (5 ½) foot high concrete block, masonry wall, or sight-obscuring fence with a sight-obscuring gate for access.

D. Storage standards for uses in the C-2 zone are as follows:

1. All storage on the premises shall be maintained within a completely enclosed building or behind sight-obscuring fencing. Storage will not occur within any required front or flanking street yard nor in any public street or road right-of-way. Automobiles, recreational vehicles, and other vehicles or machinery normally displayed for sales purposes on an open lot may be so displayed.

2. All outdoor trash, garbage, or refuse storage areas shall be screened on all sides from public view and at a minimum be enclosed on three (3) sides with a five and one-half (5 ½) foot high concrete block, masonry wall, or sight-obscuring fence with a sight-obscuring gate for access.

E. Storage standards for uses in the I-1 zone are as follows:

1. Storage of all raw materials, finished products, machinery, and equipment, including company-owned or operated trucks and motor vehicles, must be within an entirely enclosed building or six (6) foot high sight-obscuring, non-pierced fence. Storage areas must conform to the minimum setback regulations of the zone. Automobiles and other machinery normally displayed for sales purposes on an open lot may be so displayed. Inflammable liquids and gases shall be stored in underground tanks in the aquifer sensitive area in accordance with uniform standards prescribed by the State Fire Marshal and the city fire department.

F. Storage standards for uses in the I-2 zone are as follows

1. All material stored on property located in the I-2 zone shall be fenced or otherwise protected in such a manner as to not create a nuisance or endanger or damage adjacent property and the environment. Inflammable liquids and gases shall be stored in underground tanks in the aquifer sensitive area in accordance with uniform standards prescribed by the State Fire Marshal and the city fire department.

G. Storage standards for uses in the MZ zone are outlined in Chapter 17.14 AHMC. (C-446, Added, 04/17/2000)

**Section 17.26.020 Shipping containers as**

**storage buildings prohibited.**

A. It is the intent of this chapter to limit, except as provided herein, the placement and use of any shipping container as an accessory building, storage building, or living unit on residentially zoned and other zoned land where residential uses are established. This limitation is to protect the public health and safety and the aesthetic quality of the city.

B. No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit on residentially zoned land and/or land used for residential purposes, provided that licensed and bonded contractors may utilize shipping containers for temporary housing of equipment and/or materials during construction as authorized by a city building permit.

(C-446, Added, 04/17/2000)

**Chapter 17.27**

**ZERO LOT LINE DEVELOPMENTS**

**Sections:**

- 17.27.010 Purpose and intent.**
- 17.27.030 Zero lot line with existing subdivisions.**
- 17.27.040 Zero lot line with new subdivisions**
- 17.27.050 Zero lot line design standards.**
- 17.27.060 Application procedure.**

**Section 17.27.010 Purpose and intent.**

The purpose of this chapter is to allow for development of single-family and duplex dwellings on property with design standards prescribed to allow for zero lot line setbacks. This concept is intended to provide more usable yard area, maximize views, conserve energy, and provide development flexibility. Zero lot line development is intended to allow for alternate siting of single-family and duplex dwellings on individual lots if the development standards of the residential zone can be met. The requirements of this chapter shall be considered as modifications to the zoning requirements relating only to setbacks. Any zero lot line development approval under this section shall be restricted to development as herein prescribed. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.

(C-446, Added, 04/17/2000)

**Section 17.27.030 Zero lot line with existing subdivisions.**

Except as herein specifically provided otherwise, all requirements of plats on developed land within the city are unchanged, to include but not limited to the application of all provisions of Titles 16 and 17 of this code and all uniform codes adopted by the city. (C-446, Added, 04/17/2000)

**Section 17.27.040 Zero lot line with new subdivisions .**

A. A zero lot line development may be done in conjunction with the subdivision of property through a long plat or a short plat in conformity with Title 16. Zero lot line applications in conjunction with short plats shall be subject to a public hearing.

