

NOTE:

Removals are ~~crossed through~~.
Additions are underlined and in red.

Chapter 19.16

SHORT SUBDIVISION¹

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19.16.010 Title.

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

19.16.020 Application of short plat code.

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

19.16.030 Purpose.

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

19.16.040 Preliminary consideration of application.

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

19.16.050 Survey of a short subdivision and preparation of plat.

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

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

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

3. The zoning of the property and contiguous parcels.

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

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

2. North arrow, scale and date;

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

4. Parcel numbers for all affected parcels;

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

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

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

8. Names of adjacent subdivisions adjoining property owners;

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

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

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

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

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

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

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

16. Main building setbacks required on each revised lot;

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

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

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

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

19.16.060 On-site identification posting.

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

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

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

19.16.070 Application of environmental analysis and impact statement.

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

“Sensitive area” is defined as any area which:

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

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

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

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

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

19.16.080 Departmental review.

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

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

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

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

19.16.090 Approval criteria.

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

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

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

19.16.100 Roads and rights-of-way.

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

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

19.16.110 Administrative approval.

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

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

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

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

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

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

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

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

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

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

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

19.16.120 Filing with county.

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

19.16.130 Resubdivision.

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

19.16.140 Vacation or alteration.

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

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

Chapter 19.20
SUBDIVISION¹

Sections:

- 19.20.010 Title.
- 19.20.020 Application of Algona subdivision code.
- 19.20.030 Purpose.
- 19.20.040 Pre-application conference required.
- 19.20.050 Preliminary plat application – Survey of subdivision and preparation of plat.
- 19.20.060 Notice of application.
- 19.20.070 Departmental review.
- 19.20.080 Approval criteria.
- 19.20.090 Staff report and recommendation.
- 19.20.100 Public hearing – Planning commission.
- 19.20.105 Public hearing – Notice.
- 19.20.110 City council review/decision.
- 19.20.120 Effect of preliminary approval.
- 19.20.130 Effective period of preliminary plat approval.
- 19.20.140 Revision of preliminary plat.
- 19.20.150 Methods of completing required improvements.
- 19.20.160 On-site identification posting.
- 19.20.170 Application of environmental analysis and impact statement.
- 19.20.180 Subdivision divided into five ten or more lots – Selling lot without final plat – Restraint – Assessment of cost.**
- 19.20.190 Dedications required.
- 19.20.200 Filing with city clerk.
- 19.20.210 Technical standards for final plat.
- 19.20.220 Certificates required.
- 19.20.230 Administrative action on final plat.
- 19.20.240 Submission to council.
- 19.20.250 Council determination.
- 19.20.260 Resubmission.
- 19.20.270 Vacation of subdivision.
- 19.20.280 Alteration of subdivision.

19.20.010 Title.

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

19.20.020 Application of Algona subdivision code.

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

19.20.030 Purpose.

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

19.20.040 Pre-application conference required.

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

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

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

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

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

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

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

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

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

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

27. A space for approval by the administrator.

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

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

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

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

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

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

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

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

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

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

19.20.060 Notice of application.

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

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

19.20.070 Departmental review.

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

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

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

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

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

19.20.080 Approval criteria.

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

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

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

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

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

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

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

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

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

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

I. Shall have adequate means of ingress and egress;

J. Shall serve the public use and interest;

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

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

19.20.090 Staff report and recommendation.

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

19.20.100 Public hearing – Planning commission.

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

19.20.105 Public hearing – Notice.²

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

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

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

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

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

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

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

19.20.110 City council review/decision.

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

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

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

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

19.20.120 Effect of preliminary approval.

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

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

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

19.20.130 Effective period of preliminary plat approval.

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

19.20.140 Revision of preliminary plat.

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

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

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

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

19.20.150 Methods of completing required improvements.

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

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

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

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

19.20.160 On-site identification posting.

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

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

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

19.20.170 Application of environmental analysis and impact statement.

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

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

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

19.20.190 Dedications required.

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

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

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

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

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

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

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

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

19.20.200 Filing with city clerk.

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

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

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

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

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

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

19.20.210 Technical standards for final plat.

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

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

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

19.20.220 Certificates required.

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

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

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

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

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

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

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

19.20.230 Administrative action on final plat.

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

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

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

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

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

19.20.240 Submission to council.

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

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

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

19.20.250 Council determination.

A. The city council shall determine:

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

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

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

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

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

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

19.20.260 Resubmission.

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

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

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

19.20.270 Vacation of subdivision.

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

19.20.280 Alteration of subdivision.

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

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

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

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Title 22 ZONING

Title 22

ZONING

Chapters:

- 22.04 Short Title
 - 22.08 Definitions
 - 22.12 Districts Established – Zoning Map
 - 22.16 Prohibited Use
 - 22.20 R-L Low Density Residential District
 - 22.24 R-M Medium Density Residential District
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 - 22.30 C-3 Heavy Commercial District
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 - 22.48 ~~Development Guidelines~~ Supplementary Use Regulations
 - 22.60 Landscaping
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 - 22.76 Violation – Penalty
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- Design Guidelines
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Chapter 22.04

SHORT TITLE

Sections:

22.04.010 Short title.

22.04.010 Short title.

This title shall be known and cited as the “zoning ordinance of the city of Algona.” (Ord. 817 § 2 (part), 1996).

Chapter 22.08

DEFINITIONS

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- ~~22.08.010 Accessory building or use.~~
Accessory building or structure.
- 22.08.015 Accessory dwelling unit.
- ~~22.08.020 Active space.~~
- 22.08.025 Adjacent.
Adult cabaret.
- 22.08.026 Adult family home.
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- 22.08.030 Alley.
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- 22.08.040 Animal clinic/hospital.
- ~~22.08.045 Antiques and antique shop.~~
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- 22.08.180 Conditional use.
- 22.08.185 Conforming use.

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22.08.005 Generally.

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

~~22.08.010 Accessory building or use.~~

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

Accessory building or structure.

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

22.08.015 Accessory dwelling unit.

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

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

22.08.020 — Active space.

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

22.08.025 Adjacent.

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

Adult cabaret.

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

22.08.026 Adult family home.

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

Affordable housing.

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

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

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

22.08.030 Alley.

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

22.08.035 Amendment.

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

22.08.040 Animal clinic/hospital.

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

22.08.045 — Antiques and antique shop.

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

22.08.050 Apartment-house.

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

22.08.055 Appeal, closed record.

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

22.08.060 Appeal, open record.

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

22.08.065 Applicant.

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

22.08.066 Assisted senior living facility.

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

Auction house.

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

22.08.070 Basement.

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

22.08.075 Bed and breakfast facilities.

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

22.08.080 Block.

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

22.08.085 Boarding (lodging or rooming) house.

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

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~~22.08.090 Breezeway.~~

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

22.08.095 Brew pub.

“Brew pub,” also known as a “microbrewery,” means an eating and drinking establishment, which includes the brewing of beer, ale or malt beverage as an accessory use to a full-service restaurant. The amount of beverage produced on the premises cannot be less than two hundred forty barrels or exceed two thousand four hundred barrels in any calendar year. No more than thirty percent of the product brewed may be sold off-premises in either bottles or kegs. A loading and unloading area must then be provided for. A full-service restaurant as defined by Section 22.08.505 must occupy at least fifty percent of the gross floor area of the brew pub and restaurant, combined. Any brew pub that does not meet the requirements of this definition will be considered a tavern as defined by Section 22.08.615. (Ord. 965-05 § 1 (part)).

22.08.100 Building.

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

22.08.105 Building height.

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

22.08.110 Building line.

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

22.08.115 Building, main.

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

22.08.120 Building official.

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

22.08.125 Building setback line.

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

22.08.130 Building site.

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

Cafeteria or limited service restaurant.

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

22.08.135 Charitable or welfare institution.

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

22.08.140 Church.

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

22.08.145 City.

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

22.08.150 City clerk.

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

22.08.155 Clearing.

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

22.08.160 Combustible.

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

22.08.165 Commercial unit.

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

22.08.170 Commission.

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

Community park.

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

22.08.175 Comprehensive sign design plan.

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

22.08.176 Community residential facility (CRF).

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

22.08.180 Conditional use.

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

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22.08.185 Conforming use.

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

22.08.190 — Convenience store.

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

Courtyard apartment.

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

22.08.195 Curb line.

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

22.08.200 Custodial care facility.

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

22.08.205 Day care center, nursery school, preschool.

“Day care center, nursery school, or preschool” means any type of group day care programs, for children or adults, including nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, play groups for preschool children, covering after-school care for school children, and programs which provide organized learning and education experiences, provided such establishments are licensed by the state and conducted in accordance with state requirements. For the purpose of this title the below following definitions shall apply: Home-based day care is defined separately.

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

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

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

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

22.08.210 Date of decision.

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

22.08.215 Density.

“Density” means the number of units within a specified area calculated by dividing the total number of square feet of the area by the number of dwelling units in the area. (Ord. 965-05 § 1 (part)).

22.08.217 Development agreement.¹

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

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22.08.220 Dog day care.

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

22.08.225 Drainage facility.

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

Duplex.

“Duplex” means a detached residential structure containing no more than two (2) attached dwelling units.

22.08.230 Dwelling.

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

22.08.235 Dwelling, multiple-family.

“Multiple-family dwelling” means a building or portion thereof designed for occupancy by ~~three~~ **four** or more families living separately from each other and containing ~~three~~ **four** or more dwelling units. (Ord. 965-05 § 1 (part)).

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

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

~~**22.08.245 Dwelling, two family.**~~

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

22.08.250 Dwelling unit.

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

22.08.255 Educational institution.

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

22.08.260 Environmentally sensitive areas.

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

22.08.265 Equipment, heavy duty.

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

Essential public facilities.

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

22.08.270 Family.

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

22.08.275 Family day care provider.

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

22.08.280 Fence.

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

22.08.285 Flash point.

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

22.08.290 Floor area.

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

Frontage.

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

Gambling premises.

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

22.08.295 Garage, private.

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

General service establishment.

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

22.08.300 ~~Garage, public automotive repair.~~

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

22.08.305 Governing body.

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

~~22.08.310 Grocery store.~~

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

22.08.315 Gross floor area.

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

22.08.320 Ground cover.

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

22.08.321 Halfway house.

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

Heavy commercial planned unit development.

“Heavy commercial planned unit developments” means developments intended to encourage the maximum retail development of a parcel by supplementing the potential of the site with housing opportunities. See AMC 22.XX.XXX for standards.

Heavy retail.

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

22.08.325 Hedge.

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

Home-based day care.

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

22.08.330 Home occupation.

“Home occupation” means a profession or service activity customarily and historically conducted within a dwelling unit or accessory building by its inhabitants only, which activity is clearly incidental to the use of the land or structure for dwelling purposes and does not change the character or appearance thereof. See AMC 22.48.XX for standards. (Ord. 965-05 § 1 (part)).

22.08.335 Hospital.

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

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22.08.340 Hotel or motel.