B. Each plat prepared pursuant to these zero lot line standards shall contain the following notation on the face of the plat: "This plat has been approved under the provisions of Airway Heights Municipal Code 17.27 relating to zero lot line construction. No building permit may be issued for any construction upon the lands encompassed within this plat except in strict conformity with the restrictions contained in the Airway Heights Municipal Code." (C-446, Added, 04/17/2000)

**Section 17.27.050 Zero lot line design standards.**

Notwithstanding any other provision in Title 16 and Title 17 of this code, a zero lot line development may be approved and thereafter developed in conformity with the following design standards:

A. All dwellings constructed within the zero lot line development shall be so constructed as to share a common property line with an adjoining parcel or lot;

B. All lots located within the zero lot line development shall be a minimum of six thousand (6,000) square feet.

C. All lots located within a zero lot line development, shall be designated as having the following property lines:

1. Front street property line, which shall be the property line adjacent to the street or public thoroughfare by which access is gained to the lot;
2. Rear lot line, which shall be the lot line opposite the front street property line;
3. Interior property line, which shall mean the lot line shared with the adjoining parcel or lots except for corner lots, where the side street property line shall be known as side street property line;

4. Common property line, shall mean the property line on which the dwelling structure is located, and which is shared with an adjoining property owner;

5. The dwelling unit shall be placed upon only one interior property line with zero setbacks.

D. All dwelling units shall be placed a minimum of fifteen (15) feet from the rear property line and a minimum of twenty-five (25) feet from the front street property line.

E. All dwelling units shall be placed a minimum of fifteen feet (15) from the side street property line, or ten (10) feet fifteen (15) feet from the interior property line, as the case may be.

F. Accessory buildings and structures shall observe setback requirements applicable to the zone.

G. Each dwelling unit shall be provided with a separate water meter, electric meter, gas meter (if applicable), and septic system (if applicable), wholly contained on its lot.

H. No zero lot line shall be allowed for the yard adjacent to a public or private street.

I. A minimum of two (2) off-street parking spaces shall be provided on each platted lot.

J. Each dwelling shall be located on its own individual platted lot. The plat shall indicate the zero lot line easements and restrictions appurtenant thereto. A construction maintenance agreement between the owners of the zero lot line lots shall be recorded in the county auditor's office. The easement shall provide for a minimum five-foot (5') easement extending in all directions from all zero setback walls. The purpose of the easement is for construction, maintenance, and repair of the dwellings located on the zero lot line.

K. The maximum building height shall not exceed two (2) stories and thirty-five (35) feet in height.

(C-446, Added, 04/17/2000)

**Section 17.27.060 Application procedure.**

For all applications for zero lot line development the applicant shall submit with the application, the following exhibits:

A. A location map indicating existing zoning on the site and adjacent areas;

B. A site plan of no less than one inch to one hundred feet (1"=100' ), including the following information:

1. Lot lines and setbacks, location, shape, size, and height of existing and proposed buildings;
2. Existing and proposed landscaping (if applicable);

3. Recreation facilities (if applicable);

4. Location of off-street parking;

C. Information indicating the following gross and net acreage of the following:

1. Gross and net acreage;

2. Lot sizes (dimensions in square footage);

3. Building heights and stories;

4. Building coverage for each lot;

5. Such other architectural and engineering data

as may be required to evaluate the project.

(C-446, Added, 04/17/2000)

## Chapter 17.28

### MANUFACTURED HOME PARKS

#### Sections:

<b>17.28.000</b>	<b>Purpose and intent.</b>
<b>17.28.010</b>	<b>Definitions.</b>
<b>17.28.020</b>	<b>Site development plan.</b>
<b>17.28.030</b>	<b>Site development plan approval.</b>
<b>17.28.040</b>	<b>Design standards.</b>
<b>17.28.050</b>	<b>Setback requirements.</b>
<b>17.28.060</b>	<b>Minimum parking standards.</b>
<b>17.28.070</b>	<b>Minimum street standards and traffic circulation.</b>
<b>17.28.080</b>	<b>Landscaping and screening standards.</b>
<b>17.28.090</b>	<b>Storage facilities.</b>
<b>17.28.100</b>	<b>Swimming pools.</b>
<b>17.28.110</b>	<b>Utilities and services.</b>
<b>17.28.120</b>	<b>Signs.</b>
<b>17.28.130</b>	<b>Fire hydrants and emergency access.</b>
<b>17.28.140</b>	<b>Licenses and permits.</b>
<b>17.28.150</b>	<b>Park administration.</b>

#### **Section 17.28.000 Purpose and intent.**

The purpose of this chapter is to establish standards for the development of manufactured home parks. Such standards are necessary to ensure development of well-planned manufactured home park facilities. Proposed land uses within accident potential zones must comply with the population density guidelines outlined in the Air Installation Compatible Use Zone (AICUZ) study prepared by Fairchild Air Force Base.  
(C-446, Added, 04/17/2000)

#### **Section 17.28.010 Definitions.**

A manufactured (mobile) home installed within a manufactured (mobile) home park is defined as any structure portable in one or more sections upon the public streets and highways on its own running gear, which, when erected on-site, is designed to be connected to required utilities and utilized as a permanent dwelling unit. A manufactured home must be a minimum of six hundred (600) square feet, when erected on-site, and constructed in accordance with the national Mobile Home Construction and Safety Standards Act of 1974 and rules and regulations adopted thereunder and which is approved and certified by the State of Washington Department of Labor and Industries pursuant to the rules and

regulations of the US Department of Housing and Urban Development.  
(C-446, Added, 04/17/2000)

#### **Section 17.28.020 Site development plan.**

Manufactured home parks shall require approval of a site development plan by the city planner. The site development plan shall be reviewed and approved for compliance with ordinances and standards by the following: building inspector, director of public works, planning commission, city council, and any other appropriate agencies.

A Any applicant shall first submit the site development plan along with drawings and other information sufficient to enable the city planner to determine whether the manufactured home park complies with the design standards contained in this chapter.

B. All applications submitted for approval of a manufactured home park shall consist of six (6) copies of the site development plan, a SEPA checklist completed in accordance with Chapter 18.01 AHMC, and a fee determined by city council resolution. The site development plan shall contain, at a minimum, the following information:

1. Name of person who prepared the plan;
2. Name(s) of person(s) owning and managing the land proposed for manufactured home park development;
3. Name and address of the proposed manufactured home park;
4. Scale and north arrow;
5. Boundaries and dimensions of the manufactured home park and number of acres included;
6. Vicinity maps show the relationship of the development to adjacent properties;
7. Location and width of streets and pedestrian ways;
8. Location and dimensions of each space, with such spaces designated by number or other designation;
9. Location of each lighting fixture for exterior lighting;
10. Location of recreational and other common areas;
11. Location and type of landscaping, fencing, walls, and other screening;
12. Location, arrangement, and design of all parking facilities;
13. Location of fire hydrants;
14. Enlarged lot plan of all typical spaces, showing the location of manufactured home, storage

spaces, parking, utility connections, and other improvements;

15. Topography of the manufactured home park site, including contour intervals of not more than fifty (50) feet and a drainage plan;

16. A survey of the property prepared by a licensed surveyor, plans of structures to be constructed, public water system and sewage disposal plans approved by appropriate regulatory agencies, and provision of garbage disposal;

17. A phasing plan developed in accordance with Section 16.01.110 AHMC, if applicable.

18. A storage area site plan with sight obscured areas designated.

(C-446, Added, 04/17/2000)

**Section 17.28.030 Site development plan approval.**

A. Applications for development of manufactured home parks shall be processed in accordance with Title 14 Development Code Administration of the AHMC.

B. Upon submittal of a complete application to the city planner for development of a manufactured home park, conformance with development plan submission requirements, and upon such review and public hearing as required by Title 14 AHMC, the planning commission shall reach a decision relative to the plan as follows:

1. Reject the plan, providing the applicant with a list of specific reasons for such action; or
2. Withhold recommended approval of the plan subject to specified conditions which shall be met prior to approval; or
3. Recommend conditional approval of the plan subject to specified conditions which shall be met prior to issuance of building permits; or
4. Recommend approval for the development of the manufactured home park.

C. The final site development plan requires approval by the city council.

1. Final approval of such plan by the city council shall expire in one (1) year unless substantial development has occurred, as determined by the city planner.

2. An approved site development plan shall not be altered unless approved by the city planner. The city planner shall have authority to approve alterations to the site development plan, upon determining that such alterations do not represent a substantial change in the previously approved plan. Alterations that increase the density shall be deemed substantial. The building inspector shall have the

authority to revoke any building permit for failure to comply with the requirements of this chapter or if any other regulatory conditions have been violated.

(C-446, Added, 04/17/2000)

**Section 17.28.040 Design standards.**

A. Manufactured home parks shall be permitted only in the RM zone.

B. A manufactured home park shall not be less than five (5) acres in size and shall not contain fewer than two (2) rental spaces.

C. Each rental space within a manufactured home park shall contain a minimum of three thousand, six hundred (3,600) square feet with a maximum occupied area of sixty percent (60%) of such space.