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

22.08.345 Kennel.

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

22.08.350 Live/work unit.

“Live/work unit” means a dwelling unit in combination with a shop, office, studio, or other workspace within the same unit, where the resident occupant both lives and works. A live/work unit is intended to function predominantly as living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation. See AMC 22.48.XX for standards.

Standards and Conditions:

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

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

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

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

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

22.08.355 Lot.

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

22.08.360 Lot area and dimensions.

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

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

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

22.08.365 Lot lines.

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

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

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

~~2. In the case of a trapezoidal lot, the rear line of which is not parallel to the lot front line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;~~

~~3. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, the angles shall be employed for determining the lot rear line in the same manner as prescribed for a triangular lot;~~

~~4. In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.~~

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

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

22.08.370 Lot types.

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

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

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

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

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

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

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

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

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

Low-income household.

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

Low-income household, extremely.

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

Low-income household, very.

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

22.08.375 Manufactured home.

“Manufactured home” means a single-family dwelling constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance. See AMC 22.48.XX for standards. (Ord. 965-05 § 1 (part)).

22.08.380 Manufacturing, light.

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

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

Marijuana processor.

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

Marijuana producer.

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

Marijuana retailer.

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

Maximum lot coverage.

“Maximum Lot Coverage” means the maximum area of a lot that is permitted to be covered by impervious surfaces in accordance with the applicable zoning district requirements, including but not limited to, building coverage, eaves, driveways, concrete patios, and similar features.

22.08.385 Medical or dental clinic.

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

22.08.390 Mitigation.

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

- A. Avoiding impacts to environmentally sensitive areas by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environmentally sensitive area;
- D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development proposal;
- E. Compensating for the impact by replacing or enhancing environmentally sensitive areas, or providing substitute resources;
- F. Monitoring the impact and taking appropriate corrective measures. (Ord. 965-05 § 1 (part)).

22.08.395 Mixed use development.

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

22.08.400 Mobile home.

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

~~22.08.405 Motel.~~

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

~~22.08.410 Multiple building complex.~~

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

~~22.08.415 Multiple tenant building.~~

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

22.08.420 Native vegetation.

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

Neighborhood park.

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

22.08.425 Nonconforming building or nonconforming use.

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

22.08.430 Nursery, retail.

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

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

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

22.08.440 Nursing home/convalescent home.

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

Office, business or professional.

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

22.08.445 Parking area, public.

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

22.08.450 Parking space, off-street.

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

Permanent supportive housing.

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

~~**22.08.455 Personal service.**~~

~~“Personal service” means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, i.e., laundry, including cleaning and pressing service, linen supply, diaper~~

~~service, beauty shops, barbershops, shoe repair, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service, and domestic services. (Ord. 965-05 § 1 (part)).~~

Personal services.

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

22.08.460 Pet shop.

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

22.08.465 Processing.

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

22.08.470 Profession.

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

Public agency or utility yard.

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

Public facilities.

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

22.08.475 Public hearing.

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

Public safety facilities.

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

Public service facilities.

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

22.08.480 Public utility.

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

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22.08.485 Public utility facility.

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

22.08.490 Recorded lot.

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

Recreation – indoor commercial.

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

Recreation – outdoor commercial.

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

22.08.495 Recreational vehicle.

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

A. Travel trailer. A vehicular, portable structure built on a chassis and drawn by a motorized vehicle and which is designed to be used as a temporary dwelling for travel, recreational and vacation uses.

B. Camper. A removable structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational and vacation uses.

C. Motor home. A portable, temporary dwelling to be used for travel, recreational and vacation use constructed as an integral part of a self-propelled vehicle.

D. Camping trailer. A folding structure mounted on wheels and designed for travel, recreational and vacation uses.

E. Tents are expressly excluded from this definition. (Ord. 965-05 § 1 (part)).

Regional park.

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

Religious institution.

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

22.08.500 Residence.

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

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22.08.505 Restaurant, full-service.

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

~~**22.08.510 Retail services.**~~

~~“Retail services” means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices and uses providing health education and social services. (Ord. 965-05 § 1 (part)).~~

22.08.515 Retail trade.

“Retail trade” means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Ord. 965-05 § 1 (part)).

~~**22.08.520 School.**~~

~~“School” means a structure and accessory facilities in which prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning. (Ord. 965-05 § 1 (part)).~~

~~**22.08.525 School, vocational.**~~

~~“Vocational school” means the commercial use of a structure or land for teaching arts, crafts or trades. (Ord. 965-05 § 1 (part)).~~

22.08.530 Screened.

“Screened” means concealed or cut off from visual access. (Ord. 965-05 § 1 (part)).

Secure community transition facility.

“Secure community transition facility” means a facility, as defined in RCW 71.09.020, for the housing of sexually violent predators.

Self-serve storage facility.

“Self-serve storage facility” means a building or buildings containing separate storage spaces of a limited size leased or rented on an individual basis, which does not include warehouses or loading docks.

22.08.531 Senior housing.

“Senior housing” refers to housing stock, whether rental or occupant-owned, that specifically caters to residents aged fifty-five years and older. This definition shall include, at a minimum, all facilities that qualify as housing for older persons under the Federal Fair Housing Act and amendments thereto. (Ord. 1059-12 § 10).

~~**22.08.535 Service station, automobile.**~~

~~“Automobile service station” means an occupancy which provides for:~~

~~A. The servicing of motor vehicles and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories; automotive washing by hand; waxing and polishing of automobiles; tire changing and repairing; battery service, charging, and replacement, excluding repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; and installation of accessories.~~

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~~B. The following operations if conducted within a building: lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines, and brake shoes; wheel balancing; engine repair, replacement, or rebuilding. (Ord. 965-05 § 1 (part)).~~

22.08.540 Sign.

“Sign” means any commercial communications device, structure, or fixture which is visible from any public right-of-way intended to aid the business establishment in question in promoting the sale of a product, goods or service using graphics, symbols or written copy. For the purpose of this chapter, a sign shall not be considered to be building or structural design. It shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned. (Ord. 965-05 § 1 (part)).

22.08.545 Sign area.

“Sign area” means:

A. The total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or framework, which contains no written copy and includes only one side of a double-faced sign.

B. Individual letter signs using a wall as a background without added decoration or change in wall color shall be calculated by measuring the perimeter enclosing each letter; the combined total area of each individual letter shall be considered the total area of the sign.

C. Module signs consisting of more than one sign cabinet shall be computed by adding together the total area of each module.

D. Perimeter or sign area shall be established by the smallest rectangle enclosing the extreme limits of the letter, module or advertising message being measured. (Ord. 965-05 § 1 (part)).

22.08.550 Sign, portable.

“Portable sign” means any sign made of any material, including paper, cardboard, wood or metal, which is capable of being moved easily and is not permanently affixed to the ground, structure or building. (Also includes sidewalk or sandwich board signs, except those worn by a person.) (Ord. 965-05 § 1 (part)).

22.08.555 Sign, projecting.

“Projecting sign” means a sign, other than a wall sign, which is attached to and projects from a structure or building face. A marquee sign will not be considered a projecting sign. (Ord. 965-05 § 1 (part)).

22.08.560 Sign, revolving.

“Revolving sign” means any sign which rotates or turns in motion by electrical or mechanical means in a circular pattern. (Ord. 965-05 § 1 (part)).

22.08.565 Sign, roof.

“Roof sign” means a sign erected upon or above a roof or parapet of a building or structure. Mansard roof signs shall not be included. (Ord. 965-05 § 1 (part)).

Social service facility.

“Social service facility” means a facility housing a public or nonprofit agency that provides counseling, therapy or other social or human services to persons needing such services. This definition does not include schools, hospitals, clinics, day care, or residential uses.

Solid waste transfer station.

“Solid waste transfer station” means a solid waste handling facility where nonhazardous solid waste is delivered by public agencies, businesses or individuals and transferred and/or sorted into other containers to be transported to another location for ultimate disposal. A solid waste transfer station may include provisions for extraction of recyclable or reusable materials, as well as collection facilities for recyclable materials.

Specified anatomical areas.

“Specified anatomical areas” means both of the following:

1. Less than completely and opaquely covered

a. Human genitals, pubic region;

b. Buttock;

c. Breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered ”

Specified sexual activities.

“Specified sexual activities” means all of the following:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic regions, buttock or breast ”

22.08.570 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. ~~A story shall not exceed twelve feet in height.~~ (Ord. 965-05 § 1 (part)).

22.08.575 Street.

“Street” means a public thoroughfare or right-of-way which affords the principal means of access to abutting property. (Ord. 965-05 § 1 (part)).

22.08.580 Street grade and right-of-way.

“Street grade and right-of-way” means the officially established street grade or right-of-way lines upon which a lot fronts. If no official grade or right-of-way has been established, the grade or right-of-way shall be established by the city engineer or the existing grade or right-of-way shall be used. (Ord. 965-05 § 1 (part)).

22.08.585 Structural alteration.

“Structural alteration” means any change to the supporting members of a structure, such as bearing walls, columns or beams, or changes in the interior dimensions of the building structure, or increase in floor space. (Ord. 965-05 § 1 (part)).

22.08.590 Structure.

“Structure” means anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground. (Ord. 965-05 § 1 (part)).

22.08.595 Substandard lot.

“Substandard lot” means a lot or parcel of land which has less than the required minimum area or width as established by the zone in which it is located; and provided, that such lot or parcel was of record as a legally created lot on the effective date of the ordinance codified in this title. (Ord. 965-05 § 1 (part)).

22.08.600 Substantial change.

“Substantial change” means modification of the scope, use, or other attribute of a pending land use action that results in, or may result in, significant differences in the type or degree of impact(s), as determined by the public works director. (Ord. 965-05 § 1 (part)).

22.08.605 Supergraphics.

“Supergraphics” means any design or graphic which is superior in size, quality, quantity or degree over that which is allowed unconditionally by this code, and creates an overall artistic image utilizing the building on which it is displayed as background. (Ord. 965-05 § 1 (part)).

~~22.08.610 Supermarket.~~

~~See “Grocery store,” Section 22.08.310. (Ord. 965-05 § 1 (part)).~~

22.08.615 Tavern.

“Tavern” means an establishment operated primarily for the sale of wine, beer or other alcoholic beverage that may or may not include the service of food as an accessory use. (Ord. 965-05 § 1 (part)).

Transportation facility.

“Transportation facility” means a capital facility related to air, water, or land transportation.

22.08.620 Tree.

“Tree” means any living woody plant generally characterized by one main stem or trunk with branches, and having a diameter of four inches or more measured at twenty-four inches above ground level. (Ord. 965-05 § 1 (part)).

Triplex.

“Triplex” means a detached residential structure containing no more than three (3) attached dwelling units.

22.08.625 Unlicensed vehicles.

“Unlicensed vehicles” means automobiles, trucks, trailers, buses, road equipment, truck tractors or similar vehicles normally requiring a license. (Ord. 965-05 § 1 (part)).

22.08.630 Unobstructed.

“Unobstructed” means without structures, but shall not restrict plant materials (such as shrubbery); fences not exceeding six feet in height may be permitted as obstructions in the side and rear yards. (Ord. 965-05 § 1 (part)).