D. An open space area for children shall be provided at a ratio of ten percent (10%) of the total park area.

E. All manufactured homes installed in established parks shall meet the minimum standards set forth by existing Housing and Urban Development (HUD) standards, applicable sections of the Uniform Building Code, and any amendments in effect. Mobile homes over 10 years old must receive approval from the code enforcement officer and building inspector for alterations and life-safety prior to being moved into the city.

F. Only one manufactured home shall be permitted on any manufactured home space.

G. Manufactured homes shall be used as single-family residences only, together with the normal accessory uses such as patio, carport, and storage buildings.

H. Steps shall be required for all exit doors and shall be a minimum of thirty-six (36) inches wide and shall not exceed an eight (8) inch rise with a minimum nine (9) inch run. More than two (2) steps in height shall require two (2) handrails, which shall be thirty-four (34) inches above the nose of the step. Exception: Stairs or stairways that parallel the exterior wall of the manufactured home shall require only one handrail on the open side or sides if the stairway width is forty-four (44) inches or less. Any stairs or stairways that exceed forty-four (44) inches in width shall require two (2) handrails.

(C-446, Added, 04/17/2000)

**Section 17.28.050 Setback requirements.**

A. Each manufactured home space shall be a minimum of forty-five (45) feet in width and shall have frontage on a private road or street.

B. All manufactured homes shall be located a minimum of twenty-five (25) feet from the right-of-way line of a public road or street, fifty (50) feet from the right-of-way line of a state highway, and ten (10) feet from any other boundary line defining the outside limits of the park.

C. All spaces shall be provided with a base adequate to support placement of a manufactured home in accordance with HUD standards and applicable Washington Administrative Code standards.  
(C-446, Added, 04/17/2000)

**Section 17.28.060 Minimum parking standards.**

Two (2) off-street parking spaces shall be provided for each manufactured home space, with a minimum one hundred eighty (180) square feet per parking space. All off-street parking spaces shall be all weather surfaced. One (1) such parking space shall be within the manufactured home park space. The second parking space may be located in a satellite parking area in the park, located not more than two hundred (200) feet from the manufactured home space(s) it is serving.  
(C-446, Added, 04/17/2000)

**Section 17.28.070 Minimum street standards and traffic circulation.**

A. All manufactured home park approaches to a dedicated, established, and maintained city street or highway shall be paved, have a minimum width of thirty-four (34) feet, and shall be adequately lighted at night.

B. Internal streets and roads which are not dedicated to the city as public right-of-way shall be thirty (30) feet in width, or forty (40) feet in width if guest parking is allowed on one side, and shall be adequately lighted at night.

C. All internal private roads used for ingress and egress (not including public right-of-way) and circulation shall be constructed in accordance with the Airway Heights Public Works Standards. Roads shall be completed within one (1) year from the start of any phased construction.  
(C-446, Added, 04/17/2000)

**Section 17.28.080 Landscaping and screening standards.**

A. All landscaping and screening shall be constructed and maintained in accordance with Chapters 17.21 and 17.23 AHMC and may be installed within any established setback. All

landscaping and screening shall comply with the requirements for site clearance for intersections and shoulders contained in Chapter 17.20 AHMC.

B. Landscaping materials shall conform to and be installed in accordance with the approved site development plan prior to occupancy of any manufactured home space; provided the building inspector may authorize up to a maximum four month delay where planting season conflicts would produce a high probability of plant loss.  
(C-446, Added, 04/17/2000)

**Section 17.28.090 Storage facilities.**

A designated storage area in the manufactured home park for recreational vehicles or boats must be provided. A minimum six (6) foot high, site-obscuring fence with a lockable gate shall be erected around the perimeter of such storage areas. Suitable access into the storage area shall be arranged with the fire department.  
(C-446, Added, 04/17/2000)

**Section 17.28.100 Swimming pools.**

Swimming pools shall be set back a minimum of fifty (50) feet from the nearest residential area, and shall have a surrounding fence which is a minimum of eight (8) feet high and does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Spokane Regional Health District, uniform building code, and other applicable agencies.  
(C-446, Added, 04/17/2000)

**Section 17.28.110 Utilities and services.**

A. The construction and installation of all water, sewer, electrical, communication, and miscellaneous (gas, television cable, etc.) service lines must be underground unless approved otherwise by the public works director.

B. The location of all underground utilities and service lines shall be indicated by an aboveground sign(s) identifying the proximity of the lines to the manufactured home space to facilitate service connection and to avoid damage to such underground services by use of ground anchors or installation of skirting.