22.08.635 Use, accessory.

“Accessory use” means a use subordinate to the principal use and for purpose clearly incidental to those of the principal use. (Ord. 965-05 § 1 (part)).

22.08.640 Use, principal.

“Principal use” means the primary use to which the premises are devoted and the primary purpose of which the premises are used. (Ord. 965-05 § 1 (part)).

Utility facility.

“Utility facility” means any privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, stormwater not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public.

22.08.645 Variance.

“Variance” means the relaxation of the strict application of the terms of this title with respect to front, rear, and side yards or heights of buildings, where specific physical conditions unique to the site of the lot would create an unreasonable burden by making its development for permitted uses difficult or impossible. (Ord. 965-05 § 1 (part)).

22.08.650 Vehicle repair, major.

~~See “Service station, automobile,” Section 22.08.535(B). (Ord. 965-05 § 1 (part)).~~

An automobile service station which provides for the following operations if conducted within a building: lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines, and brake shoes; wheel balancing; engine repair, replacement, or rebuilding.

22.08.655 Vehicle repair, minor.

~~See “Service station, automobile,” Section 22.08.535(A). (Ord. 965-05 § 1 (part)).~~

An automobile service station which provides for the servicing of motor vehicles and operations incidental thereto limited to the retail sale of petroleum products and automotive accessories; automotive washing by hand; waxing and polishing of automobiles; tire changing and repairing; battery service, charging, and replacement, excluding

repair and rebuilding; radiator cleaning and flushing, excluding steam cleaning and repair; and installation of accessories.

~~22.08.660 Veterinary clinic.~~

~~See “Animal clinic/hospital,” Section 22.08.040. (Ord. 965-05 § 1 (part)).~~

22.08.665 Wetland.

“Wetland” is an area inundated or saturated by ground water or surface water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (Army Corps of Engineers Regulation 33 CFR 323.2(c)). Wetlands include ponds, but do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention/retention facilities, farm ponds, and landscape amenities. However, wetlands shall include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. (Ord. 965-05 § 1 (part)).

Yard.

“Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from ground upward; provided, however, that fences, hedges, walls, and limited building projections may be permitted in any yard subject to limitations as indicated herein (see AMC 22.XXX.XXX).

22.08.670 Yard, front.

~~“Front yard” means an unobstructed open space from the ground up extending across the full width of the lot between the front building line to the front line. (Ord. 965-05 § 1 (part)).~~

“Front yard” means a yard extending across the lot depth between the front building line of the principal building and the front lot line (See Diagram 22.08.6XXA).

22.08.675 Yard, rear.

~~“Rear yard” means an unobstructed open space extending across the full width of the lot between the rear building line of the principal building and the rear lot line. (Ord. 965-05 § 1 (part)).~~

“Rear yard” means a yard extending across the lot depth between the rear building line of the principal building and the rear lot line (See Diagram 22.08.6XXA).

22.08.680 Yard, side.

~~“Side yard” means an unobstructed open space between the side building line and side lot line, between the front yard to the rear yard. (Ord. 965-05 § 1 (part)).~~

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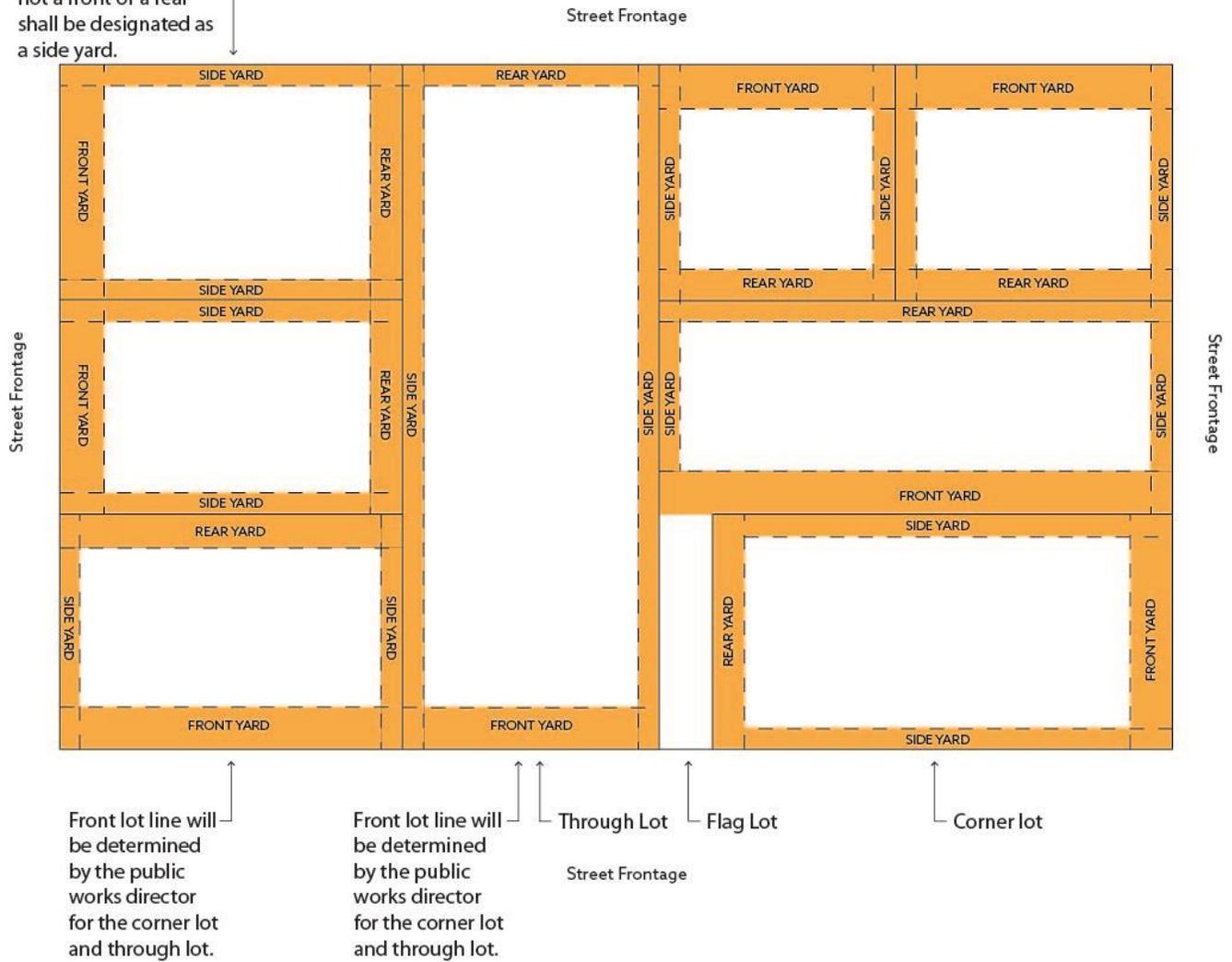
"Side yard" means a yard extending across the lot width between the side building line of the principal building and the side lot line, between the front yard and the rear yard (See Diagram 22.08.6XXA).

Diagram 22.08.6XXA

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Any other yard that is not a front or a rear shall be designated as a side yard.



Notes:

1. Requirements for Yards, where applicable, are established by development standards within each respective zone district.

2. The following definitions apply to lot and yard determinations:

Lots:	22.08.355	Lot
	22.08.360	Lot area and dimensions
	22.08.365	Lot lines
	22.08.370	Lot types
Yards:	22.08.XXX	Yard
	22.08.670	Yard, front
	22.08.675	Yard, rear
	22.08.680	Yard, side

22.08.685 Zone.

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“Zone” means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this title. (Ord. 965-05 § 1 (part)).

¹ Code reviser’s note: Ord. 1172-19 adds this section as 22.08.280. To avoid duplication of numbering, it has been renumbered editorially as 22.08.217.

Chapter 22.12

DISTRICTS ESTABLISHED – ZONING MAP

Sections:

- 22.12.010 Official zoning map – Districts established.
- 22.12.020 Official zoning map – Certificate.
- 22.12.030 Official zoning map – Replacement.
- 22.12.040 Official zoning map – Interpretations.
- 22.12.050 Zoning of vacated areas.
- 22.12.060 Zoning of annexed areas.

22.12.010 Official zoning map – Districts established.

A. The city is divided into districts as shown on the official zoning map which, together with the matters thereon and the certificate attached thereto, is adopted and declared to be part of this title as if described in detail herein.

B. For the purposes of this title, the city is divided and classified into the following use districts:

1. R-L low density residential;
2. R-M medium density residential;
3. C-1 mixed use commercial;
4. C-2 general commercial;
5. C-3 heavy commercial;
6. M-1 light industrial. (Ord. 965-05 § 2; Ord. 817 § 2 (part), 1996).

22.12.020 Official zoning map – Certificate.

The official zoning map shall be displayed at all times in City Hall and shall bear a certificate with the signature of the mayor and the certification of the city clerk and the date of the adoption of the ordinance codified in this title. If any changes to the map are made by amendment of the ordinance codified in this title, such changes shall be made to the official zoning map and signed and certified upon the map or upon material attached thereto. (Ord. 965-05 § 3; Ord. 817 § 2 (part), 1996).

22.12.030 Official zoning map – Replacement.

In the event that the official zoning map becomes damaged, lost or difficult to read or interpret because of the number or nature of changes thereto, a new official zoning map shall be prepared and shall be approved for certification by the city council and signed by the mayor, and certified as the official zoning map by the city clerk. (Ord. 817 § 2 (part), 1996).

22.12.040 Official zoning map – Interpretations.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown: where shown as approximately following platted lot lines, it shall be construed as following such lot lines; where shown as following approximately the city limits, railroad tracks, street centerlines, stream or water centerlines or shorelines, it shall be construed as following such lines. Boundaries indicated as extensions of or parallel to such lines shall be so construed and where distances are now shown on the map, they shall be determined by the scale of the map. Where boundaries cannot be so construed

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or interpreted, or where such boundaries seem in conflict with physical or cultural features on the land, the planning commission shall interpret such boundaries. (Ord. 817 § 2 (part), 1996).

22.12.050 Zoning of vacated areas.

Whenever any street or alley shall be vacated such street or alley or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches. (Ord. 817 § 2 (part), 1996).

22.12.060 Zoning of annexed areas.

All territory which may hereafter be annexed to the city shall be considered to be zoned in the same manner as the contiguous territory inside the previous city limits, until otherwise classified. (Ord. 817 § 2 (part), 1996).

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Chapter 22.16

PROHIBITED USE

Sections:

22.16.010 Prohibited use.

22.16.010 Prohibited use.

Any use not listed in the Zoning Use Table of Section 22.33.020, or not described in the land use district chapters of this title, is prohibited unless otherwise authorized pursuant to Section 22.33.010. (Ord. 1144-17 § 1).

Chapter 22.20

R-L LOW DENSITY RESIDENTIAL DISTRICT

Sections:

- 22.20.010 Intent.
- 22.20.020 Permitted uses.
- 22.20.030 Accessory building and uses.
- 22.20.040 Conditional uses.
- 22.20.050 Prohibited uses.

Development standards.

- ~~22.20.060 Lot area.~~
- ~~22.20.070 Lot dimensions.~~
- ~~22.20.080 Lot coverage.~~
- ~~22.20.090 Yards.~~
- ~~22.20.100 Dwelling unit floor area.~~
- 22.20.110 Fences and hedges.
- 22.20.120 Parking.
- ~~22.20.130 Building height.~~
- 22.20.140 Landscaping.
- ~~22.20.150 Supplemental standards.~~

22.20.010 Intent.

The R-L low density residential district is intended to stabilize and preserve low density residential neighborhoods; to prevent intrusion by incompatible land uses; to conform to the systems of services available; to provide for community facilities that will enhance residential quality; to allow low-density multiple-family residences interspersed within single-family neighborhoods to limit densities to those for which a complete range of services can be efficiently provided. (Ord. 817 § 2 (part), 1996).

22.20.020 Permitted uses.

Permitted uses in the R-L low density residential district shall be consistent with Chapter 22.33, Land Use Table.

~~Permitted uses in the R-L low density residential district are as follows:~~

- ~~A. One single family dwelling per each eight thousand foot lot;~~
- ~~B. Single family manufactured homes: see Chapter 22.34;~~
- ~~C. Publicly owned buildings;~~
- ~~D. Temporary buildings for use during construction (not to exceed six months);~~
- ~~E. Home based day care as regulated by RCW 35.63.185 and through receipt of approved city business license;~~
- ~~F. Adult family home;~~
- ~~G. Community residential facility (see Section 22.20.150). (Ord. 1059 12 § 11 (part); Ord. 1054 12 § 1; Ord. 817 § 2 (part), 1996).~~

22.20.030 Accessory building and uses.

The following are not to occupy more than ten percent of the lot area in the R-L low density residential district:

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- A. Private garage or carport;
- B. Noncommercial greenhouses and storage sheds;
- C. Private structures to provide shelter for animals;
- D. Uses normally incident to single residences;
- E. Restriction for accessory buildings (see Section 22.20.090 ~~XXX~~ 090 for yard restrictions):

- 1. Shall occupy not more than ten percent of lot area,
- 2. Shall be not less than five feet from lot line~~;~~
- ~~3. Where rear yard abuts upon a street (a through lot) buildings shall not occupy any of the minimum required rear yard space (see Section 22.20.090);~~
- ~~4. Corner lot buildings shall not occupy any of the minimum required side yard space nor any of the minimum required rear yard space required where abutting street (see Section 22.20.090). (Ord. 817 § 2 (part), 1996).~~

22.20.040 Conditional uses.

Conditional uses in the R-L low density residential district shall be consistent with Chapter 22.33, Land Use Table.

Conditional uses in the R-L low density residential district are as follows:

- ~~A. Accessory dwelling units (see Chapter 22.48);~~
- ~~B. Duplexes:~~
 - ~~1. Must have a site plan approved by the planning commission;~~
- ~~C. Churches with accessory school and/or residence;~~
- ~~D. Charitable or welfare institutions;~~
- ~~E. Day care centers limited to small day care center;~~
- ~~F. Public parking area (if adjoining commercial or light industrial districts) must have a twenty-foot landscaped area to screen it from view of residences (see Chapter 22.60, Landscaping);~~
- ~~G. Community and neighborhood parks. (Ord. 1059-12 § 11 (part); Ord. 1054-12 § 2; Ord. 817 § 2 (part), 1996).~~

22.20.050 Prohibited uses.

Prohibited uses in the R-L low density residential district shall be consistent with Chapter 22.33, Land Use Table.

The following uses are expressly prohibited in the R-L low density residential district:

- ~~A. Commercial uses;~~
- ~~B. Industrial uses. (Ord. 817 § 2 (part), 1996).~~

Development standards.

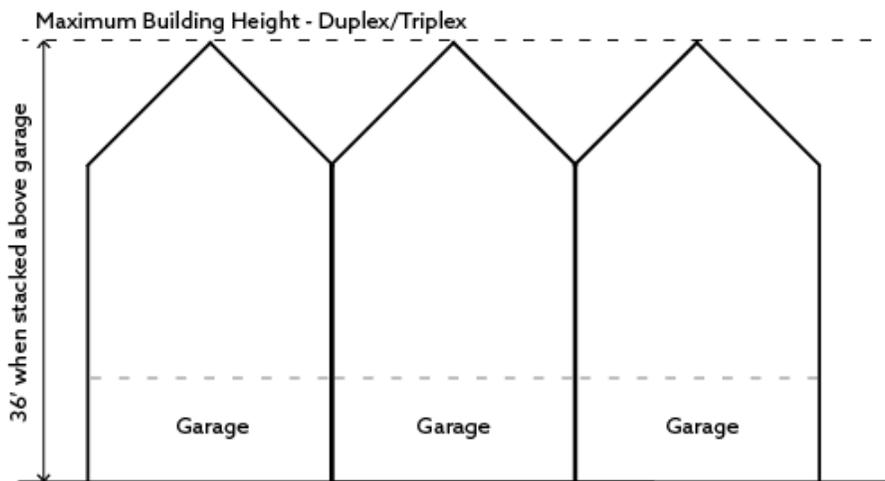
Minimum front yard	25 feet ¹
Minimum side yard	5 feet ^{1,3}

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Minimum rear yard	25 feet ²
Garage setback	20 feet
Minimum lot area	8,000 square feet
Minimum lot width	80 feet
Minimum lot depth	100 feet
Maximum lot coverage	45%
Maximum height	25 feet ⁴
Minimum street frontage	N/A
Maximum density	6 dwelling units per acre
Minimum floor area	1,200 square feet per unit ⁵

1. No structure, including accessory buildings, shall be constructed in the required front or side yard.
2. No structure, including accessory buildings, shall be constructed in that portion of any rear yard adjacent to or within 10 feet of any adjoining front yard, adjacent to or within 5 feet of an adjoining yard, or within 15 feet of any public street.
3. The sum of two sides must be no less than 15 feet.
4. The maximum height of a duplex shall be 36 feet when stacked over a garage. See Diagram 22.20.XXXA.
5. This shall only apply to duplexes. Each duplex shall have a minimum floor area of 1,200 square feet per unit excluding any area to be used for garage, storage, porch, or similar area.

Diagram 22.20.060A



22.20.060 — Lot area.

The required area of a lot or parcel in the R-L low density residential district shall be not less than eight thousand square feet. (Ord. 817 § 2 (part), 1996).

22.20.070 — Lot dimensions.

Each lot or parcel created in the R-L low density residential district after the effective date of the ordinance codified in this title shall have a width and depth of not less than:

A. Width, eighty feet;

B. Depth, one hundred feet. (Ord. 817 § 2 (part), 1996).

22.20.080 — Lot coverage.

In an R-L Zone, the following buildings shall occupy the following lot areas:

A. The total coverage of the lot for the primary structure, defined as residence, and secondary structures combined shall not exceed forty five percent of the gross square footage of the tax parcel that they occupy. (Ord. 976-05 § 1, 2005; Ord. 817 § 2 (part), 1996).

22.20.090 — Yards.

Minimum front, side and rear yards in the R-L low density residential district are as follows: Every lot or parcel in this zone shall have open space unoccupied and unobstructed from the ground upward. All measurements are made from the proper property line to the building line.

A. Front yard: minimum of twenty five feet;

B. Side yard: minimum of five feet, fifteen feet total;

C. Rear yard: minimum of twenty five feet;

D. No structure, including accessory buildings, shall be constructed in the required front or side yard setback or that portion of any rear yard adjacent to or within ten feet of any adjoining front yard, adjacent to or within five feet of an adjoining rear yard, or within fifteen feet of any public street; provided, however, that any structure with a vehicular entrance from a public street or alley shall be set back from the street or alley a minimum of twenty feet. (Ord. 817 § 2 (part), 1996).

22.20.100 — Dwelling unit floor area.

Each duplex hereafter installed in an R-L low density residential district shall have a minimum floor area of one thousand square feet per unit excluding any area to be used for garage, storage, porch or similar area. (Ord. 817 § 2 (part), 1996).

22.20.110 Fences and hedges.

Fences and hedges in an R-L low density residential district shall conform to the heights as specified in Section 22.62.020. (Ord. 817 § 2 (part), 1996).

22.20.120 Parking.

Minimum off-street parking requirements in an R-L low density residential district shall be as specified in Chapter 22.40. (Ord. 817 § 2 (part), 1996).

22.20.130 — Building height.

The maximum height of buildings in an R-L low density residential district shall be two stories, not to exceed twenty five feet in height. (Ord. 817 § 2 (part), 1996).

22.20.140 Landscaping.

Minimum landscaping requirements in an R-L low density residential district shall be as provided in Chapter 22.60 for conditional use permits. (Ord. 817 § 2 (part), 1996).

22.20.150 — Supplemental standards.

~~A. “Group homes” in the city of Algona are classified as “community residential facilities (CRFs).” CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by Section 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use under Section 22.30.040.~~

~~B. Community Residential Facilities (CRFs).~~

~~1. CRFs are single family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state licensed adult family homes and foster family homes are exempt from the city’s numerical limit.~~

~~2. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in subsection C of this section.~~

~~3. In the single family zone, CRFs are required to be a single family structure compatible with the surrounding area.~~

~~C. Accommodation of Persons with Disabilities.~~

~~1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.~~

~~2. Application. Such exceptions may include:~~

~~a. Increasing the number of nonrelated persons allowed to live together in a single family house;~~

~~b. Reducing setback requirements to retrofit a house with handicap accessible facilities;~~

~~c. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.~~

~~3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).~~

~~4. Accommodation Procedure.~~

~~a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.~~

~~b. Decision Process.~~

~~i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.~~

~~ii. Prompt Action. The director shall act promptly on the request for accommodation.~~

~~iii. No Fee. The director shall not charge a fee for responding to such request.~~

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~~iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty-one days after the director's decision.~~

~~e. Decision Criteria:~~

~~i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.~~

~~ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.~~

~~iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.~~

~~iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.~~

~~d. Procedure Upon Change of Use:~~

~~i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.~~

~~ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD). (Ord. 1059-12 § 11 (part)).~~

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Chapter 22.24

R-M MEDIUM DENSITY RESIDENTIAL DISTRICT

Sections:

- 22.24.010 Intent.
- 22.24.020 Permitted uses.
- 22.24.030 Accessory building and uses.
- 22.24.040 Conditional uses.
- 22.24.050 Prohibited uses.
- 22.24.060 Development standards.
- ~~22.24.070 Performance standards.~~
- 22.24.080 Fences and hedges.
- 22.24.090 Parking.
- 22.24.100 Landscaping.
- ~~22.24.110 Supplemental standards.~~

22.24.010 Intent.

The R-M medium density residential district is intended to allow for a variety of housing types and densities; to help meet the need for a range of affordable housing; and to promote residential development at densities that will allow for pedestrian access to commercial establishments, employment, and parks or recreation opportunities. (Ord. 965-05 § 4 (part)).

22.24.020 Permitted uses.

Permitted uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table.