C. Water Distribution System. Each manufactured home park shall be connected to the city's water system, with appropriate backflow preventative device installed according to the Airway Heights Public Works Standards. The city's water system supply shall be used exclusively for domestic

water supply within a manufactured home park. Water service connections shall be provided by the owner for each manufactured home space in accordance with the approved development plan.

D. Storm Drainage/Sewer System. A detailed combined on-site sewer system and surface water disposal plan for the entire project shall be approved by the public works director, as appropriate, prior to issuance of any building permit.

E. Electrical Distribution System. All electrical connections to each manufactured home shall comply with the Washington State Electrical Code and shall be inspected and approved by an electrical inspector from the Department of Labor and Industries.

(C-446, Added, 04/17/2000)

### **Section 17.28.120 Signs.**

Signs, if any, identifying the manufactured home park shall be in conformance with applicable sign regulations contained in Chapter 17.66 AHMC.

(C-446, Added, 04/17/2000)

### **Section 17.28.130 Fire hydrants and emergency access.**

Fire hydrants and emergency vehicle circulation and access shall be approved by the public works director and fire chief. Roads, streets, and driveways shall be constructed and adequately maintained by the owner of the manufactured home park in order to provide access to emergency vehicles. In the event internal streets or roads are inaccessible to emergency vehicles (i.e. fire trucks or ambulances), the city may provide access and bill the owner of the land for the city's cost of providing emergency access.

(C-446, Added, 04/17/2000)

### **Section 17.28.140 Licenses and permits.**

A. Manufactured home parks are subject to all applicable building and construction provisions of the Airway Heights Municipal Code, which includes issuance of building permits and authorized inspection of all phases of construction and development.

B. Installation of each individual manufactured home shall require approval of an installation permit in accordance with Chapter 15.12 AHMC.

C. No manufactured home space shall be rented or occupied until a business license for operation of the manufactured home park has been obtained pursuant to Chapter 5.04 AHMC, Business Taxes, License and Regulations. A business license shall not be issued until all required building, fire, and life-

safety inspections have been conducted and a final approval has been issued by the building inspector.

D. Construction or development of all improvements indicated on the approved site development plan shall be required prior to issuance of a business license. If the improvements cannot be completed, a performance bond shall be required in order to ensure development per the approved plan. (C-446, Added, 04/17/2000)

### **Section 17.28.150 Park administration.**

A. It shall be the responsibility of the owner and/or manager to assure that the provisions of this chapter, including installation of a manufactured home and construction of accessory structures on individual manufactured home spaces, and any additional conditions of the approved site development plan and building permit are observed and maintained within the manufactured home park.

B. Violations of this chapter shall subject the owner of the facility to any penalties provided for such violation. The owner, or designated agent, shall be available and responsible for the direct management of the manufactured home park.

C. No recreational vehicles shall be utilized at any time in new manufactured mobile home parks. Mobile home parks with existing recreational sites may use these sites for RVs. Any RV in a designated RV space must meet skirting requirements if staying over thirty (30) days.

D. Portable fire extinguishers, rated for classes A, B, and C, shall be kept in service buildings and other locations as required by applicable fire codes.

E. The manufactured home park shall be maintained free of any brush, leaves, and weeds that could communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around, or under any manufactured home.

(C-446, Added, 04/17/2000)



## Chapter 17.29

### TELECOMMUNICATIONS.

#### Sections:

17.29.010	<b>Purpose.</b>
17.29.020	<b>Exemptions.</b>
17.29.030	<b>Mobile Support Towers.</b>
17.29.040	<b>Large Satellite Dish Antenna.</b>
17.29.050	<b>Amateur Radio Towers and Transmission Facilities.</b>
17.29.060	<b>Wireless Telecommunication Facilities Prohibited Areas.</b>
17.29.070	<b>Wireless Telecommunication Facilities Permitted Locations.</b>
17.29.080	<b>Complete Application Checklist.</b>
17.29.090	<b>Siting Criteria.</b>
17.29.100	<b>Setbacks.</b>
17.29.110	<b>Wireless Telecommunication Facility Height.</b>
17.29.120	<b>Screening and Landscaping;</b>
17.29.130	<b>Additional Conditional Use Permit Decision Criteria.</b>
17.29.140	<b>Abandonment and Removal Provisions.</b>

#### **Section 17.29.010 Purpose.**

The City of Airway Heights intends these regulations to provide for a competitive wireless telecommunications industry while protecting the health, safety, and general welfare of the citizens by controlling the placement, construction, and modification of wireless telecommunications towers and facilities.