~~Permitted uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table. In addition to those uses allowed in Chapter 22.33, permitted uses may also include the following:~~

- ~~A. Single family manufactured homes as allowed in Chapter 22.34;~~
- ~~B. Publicly owned buildings, parks and playgrounds, but not including amusement parks, golf courses or commercial recreations;~~
- ~~C. Temporary buildings for use during construction (not to exceed six months);~~
- ~~D. Other uses may be permitted by the public works director if the use is determined to be consistent with the intent of the zone and is of the same general character as the uses permitted in the zone;~~
- ~~E. Home based day care as regulated by RCW 35.63.185 and through receipt of approved city business license;~~
- ~~F. Adult family home; and~~
- ~~G. CRFs: see Section 22.24.110. (Ord. 1059-12 § 12 (part); Ord. 965-05 § 4 (part)).~~

22.24.030 Accessory building and uses.

The following are permitted as accessory and shall occupy no more than ten percent of the lot area, unless otherwise stated, in the R-M medium density residential district:

- A. Private garages or carports;

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- B. Noncommercial greenhouses and storage sheds;
- C. Private structures to provide shelter for animals;
- D. Uses normally incidental to residential structures;
- E. ~~In addition to the restrictions for accessory buildings (see Section 22.24.060 for yard restrictions) in Section 22.48.010, Accessory dwelling units, the following shall also apply:~~

- 1. Accessory structures shall be no less than five feet from the lot line;
- 2. ~~Where a rear yard abuts a street (a through lot), accessory buildings shall not occupy any of the minimum required rear yard space; and~~
- 3. ~~Corner lot accessory buildings shall not occupy any of the minimum required side yard space nor any of the minimum required rear yard space required where abutting a street;~~
- F. Home occupations that meet the requirements of Chapter 22.45, Home Occupation Permits. (Ord. 965-05 § 4 (part)).

22.24.040 Conditional uses.

Conditional uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table.

Conditional uses in the R-M medium density residential district are as follows:

- A. ~~Accessory dwelling units that meet the requirements of Section 22.48.010, Accessory dwelling units;~~
- B. ~~Apartments that meet the following requirements, in addition to the requirements of Section 22.48.040, Multiple-resident and high density buildings:~~
 - 1. ~~Lot area shall not be less than eight thousand square feet;~~
 - 2. ~~Shall not exceed one dwelling unit per two thousand nine hundred square feet of gross lot area;~~
 - 3. ~~Shall include open space unoccupied and unobstructed from the ground upward;~~
 - 4. ~~All measurements are to be made from the property line to the building line;~~
 - 5. ~~Yards shall be:~~
 - a. ~~Front yard: minimum of twenty five feet;~~
 - b. ~~Side yard: minimum of seven and one half feet;~~
 - c. ~~Rear yard: minimum of twenty five feet;~~
 - d. ~~Lot coverage shall not exceed thirty five percent;~~
 - 6. ~~No structure, including accessory buildings, shall be considered in the required front or side yard setback or that portion of any rear yard adjacent to or within ten feet of any adjoining front yard, adjacent to or within five feet of an adjoining rear yard, or within fifteen feet of any public street; provided, however, that any structure with a vehicular entrance from a public street or alley shall be set back from the street or alley a minimum of twenty feet;~~
 - 7. ~~The maximum height of the building shall be two stories, not to exceed twenty five feet in height;~~

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~~C. Day care centers limited to small day care center, large day care center, preschool, or nursery school; and~~

~~D. Public parking areas which comply with Section 22.60.060, Parking lots. (Ord. 1059-12 § 12 (part); Ord. 965-05 § 4 (part)).~~

22.24.050 Prohibited uses.

Prohibited uses in the R-M medium density residential district shall be consistent with Chapter 22.33, Land Use Table.

~~The following uses are expressly prohibited in the R-M medium density residential district:~~

~~A. Commercial uses, except where allowed as a conditional use;~~

~~B. Industrial uses. (Ord. 1059-12 § 12 (part); Ord. 965-05 § 4 (part)).~~

22.24.060 Development standards.

Minimum front yard	10 feet ⁵
Minimum side yard	5 feet ⁵
Minimum rear yard	15 feet ⁶
Minimum lot area	5,000 square feet ¹
Minimum lot width	50 feet ²
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum height	25 feet ³
Minimum street frontage	30 feet ⁴
Maximum density	12 dwelling units per acre
1. The minimum lot size for assisted senior living facilities, nursing homes, and senior housing shall be 15,000 square feet.	
2. The minimum lot width for assisted senior living facilities, nursing homes, and senior housing shall be 150 feet.	
3. The maximum height of a duplex or triplex shall be 36 feet when stacked over a garage. See Diagram 22.24.060A .	
4. The minimum street frontage for flag lots shall be 20 feet. See Diagram 22.24.060B .	
5. No structure, including accessory buildings, shall be constructed in the required front or side yard.	
6. No structure, including accessory buildings, shall be constructed in that portion of any rear yard adjacent to or within 10 feet of any adjoining front yard, adjacent to or within 5 feet of an adjoining yard, or within 15 feet of any public street.	

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Diagram 22.24.060A

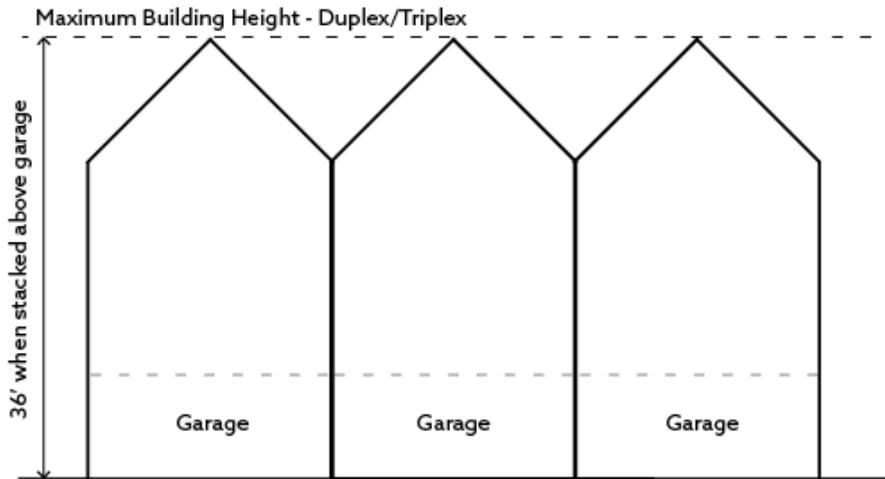
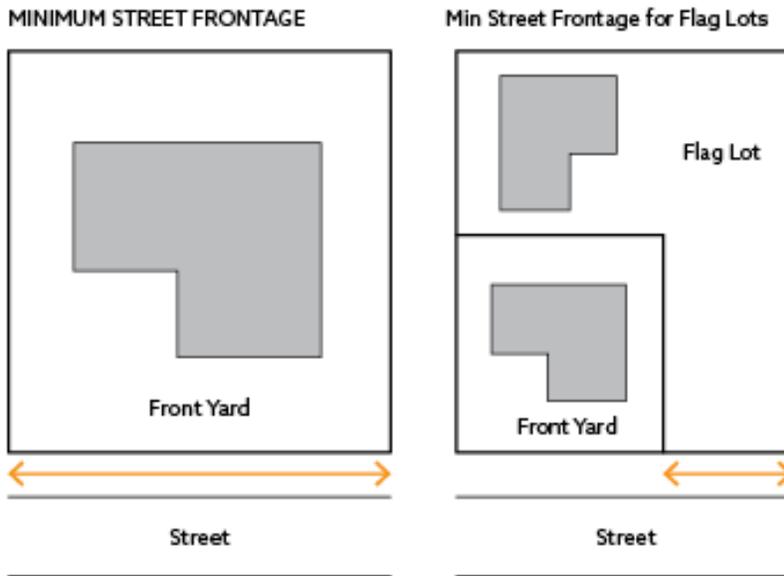


Diagram 22.24.060B



Use	Yards				Min. Lot Size	Min. Lot Width	Lot Coverage	Height	Min. ² Street Frontage	Max. Net Development Density
	Front	Side	Rear	Corner						
Assisted senior living facility	10'	5'	15'	12'	15,000 SF	150'	N/A	25'	30'	12 DU/AC
Attached or detached bungalow or cottage	10'	5'	15'	10'	5,000 SF	50'	N/A	25'	30'	10 DU/AC
Duplex, townhome ³	10'	5'	15'	10'	5,000 SF	50'	N/A	36'	30'	12 DU/AC or 2,900 net SF/DU

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Nursing home	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12 DU/AC
Row house	10'	5'	15'	10'	5,000-SF	50'	N/A	25'	30'	12 DU/AC
Semi-attached single-family	10'	5' ¹	15'	10'	5,000-SF	50'	N/A	25'	30'	8 DU/AC
Senior housing	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12 DU/AC
Single-family detached on small lots	10'	5'	15'	10'	4,000-SF	40'	N/A	25'	30'	8 DU/AC
Triplex townhome	10'	5'	15'	10'	5,000-SF	50'	N/A	36'	30'	12 DU/AC or 2,900 net-SF/DU
¹ The minimum side yard for a semi-attached structure shall be five feet, except where the structure is connected to a secondary or ancillary building part such as garage, carport, trellis, or porch.										
² The maximum height of a duplex or triplex townhome shall be thirty-six feet when stacked over a garage; otherwise the height shall not exceed twenty-five feet.										
³ The minimum street frontage for pipestem or flag lots shall be twenty feet.										

The following development standards shall apply to multiple-family dwellings, as defined in AMC 22.08.235:

Minimum front yard	25 feet ¹
Minimum side yard	7 1/2 feet ¹
Minimum rear yard	25 feet ²
Minimum lot area	8,000 square feet
Minimum lot width	50 feet
Minimum lot depth	N/A
Maximum lot coverage	35%
Maximum height	25 feet
Minimum street frontage	30 feet
Maximum density	15 dwelling units per acre
1. No structure, including accessory buildings, shall be constructed in the required front or side yard.	
2. No structure, including accessory buildings, shall be constructed in that portion of any rear yard adjacent to or within 10 feet of any adjoining front yard, adjacent to or within 5 feet of an adjoining yard, or within 15 feet of any public street.	

The following development standards shall apply to single family detached on small lots, semi-attached single family, and attached or detached bungalow or cottage style housing:

A. Architectural Features:

1. Each house shall contain a porch of at least sixty square feet, with a minimum depth of six feet. This requirement shall only apply to single family housing prototypes that traditionally include porches.

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~~2. Single family housing prototypes that do not traditionally include porches shall provide a pronounced entryway. Pronounced entryways shall include rounded doors, articulated entrances, columns, and other similar features.~~

~~3. Sixty five percent of the housing units shall include porches. The remaining housing units shall comply with this chapter.~~

~~4. Each single family unit shall have a designated pedestrian connection from the front door to the sidewalk.~~

B. Roof Design.

~~1. Roof shall be pitched at a ratio of at least five to twelve.~~

~~2. Roofs shall have dormers, or gables, or similar variations in roof planes in order to break up the roof mass.~~

~~3. Roof pitches shall complement the building style.~~

~~4. Roof materials shall provide variety in the use of materials and color including tile, compositional, metal, shake or shingle.~~

C. Corner Lots. ~~Structures on corner lots shall take advantage of the dual frontage and make an architectural statement. This may be accomplished by providing the following:~~

~~1. Wrap around porches;~~

~~2. Bay windows, porches, turrets or trellises;~~

~~3. Varied exterior materials that are consistent with one another, roof features, or articulation.~~

D. Garages.

~~1. Garages may be attached or detached and accessed from a side drive.~~

~~2. Garages located in the front facade or "front loaded" shall conform to the following:~~

~~a. Upper level dormers shall be used to de-emphasize the garage.~~

~~b. The porch shall protrude at least five feet beyond the garage facade or if no porch is included the garage shall be set back five feet from the main structure.~~

~~e. Garage openings and trims shall include sufficient detail work to de-emphasize the garage. (Ord. 1059-12 § 12- (part); Ord. 965-05 § 4 (part)).~~

22.24.070 — Performance standards.

A. Front Loaded Lots. ~~Garages or carports located in the front of residential structures shall provide a minimum of twenty five feet between the face of the garage and the front lot line.~~

B. Exterior Mechanical Devices. ~~Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace.~~

C. Yard Projections. ~~Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:~~

~~1. Fences and walls as specified and limited may project into the front, rear and side yards.~~

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~~2. Cornices, sills, eave projections and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches, provided the width of any required interior side yard is not reduced to less than two feet, six inches, and any yard abutting a street is not reduced to less than five feet.~~

~~3. Open, unenclosed, unroofed decks may project into any required rear or interior side yard; providing, however, that the decks are constructed at grade elevations, or in no event exceed thirty inches above adjoining grade.~~

~~4. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any yard abutting a street is not reduced to less than five feet.~~

~~5. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.~~

~~D. Trash Receptacles. Except on trash pickup days, all trash receptacles shall be screened from neighboring properties and public rights of way by an opaque visual barrier no lower than the maximum height of the receptacles. Provision of recycling bins shall be made. These shall be located near the trash receptacles and screened as required above. (Ord. 965-05 § 4 (part)).~~

22.24.080 Fences and hedges.

Fences and hedges requirements in the R-M medium density residential district shall conform to the heights as specified in Chapter 22.62, Fences, Hedges and Walls. (Ord. 965-05 § 4 (part)).

22.24.090 Parking.

Minimum off-street parking requirements in an R-M medium density residential district shall be as specified in Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 4 (part)).

22.24.100 Landscaping.

Minimum landscaping requirements in an R-M medium density residential district shall be as provided in Chapter 22.60, Landscaping. (Ord. 965-05 § 4 (part)).

~~**22.24.110 Supplemental standards.**~~

~~A. "Group homes" in the city of Algona are classified as "community residential facilities (CRFs)." CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by AMC 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use under Section 22.30.040.~~

~~**B. Community Residential Facilities (CRFs).**~~

~~1. CRFs are single family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state licensed adult family homes and foster family homes are exempt from the city's numerical limit.~~

~~2. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in Section 22.20.150(C).~~

~~3. In the single family zone, CRFs are required to be a single family structure compatible with the surrounding area.~~

~~**C. Accommodation of Persons with Disabilities.**~~

~~1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.~~

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~~2. Application. Such exceptions may include:~~

- ~~a. Increasing the number of nonrelated persons allowed to live together in a single family house;~~
- ~~b. Reducing setback requirements to retrofit a house with handicap accessible facilities;~~
- ~~c. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.~~

~~3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).--~~

~~4. Accommodation Procedure.~~

~~a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.~~

~~b. Decision Process.~~

~~i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.~~

~~ii. Prompt Action. The director shall act promptly on the request for accommodation.~~

~~iii. No Fee. The director shall not charge a fee for responding to such request.~~

~~iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty one days after the director's decision.~~

~~c. Decision Criteria.~~

~~i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.~~

~~ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.~~

~~iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.~~

~~iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.~~

~~d. Procedure Upon Change of Use.~~

~~i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential~~

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~~structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.~~

~~ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD). (Ord. 1059-12 § 12 (part)).~~

Chapter 22.28

C-1 MIXED USE COMMERCIAL DISTRICT

Sections:

- 22.28.010 Intent.
- 22.28.020 Permitted uses.
- 22.28.030 Accessory uses.
- 22.28.040 Conditional uses.
- 22.28.050 Prohibited uses.
- 22.28.060 Restrictions and limitations.
- 22.28.070 ~~Commercial and residential development standards.~~
- 22.28.080 ~~Performance standards.~~
- 22.28.090 ~~Lot area and width.~~
- 22.28.100 Off-street parking.
- 22.28.110 Landscaping.
- 22.28.120 Signs.
- 22.28.130 ~~Supplemental standards.~~

22.28.010 Intent.

The C-1 mixed use commercial district is intended to provide a mixture of uses. This means that residential uses are mixed with nonresidential land uses, such as small-scale retail and commercial, office, civic and open space. The purpose of this chapter is to achieve the following:

- A. To broaden the tax base of the community by mixing land uses;
- B. To promote the integration of uses where residential may be a component of a commercial development;
- C. To provide a mix of housing types within the community;
- D. To promote different modes of transportation such as walking, bicycles, transit, and to be less reliant on automobiles; and
- E. To promote retail and service facilities that meet the current and potential need for the community and surrounding area. (Ord. 965-05 § 5 (part)).

22.28.020 Permitted uses.

Permitted uses in the C-1 mixed use commercial district shall be consistent with Chapter 22.33, [Land Use Table](#).

~~A. Uses similar to those listed as permitted uses in the land use table shall be considered permitted.~~

~~B. In the C-1 mixed use commercial district, medium density residential uses are permitted, either as part of a mixed use development with commercial uses or as the primary use; provided:~~

~~1. The maximum number of dwelling units may not exceed twelve dwelling units per net acre. (Ord. 965-05 § 5 (part)).~~

22.28.030 Accessory uses.

Accessory uses in the C-1 mixed use commercial district shall be as follows:

- A. Uses normally incidental to the permitted use on the same parcel of land;

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B. Storage and similar uses incidental to commercial uses, but not including warehousing. (Ord. 965-05 § 5 (part)).

22.28.040 Conditional uses.

Conditional uses in the C-1 mixed use commercial district shall be consistent with Chapter 22.33, [Land Use Table](#).

~~A. Uses that do not reasonably fit into permitted or prohibited shall be considered conditional uses.~~

~~B. Single family on small lots, semi-attached single family, attached bungalow, cottage, multiplex dwelling units, and multiplex homes. (Ord. 965-05 § 5 (part)).~~

22.28.050 Prohibited uses.

[Prohibited uses in the C-1 mixed use commercial district shall be consistent with Chapter 22.33, Land Use Table.](#)

The following uses are prohibited in the C-1 mixed use commercial district:

~~A. Industrial uses. (Ord. 965-05 § 5 (part)).~~

22.28.060 Restrictions and limitations.

Every use located in a C-1 mixed use commercial district shall be subjected to the following further restrictions:

A. All uses shall be conducted within a building. At retail establishments, merchandise or other goods, products, or containers may be displayed outside the building; provided, that the space occupied by such displays of merchandise or goods shall not extend more than eight feet beyond the building line; and provided further, that entrances to the premises shall not be blocked by such displays and shall not occupy portions of the lot normally required for off-street parking purposes. Where such sale is conducted, off-street parking spaces may not be reduced below the minimum requirements of Chapter 22.40 and all entrances to and exits from off-street parking areas and the business building shall be kept clear at all times. Loading and unloading of merchandise shall be done on private property or in such a manner as to minimize interference with vehicular and pedestrian traffic on public rights-of-way or off-street parking areas.

B. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.

C. Use of cleaning agents shall be limited to nonflammable and nonexplosive fluids with a flash point above 138.5 degrees Fahrenheit in a closed safety cleaning system.

D. Any buildings or structures or portions thereof used to house animals in connection with small animal hospitals and clinics shall be soundproofed; the animal runs shall be surfaced with concrete or other impervious material; there shall be no burning of refuse or dead animals; drainage shall be away from adjoining properties.

E. Activities conducted on the premises shall conform to all applicable federal, state, county and city regulations pertaining to noise, odors, fumes, gases, smoke, vibrations and other environmental factors. (Ord. 965-05 § 5 (part)).

22.28.070 Commercial and residential development standards.

Table 1. Commercial and Residential Development Standards

Minimum front yard	5 feet
Minimum side yard	5 feet
Minimum rear yard	15 feet
Minimum lot area	5,000 square feet
Minimum lot width	50 feet

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Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum height	25 feet ¹
Minimum street frontage	30 feet ²
Maximum density	12 dwelling units per acre
1. The maximum height of a duplex or triplex shall be 36 feet when stacked over a garage. See Diagram 22.28.070A.	
2. The minimum street frontage for flag lots shall be 20 feet. See Diagram 22.28.070B.	

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Diagram 22.28.070A

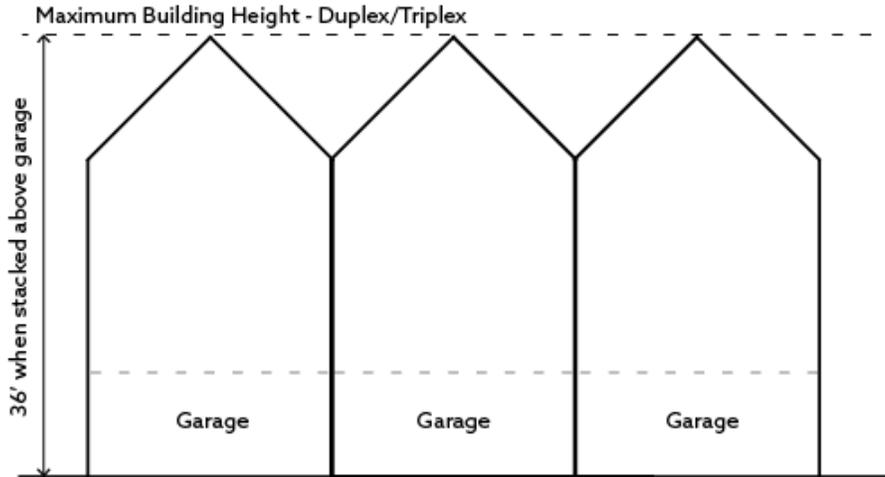
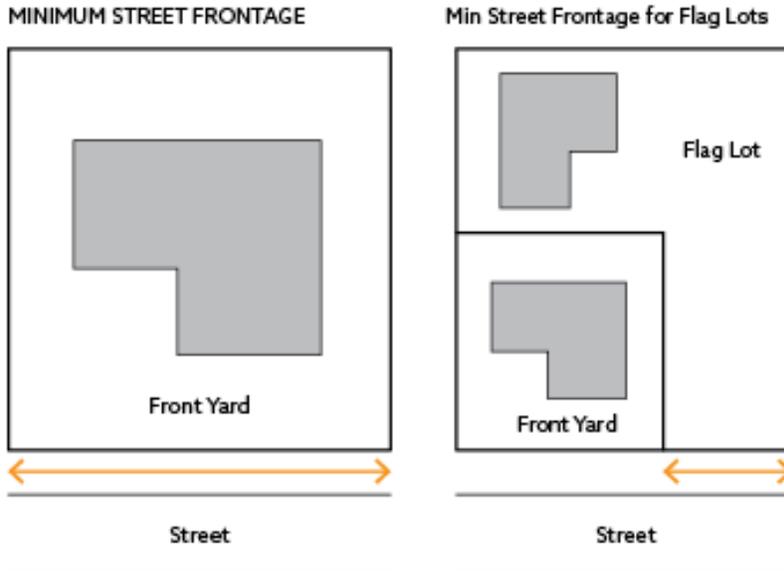