This Chapter will not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, and any further amendments of the Communications Act of 1934 or exceptions to local regulations as defined by the Federal Communications Commission.

Specifically, this Chapter is intended to:

- A. Allow the location of wireless telecommunication towers and facilities in the City;
- B. Protect residential areas from potential adverse impact of towers and telecommunications facilities;
- C. Minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative stealth techniques;

D. Encourage the co-location of wireless communication facilities;

E. Encourage sound construction and maintenance of wireless communication facilities; (C-498, Added, 04/01/2002)

#### **Section 17.29.020 Exemptions.**

A. The City exempts by reference all facilities deemed exempt by the Federal Communications Commission generally to include but not limited to the following:

1. A "dish" antenna that is one meter (39.37 inches) diameter or less regardless of zone that is designed to receive direct broadcast service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite;
2. An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via multi-media digital satellite or to receive or transmit fixed wireless signals other than via satellite;
3. An antenna designed to receive local television broadcast signals. Masts higher than 12 feet may be subject to permitting requirements;

B. The following are also exempt from Chapter 17.29 of the Airway Heights Municipal Code:

1. Maintenance of existing facilities that will not increase the height of support towers, the footprint of equipment, or the bulk of the facility
2. Facilities that enhance emergency services communications constructed by a public entity or entity licensed by the city to provide emergency services.

(C-498, Added, 04/01/2002)

#### **Section 17.29.030 Mobile Support Towers.**

(Reserved)

(C-498, Added, 04/01/2002)

#### **Section 17.29.040 Large Satellite Dish Antenna.**

Large satellite dish antenna(s) are subject to administrative review, may only be placed in the rear yard, and cannot be placed within the required setback area. To conduct the administrative review all or some of the Complete Application Checklist (17.29.80) items may be required by the City Planner at his/her discretion. If a reception window obstruction prevents adequate signal reception, then the large satellite dish antenna may be placed in an area other than the rear yard. The applicant must provide sufficient evidence to the Planning Department. The evidence shall be written and

substantially from the service provider or a certified Radio Frequency Engineer. All Large satellite dish antenna shall be subject to inspection by the City. (C-498, Added, 04/01/2002)

**Section 17.29.050 Amateur Radio Towers and Transmission Facilities.**

Amateur radio towers and transmission facilities are subject to administrative review, may only be placed in the rear yard, and cannot be placed within the required setback area. To conduct the administrative review all or some of the Complete Application Checklist (17.29.80) items may be required by the City Planner at his/her discretion. Amateur radio towers and transmission facilities shall be subject to review and inspection by the City, FCC, FAA and DOD to ensure structural integrity and safety. (C-498, Added, 04/01/2002)

**Section 17.29.060 Wireless Telecommunication Facilities Prohibited Areas.**

Wireless Telecommunications Facilities, Broadcast Facilities, Relay Facilities, and related Support Towers are prohibited from the following areas:

- A. Zones classified as residential in the City of Airway Heights Zoning Code;
- B. Land identified by the Department of Defense and the Federal Aviation Administration as incompatible with wireless telecommunication facilities.

(C-498, Added, 04/01/2002)

**Section 17.29.070 Wireless Telecommunication Facilities Permitted Locations.**

Wireless Telecommunication Facilities, Broadcast Facilities, Relay Towers and related Support Towers shall be permitted in the following zones using the Conditional Use Permit process.

- A. I-2 Heavy Industrial Zone
- B. I-1 Light Industrial Zone
- C. MZ Mining Zone
- D. C-2 General Commercial Zone
- E. C-1 Restricted Commercial Zone

(C-498, Added, 04/01/2002)

**Section 17.29.080 Complete Application Checklist.**

In order to facilitate the expedient processing of applications, a complete application for wireless telecommunication facilities shall consist of, but may

not be limited to the following requirements. The City Planner has the discretionary authority to waive application requirements if requirements are deemed inapplicable for the specific facility.