Diagram 22.28.070B



Use	Yards				Min. Lot-Size	Min. Lot-Width	Lot-Coverage	Height Max.	Min.-Street-Frontage ³	Max. Net-Development-Density
	Front	Side	Rear	Corner						
COMMERCIAL USES										
Commercial uses	5'	5'	15'	N/A	5,000-SF	50'	N/A	25'	30'	12-DU/AC
LOW DENSITY RESIDENTIAL USES										

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Low density residential uses	10'	5'	15'	15'	5,000-SF	50'	35%	25'	N/A	6-DU/AC
MEDIUM DENSITY RESIDENTIAL USES										
Assisted senior living facility	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12-DU/AC
Attached or detached bungalow or cottage	10'	5'	15'	10'	5,000-SF	50'	N/A	25'	30'	10-DU/AC
Community residential facility	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	10-DU/AC
Duplex, townhome ²	10'	5'	15'	10'	10,000-SF	50'	N/A	36'	30'	12-DU/AC or 2,900 net-SF/DU
Live/work unit	5'	5'	5'	5'	5,000-SF	50'	N/A	25'	30'	10-DU/AC
Nursing home	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12-DU/AC
Row house	10'	5'	15'	10'	5,000-SF	50'	N/A	25'	30'	12-DU/AC
Semi-attached single-family	10'	5' ¹	15'	10'	5,000-SF	50'	N/A	25'	30'	8-DU/AC
Senior housing	10'	5'	15'	12'	15,000-SF	150'	N/A	25'	30'	12-DU/AC
Single-family detached on small lots	10'	5'	15'	10'	4,000-SF	40'	N/A	25'	30'	8-DU/AC
Triplex townhome	10'	5'	15'	10'	15,000-SF	50'	N/A	36'	30'	12-DU/AC or 2,900 net-SF/DU
¹ The minimum side yard for a semi-attached structure shall be five feet, except where the structure is connected to a secondary or ancillary building part such as garage, carport, trellis, or porch.										
² The maximum height of a duplex or triplex townhome shall be thirty-six feet when stacked over a garage; otherwise the height shall not exceed twenty-five feet.										
² The minimum street frontage for pipestem or flag lots shall be twenty feet.										

A. Standards for the Following Conditional Uses. Detached, semi-attached single family dwellings, attached bungalow dwellings, multiplex dwelling units, and multiplex homes are allowed within the C-1 mixed use commercial district provided they meet the following standards:

1. Porch.

- a. Each house shall contain a porch of at least sixty square feet, with a minimum depth of six feet. This requirement shall only apply to single family housing prototypes that traditionally include porches.
- b. Single family housing prototypes that do not traditionally include porches shall provide a pronounced entryway. Pronounced entryways shall include rounded doors, articulated entrances, columns, and other similar features.
- c. Sixty five percent of the housing units shall include porches. The remaining housing units shall comply with the rest of this section.
- d. Each single family unit shall have a designated pedestrian connection from the front door to the sidewalk.

2. Roof Design.

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- a. ~~Roof shall be pitched at a ratio of at least five to twelve.~~
 - b. ~~Roofs shall have dormers, or gables, or similar variations in roof planes in order to break up the roof mass.~~
 - c. ~~Roof pitches shall complement the building style.~~
 - d. ~~Roof materials shall provide variety in the use of materials and color including tile, compositional, metal, shake or shingle.~~
3. ~~Corner Lots. Structures on corner lots shall take advantage of the dual frontage and make an architectural statement. This may be accomplished by providing the following:~~
- a. ~~Wrap around porches;~~
 - b. ~~Bay windows, porches, turrets or trellises;~~
 - c. ~~Varied exterior materials that are consistent with one another, roof features, or articulation.~~
4. ~~Garages.~~
- a. ~~Garages may be attached or detached and accessed from a side drive.~~
 - b. ~~Garages located in the front facade or "front loaded" shall conform to the following:~~
 - c. ~~Upper level dormers shall be used to de-emphasize the garage.~~
 - d. ~~The porch shall protrude at least five feet beyond the garage facade or if no porch is included the garage shall be set back five feet from the main structure.~~
 - e. ~~Garage openings and trims shall include sufficient detail work to de-emphasize the garage.~~
- B. ~~Live/Work Units. In the C-1 mixed use commercial district, live/work units are conditional uses allowed provided:~~
1. ~~The workspace component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.~~
 2. ~~The dwelling unit component must be located above or behind the workspace, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.~~
 3. ~~A total of two off street parking spaces shall be provided for a live/work unit in addition to any off street parking as specified in Chapter 22.40, Off Street Parking and Loading, located to the rear of the unit, or underground/enclosed.~~
 4. ~~The size and nature of the workspace shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed use building.~~
 5. ~~The business component of the building may include offices, small service establishments, home crafts which are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the zone, which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.~~

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~~C. In the C-1 mixed use commercial district, R-L low density residential uses are permitted; provided, that they meet the requirements of Chapter 22.20, R-L Low Density Residential District. (Ord. 1059-12 § 13 (part); Ord. 965-05 § 5 (part)).~~

22.28.080 — Performance standards.

~~A. Front Loaded Lots. Garages or carports located in the front of residential structures shall provide a minimum of twenty five feet between the face of the garage and the front lot line.~~

~~B. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace.~~

~~C. Yard Projections. Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:~~

~~1. Fences and walls as specified and limited may project into the front, rear and side yards.~~

~~2. Cornices, sills, eave projections and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches, provided the width of any required interior side yard is not reduced to less than two feet, six inches, and any yard abutting a street is not reduced to less than five feet.~~

~~3. Open, unenclosed, unroofed decks may project into any required rear or interior side yard; providing, however, that the decks are constructed at grade elevations, or in no event exceed thirty inches above adjoining grade.~~

~~4. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any yard abutting a street is not reduced to less than five feet.~~

~~5. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches, which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.~~

~~D. Trash Receptacles. Except on trash pickup days, all trash receptacles shall be screened from neighboring properties and public rights of way by an opaque visual barrier no lower than the maximum height of the receptacles. Provision of recycling bins shall be made. These shall be located near the trash receptacles and screened as required above.~~

~~E. Where a C-1 mixed use commercial district abuts a residential district, a fifteen foot buffer landscaped area shall be provided as specified in Chapter 22.60. (Ord. 965-05 § 5 (part)).~~

22.28.090 — Lot area and width.

~~Refer to Section 22.28.070. (Ord. 965-05 § 5 (part)).~~

22.28.100 Off-street parking.

Off-street parking in the C-1 mixed use commercial district shall be provided in accordance with Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 5 (part)).

22.28.110 Landscaping.

Landscaping in the C-1 mixed use commercial district shall be provided in accordance with Chapter 22.60, Landscaping. (Ord. 965-05 § 5 (part)).

22.28.120 Signs.

Signs in the C-1 mixed use commercial district shall be provided in accordance with Chapter 22.64, Signs. (Ord. 965-05 § 5 (part)).

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~~22.28.130 — Supplemental standards.—~~

~~A. “Group homes” in the city of Algona are classified as “community residential facilities (CRFs).” CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by Section 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use under Section 22.30.040.~~

~~B. Community Residential Facilities (CRFs).—~~

~~1. CRFs are single family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state licensed adult family homes and foster family homes are exempt from the city’s numerical limit.~~

~~2. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in Section 22.20.150(C).~~

~~3. In the single family zone, CRFs are required to be a single family structure compatible with the surrounding area.~~

~~C. Accommodation of Persons with Disabilities.—~~

~~1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.~~

~~2. Application. Such exceptions may include:~~

~~a. Increasing the number of nonrelated persons allowed to live together in a single family house;~~

~~b. Reducing setback requirements to retrofit a house with handicap accessible facilities;~~

~~c. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.~~

~~3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).—~~

~~4. Accommodation Procedure.—~~

~~a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.~~

~~b. Decision Process.—~~

~~i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.~~

~~ii. Prompt Action. The director shall act promptly on the request for accommodation.~~

~~iii. No Fee. The director shall not charge a fee for responding to such request.~~

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~~iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty-one days after the director's decision.~~

~~e. Decision Criteria:~~

~~i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.~~

~~ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.~~

~~iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.~~

~~iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.~~

~~d. Procedure Upon Change of Use:~~

~~i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.~~

~~ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD). (Ord. 1059-12 § 13 (part)).~~

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C-2 GENERAL COMMERCIAL DISTRICT

Sections:

- 22.29.010 Intent.
- 22.29.020 Permitted uses.
- 22.29.030 Accessory uses.
- 22.29.040 Conditional uses.
- 22.29.050 Prohibited uses.
- 22.29.060 Restrictions and limitations.
- 22.29.070 Development standards.
- ~~22.29.070 Yards.~~
- ~~22.29.080 Building height.~~
- ~~22.29.090 Lot area and width.~~
- 22.29.100 Off-street parking.
- 22.29.110 Landscaping.
- 22.29.120 Signs.

22.29.010 Intent.

The C-2 general commercial district is intended to provide retailing and other commercial services that serve the large market area surrounding the Algona community. In this respect, the C-2 general commercial district should accommodate conventional retail/commercial development that is typical to urban areas such as shopping centers, small- to large-scale retail establishments or a combination of professional services and retail businesses. (Ord. 965-05 § 6 (part)).

22.29.020 Permitted uses.

Permitted uses in the C-2 general commercial district shall be consistent with Chapter 22.33, Land Use Table.

~~A. Uses similar to those listed as permitted uses in the land use table shall be considered permitted. (Ord. 965-05 § 6 (part)).~~

22.29.030 Accessory uses.

Accessory uses in the C-2 general commercial district shall be as follows:

A. Uses normally incidental to the permitted use on the same parcel of land. (Ord. 965-05 § 6 (part)).

22.29.040 Conditional uses.

Conditional uses in the C-2 general commercial district shall be consistent with Chapter 22.33, Land Use Table.

~~A. Uses that do not reasonably fit into permitted or prohibited shall be considered conditional uses. (Ord. 965-05 § 6 (part)).~~

22.29.050 Prohibited uses.

Prohibited uses in the C-2 general commercial district shall be consistent with Chapter 22.33, Land Use Table.

The following uses are prohibited in the C-2 general commercial district:

~~A. Residential uses, except existing residential dwellings lawfully constructed as of the effective date of this title;~~

~~B. Industrial uses. (Ord. 965-05 § 6 (part)).~~

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22.29.060 Restrictions and limitations.