- A. Conditional Use Permit Application
  - B. Federal Communication Commission Approval – The applicant shall provide written approval from the FCC for facility location;
  - C. Federal Aviation Administration Approval – Due to the location of the City to Spokane International Airport and Fairchild Air Force Base, FAA approval is required for all applications. The FAA may have specific reasons relating to support tower height and frequency interference that may preclude the siting of facilities and support towers. The applicant shall provide written approval;
  - D. Avigation Easement - Due to the location of the City to Spokane International Airport and Fairchild Air Force Base an Avigation Easement from the appropriate installation may be required.
  - E. Department of Defense Approval – Due to the location of the City to Fairchild Air Force Base, DOD approval is required of any facilities and support towers within 5 miles of a DOD installation. The applicant shall provide written approval;
  - F. SEPA Checklist (if needed)
  - G. Site plan (all site plans must meet current site plan requirements of the building and planning requirements);
  - H. Affidavit(s) of network location need – This will only be required where the applicant is unable to meet siting criteria;
  - I. Other applicable documents required by the City.
- (C-498, Added, 04/01/2002)

**Section 17.29.090 Siting Criteria.**

Wireless Telecommunication, Broadcast, and Relay Providers shall use the following criteria in the order provided below for their site selection process. If wishing to move to the next lowest criterion the applicant shall provide, at the time of application, current and technically sound evidence to demonstrate a network need to move to the next lowest criterion. Suitable evidence would need to be provided to move from criterion A to criterion B from B to C and from C to D. The Planning Commission will evaluate evidence during the CUP process. Co-location should be pursued whenever possible, facility providers are encouraged to allow for further facility location on new support towers. The provider shall seek locations in the following order:

- A. Existing towers in the City of Airway Heights or other nearby jurisdictions for co-location;
  - B. Existing non-residential structures public or private, that provide adequate height for efficient operation of facilities;
  - C. Locations in Industrial and Mining Zones
  - D. Locations in Commercial Zones
- (C-498, Added, 04/01/2002)

**Section 17.29.100      Setbacks.**

- A. Wireless Telecommunication Facilities, Broadcast Facilities, Relay Facilities, and related support towers shall have a minimum setback of 500 feet from a residential zone;
  - B. Wireless Telecommunication Facilities shall have a minimum setback of (1) foot for every one (1) foot in structure height from a residential unit located in a nonresidential zone;
  - C. Wireless Telecommunication Facilities shall have a minimum setback of either 25 feet from parcel boundaries or as required by the underlying zone whichever is greater.
- (C-498, Added, 04/01/2002)

**Section 17.29.110 Wireless Telecommunication Facility Height.**

To encourage co-location the City has allowed for bonus height increases as described below. Providers must allow for support tower space as well as land area for related ground equipment. Wireless Telecommunication Support Towers shall have the following height limitations:

Tower Co-Location Height Table

Number of Providers Located on Tower	Maximum Tower Height	Max Tower Height if Relief is Granted
1	60'	72'
2	80'	96'
3	100'	120'

Support towers are not to exceed 100 feet in any zone except where and when it can be demonstrated through current and technically sound evidence that the maximum tower height is too short for reasonable network and area coverage. The Planning Commission may grant administrative relief for an increase of up to 20% of the maximum tower height, as depicted in the Tower Co-Location Height Table. The Planning Commission may impose conditions consistent with this chapter.

(C-498, Added, 04/01/2002)

**Section 17.29.120 Screening and Landscaping;**

The City wishes to maintain visual harmony between land uses and public space in relation to wireless facilities and support towers. Screening and landscaping provide ideal methods to mitigate the aesthetic impacts of wireless facilities and support towers on surrounding land uses and public space.

A. Screening shall consist of a sight-obscuring fence. The fence shall make use of colors and materials that reduce the aesthetic impacts of facilities and related support towers. If used in combination with landscaping, then suitable colors shall be used to best match the landscaping. The fence shall be in compliance with AHMC;

B. Landscaping shall be improved according to the current zoning code requirements for that zone;

C. The Planning Commission may require further landscaping and screening requirements when the site is located adjacent to a residential use or zone.

(C-498, Added, 04/01/2002)

**Section 17.29.130 Additional Conditional Use Permit Decision Criteria.**

The City shall use the following decision criteria in addition to the decision criteria for conditional use permits. The additional criteria are needed due to the specific requirements of this Chapter of the Airway Heights Municipal Code. The following criteria will not apply to Large Satellite Dish Antenna or Amateur Radio Facilities as defined in Airway Heights Municipal Code.

- A. Federal Communications Commission Approval;
- B. Federal Aviation Administration Approval;
- C. Department of Defense Approval;
- D. Conformance with site location criteria of this chapter;
- E. Demonstrated network need for the facility;
- F. Demonstrated inability to locate a suitable co-locatable facility;
- G. Future co-location provisions;
- H. Adequate parking.

(C-498, Added, 04/01/2002)

**Section 17.29.140 Abandonment and Removal Provisions.**

A. Wireless Telecommunication Facility, Broadcast Facility, Relay Facility, and Support Tower providers and owners of such facilities shall

dismantle said facilities after 6 calendar months of lack of use for intended purposes;

B. The City reserves the right to remove facilities if said facilities pose a hazard to the health, safety, and general welfare to residents of the City. Removal shall be at the property owner's expense. Removal shall only occur when the City Engineer, City Planner, and Public Works Director have determined that the structural integrity of the facility or related support tower is compromised;

C. The City Planner retains discretion to extend the abandonment provision for 30 days beyond the six (6) month abandonment limitation. The City Planner may extend the time period by 30 day increments with the sum of such extensions not exceeding six (6) months.

(C-498, Added, 04/01/2002)

**Chapter 17.30**

**SECURE COMMUNITY TRANSITIONAL FACILITIES (SCTF).**

**Sections:**

- 17.30.010 Purpose.**
- 17.30.020 Authority.**
- 17.30.030 Location.**
- 17.30.040 Licensing.**
- 17.30.050 Relationship to Regional Siting Process.**
- 17.30.060 Conditional Use Permit Required.**
- 17.30.070 Conformance with State Law.**

**Section 17.30.010 Purpose.**

The purpose of this chapter is to provide a mechanism for the review, evaluation and permitting of secure community transition facilities in a manner consistent with the provisions of State law and in the best interests of the residents of Airway Heights and the immediately surrounding areas.

(C-522, Added, 09/16/2002)

**Section 17.30.020 Authority.**

This chapter is adopted under the authority of the City of Airway Heights' application of police power and as outlined in the City of Airway Heights comprehensive plan. By regulating the location of secure community transition facilities and by requiring certain operational and/or design-related mitigation measures as part of permit approval, the City of Airway Heights is acting well within its

obligations to protect the public interest and to ensure orderly development of land within the city limits.  
(C-522, Added, 09/16/2002)

**Section 17.30.030 Location.**

No secure community transition facility shall be located immediately across the street from, immediately across a parking lot from, immediately adjacent to or within line of sight of the following pre-existing uses, as measured from the nearest property line of the secure community transition facility to the nearest property line of the pre-existing use (For Airway Heights, "line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. In most circumstances, a visually unobstructed distance of 600 feet constitutes line of sight.):

- A. Public library
- B. Public playground, sports field, recreational center, community center, park, publicly dedicated trail
- C. Public or private school and its grounds, preschool to twelfth grade
- D. School bus stop
- E. Licensed child day care center
- F. Places of worship, such as churches, mosques, temples and synagogues
- G. Another secure community transition facility
- H. Establishments serving or selling alcohol
- I. Any other risk potential activity or facility identified in siting criteria by the Department of Social and Health Services, with respect to siting a secure community transition facility.

(C-522, Added, 09/16/2002)

**Section 17.30.040 Licensing.**

The secure community transition facility shall meet all applicable State, federal and local licensing requirements for a facility authorized by State federal or local authorities to confine and treat sex offenders through a rehabilitation treatment program for those conditionally released from total confinement under a court-ordered civil commitment.

(C-522, Added, 09/16/2002)

**Section 17.30.050 Relationship to Regional Siting Process.**

Before applying for a conditional use permit, the applicant for a secure community transition facility shall have complied with all applicable requirements for the siting of an essential public facility in accordance with State, regional and local laws and policies, including the Spokane County Regional Siting Process for Essential Public Facilities.

(C-522, Added, 09/16/2002)

**Section 17.30.060 Conditional Use Permit Required.**

Secure community transition facilities shall obtain conditional use permit approval prior to applying for building or occupancy permits. The conditional use permit shall be subject to the material and procedural requirements contained in Section 17.03.100 of the Airway Heights Municipal Code and the Essential Public Facilities element of the Airway Heights comprehensive plan. Conditional use permits for secure community transition facilities may include operational or design-related conditions to address concerns related to ensuring adequate sex offender treatment, continued community safety and public education and outreach.

(C-522, Added, 09/16/2002)

**Section 17.30.070 Conformance with State Law.**

The applicant for a secure community transition facility shall demonstrate that the proposed use has met all the standards required by State law for public safety, staffing security and training and that those standards shall be maintained for the duration of the operation of the secure community transition facility.

(C-522, Added, 09/16/2002)