Every use located in a C-2 general commercial district shall be subjected to the following further conditions, restrictions, and limitations.

A. All uses shall be conducted within a building except motorized vehicles, recreational products, and marine products. At retail establishments, merchandise or other goods, products, or containers may be displayed outside the building; provided, that the space occupied by such displays of merchandise or goods shall not extend more than eight feet beyond the building line; and provided further, that entrances to the premises shall not be blocked by such displays and shall not occupy portions of the lot normally required for off-street parking purposes. Where such sale is conducted, off-street parking spaces may not be reduced below the minimum requirements of Chapter 22.40 and all entrances to and exits from off-street parking areas and the business building shall be kept clear at all times. Loading and unloading of merchandise shall be done on private property or in such a manner as to minimize interference with vehicular and pedestrian traffic on public rights-of-way or off-street parking areas.

B. Any repairing done on the premises shall be incidental only, except minor vehicle repair, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed thirty percent of the total floor area occupied by the particular enterprise, except that the limitations of this subsection shall not apply to light equipment, motorcycle, bicycle, shoe, radio, television, or other small household appliance repair services.

C. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.

D. Use of cleaning agents shall be limited to nonflammable and nonexplosive fluids with a flash point above 138.5 degrees Fahrenheit in a closed safety cleaning system.

E. Any buildings or structures or portions thereof used to house animals in connection with small animal hospitals and clinics shall be soundproofed; the animal runs shall be surfaced with concrete or other impervious material; there shall be no burning of refuse or dead animals; drainage shall be away from adjoining properties.

F. Activities conducted on the premises shall conform to all applicable federal, state, county and city regulations pertaining to noise, odors, fumes, gases, smoke, vibrations and other environmental factors. (Ord. 965-05 § 6 (part)).

Development standards.

Minimum front yard	15 feet
Minimum side yard	5 feet ¹
Minimum rear yard	None
Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Minimum lot depth	100 feet
Maximum lot coverage	N/A
Maximum height	35 feet
Minimum street frontage	N/A
Maximum density	
1. If a side yard abuts a street or right-of-way, it must be 15 feet.	

~~22.29.070 Yards.~~

~~Minimum yards in the C-2 general commercial district shall be as follows:~~

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A. Front yard, fifteen feet;

B. Side yard, five feet, except that if a side of a lot abuts a street or right of way, a side yard of fifteen feet shall be provided;

C. Rear yard, none required;

D. Where a commercial district abuts a residential district, a fifteen foot buffer landscaped shall be provided as specified in Chapter 22.60;

E. No access to the C-2 use shall be permitted from a street that abuts a residential district unless required by the city. (Ord. 965-05 § 6 (part)).

~~22.29.080 Building height.~~

~~No building shall be higher than thirty five feet in the C-2 general commercial district. (Ord. 965-05 § 6 (part)).~~

~~22.29.090 Lot area and width.~~

~~The minimum lot area shall be six thousand square feet, the minimum lot width shall be sixty feet and the minimum lot depth shall be one hundred feet in the C-2 general commercial district. (Ord. 965-05 § 6 (part)).~~

22.29.100 Off-street parking.

Off-street parking in the C-2 general commercial district shall be provided in accordance with Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 6 (part)).

22.29.110 Landscaping.

Landscaping in the C-2 general commercial district shall be provided in accordance with Chapter 22.60, Landscaping. (Ord. 965-05 § 6 (part)).

22.29.120 Signs.

Signs in the C-2 general commercial district shall be provided in accordance with Chapter 22.64, Signs. (Ord. 965-05 § 6 (part)).

Chapter 22.30

C-3 HEAVY COMMERCIAL DISTRICT

Sections:

- 22.30.010 Intent.
- 22.30.020 Permitted uses.
- 22.30.030 Accessory uses.
- 22.30.040 Conditional uses.
- 22.30.050 Prohibited uses.
- 22.30.060 Restrictions and limitations.
- 22.30.070 Development standards.
- ~~22.30.070 Yards.~~
- ~~22.30.080 Building height.~~
- ~~22.30.090 Lot area and width.~~
- 22.30.100 Off-street parking.
- 22.30.110 Landscaping.
- 22.30.120 Signs.
- 22.30.130 Heavy commercial planned unit development.

22.30.010 Intent.

The C-3 heavy commercial district is intended to provide more intensive retail trade and commercial services, such as the outside sales of vehicles, motorcycles, boats, recreational vehicles or heavy/light machinery. This district is intended to accommodate uses which are oriented to automobiles either as the mode or target producing commercial service, and related retail/commercial uses. Uses in the C-3 heavy commercial district may require or depend upon their proximity to major highways or arterials. (Ord. 965-05 § 7 (part)).

22.30.020 Permitted uses.

Permitted uses in the C-3 heavy commercial district shall be consistent with Chapter 22.33, Land Use Table.

~~A. Uses similar to those listed as permitted uses in the land use table shall be considered permitted. (Ord. 965-05 § 7 (part)).~~

22.30.030 Accessory uses.

Accessory uses in the C-3 heavy commercial district shall be as follows:

- A. Uses normally incident to the permitted use on the same parcel of land. (Ord. 965-05 § 7 (part)).

22.30.040 Conditional uses.

Conditional uses in the C-3 heavy commercial district shall be consistent with Chapter 22.33, Land Use Table, ~~as well as the following:~~

~~A. Secure community transition facilities as defined in ESSB 6594 Section 4(9).~~

~~B. Halfway house; see also Section 22.28.130.~~

~~C. Uses that do not reasonably fit into permitted or prohibited shall be considered conditional uses. (Ord. 1059-12 § 14; Ord. 965-05 § 7 (part)).~~

22.30.050 Prohibited uses.

Prohibited uses in the C-3 heavy commercial district shall be consistent with ~~are listed in~~ Chapter 22.33, Land Use Table. (Ord. 1059-12 § 15; Ord. 965-05 § 7 (part)).

22.30.060 Restrictions and limitations.

Every use located in a C-3 heavy commercial district shall be subjected to the following further conditions, restrictions, and limitations:

A. All uses shall be conducted within a building except the outside sales or rental of automobiles, recreational vehicles, recreational equipment, motorcycles, heavy machinery, boats or small equipment. At other retail establishments, merchandise or other goods, products, or containers may be displayed outside the building; provided, that the space occupied by such displays of merchandise or goods shall not extend more than eight feet beyond the building line; and provided further, that entrances to the premises shall not be blocked by such displays and shall not occupy portions of the lot normally required for off-street parking purposes. Where such sale is conducted, off-street parking spaces may not be reduced below the minimum requirements of Chapter 22.40 and all entrances to and exits from off-street parking areas and the business building shall be kept clear at all times. Loading and unloading of merchandise shall be done on private property or in such a manner as to minimize interference with vehicular and pedestrian traffic on public rights-of-way or off-street parking areas.

B. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises.

C. Use of cleaning agents shall be limited to nonflammable and nonexplosive fluids with a flash point above 138.5 degrees Fahrenheit in a closed safety cleaning system.

D. Any buildings or structures or portions thereof used to house animals in connection with small animal hospitals and clinics shall be soundproofed; the animal runs shall be surfaced with concrete or other impervious material; there shall be no burning of refuse or dead animals; drainage shall be away from adjoining properties.

E. Activities conducted on the premises shall conform to all applicable federal, state, county and city regulations pertaining to noise, odors, fumes, gases, smoke, vibrations and other environmental factors. (Ord. 965-05 § 7 (part)).

Development standards.

Minimum front yard	25 feet
Minimum side yard	5 feet ¹
Minimum rear yard	None
Minimum lot area	6,000 square feet
Minimum lot width	60 feet
Minimum lot depth	100 feet
Maximum lot coverage	N/A
Maximum height	50 feet
Minimum street frontage	N/A
Maximum density	
1. If a side yard abuts a street or right-of-way, it must be 15 feet.	

~~22.30.070 Yards.~~

~~Minimum yards in the C-3 heavy commercial district shall be as follows:~~

~~A. Front yard, twenty-five feet;~~

~~B. Side yard, five feet, except that if a side of a lot abuts a street or right-of-way, a side yard of twenty feet shall be provided;~~

~~C. Rear yard, none required;~~

~~D. Where a commercial district abuts a residential district, a fifteen foot buffer landscaped shall be provided as specified in Chapter 22.60. (Ord. 965-05 § 7 (part)).~~

~~22.30.080 Building height.~~

~~No building shall be higher than fifty feet. (Ord. 965-05 § 7 (part)).~~

~~22.30.090 Lot area and width.~~

~~The minimum lot area shall be six thousand square feet, the minimum lot width shall be sixty feet and the minimum lot depth shall be one hundred feet in the C-3 heavy commercial district. (Ord. 965-05 § 7 (part)).~~

22.30.100 Off-street parking.

Off-street parking in the C-3 heavy commercial district shall be provided in accordance with Chapter 22.40, Off-Street Parking and Loading. (Ord. 965-05 § 7 (part)).

22.30.110 Landscaping.

Landscaping in the C-3 heavy commercial district shall be provided in accordance with Chapter 22.60, Landscaping. (Ord. 965-05 § 7 (part)).

22.30.120 Signs.

Signs in the C-3 heavy commercial district shall be provided in accordance with Chapter 22.64, Signs. (Ord. 965-05 § 7 (part)).

22.30.130 Heavy commercial planned unit development.

A. Purpose. The purpose of this section is to permit residential units as a supplemental use to the permitted retail/commercial uses. Heavy commercial planned unit developments (HCPUDs) are intended to encourage the maximum retail development of a parcel by supplementing the potential of the site with housing opportunities. This provision is not to be used to substitute residential use for the primary commercial use.

B. Permitted Uses.

1. Residential uses as a supplement to retail commercial uses where steep grade does not permit commercial uses.
2. Residential uses above a commercial use or terraced into grade.
3. Uses which complement the retail commercial use.
4. Height restrictions may be modified to take advantage of the site parameters.

C. Permit Authority. All proposals submitted under this section will require:

1. A preliminary concept meeting with city staff.
2. A public hearing before the planning commission.
3. A recommendation from the planning commission to the city council.
4. The city council shall have final authority to approve (with or without) modifications or deny the permit.
5. Conditional use fees shall apply. (Ord. 965-05 § 7 (part)).

Chapter 22.32

M-1 LIGHT INDUSTRIAL DISTRICT

Sections:

I. Development Regulations

- 22.32.010 Generally.
- 22.32.020 Permitted uses.
- 22.32.030 Accessory uses.
- 22.32.040 Conditional uses.
- 22.32.050 Prohibited uses.
- Development standards.
- ~~22.32.060 Yard requirements.~~
- 22.32.070 Required open spaces.
- ~~22.32.080 Maximum lot coverage.~~
- ~~22.32.090 Permitted height.~~
- 22.32.100 Landscaping.
- 22.32.110 Signs.
- 22.32.120 Parking requirements.

II. Industrial Performance Standards

- 22.32.130 Generally.
- 22.32.140 Noise.
- 22.32.150 Glare.
- 22.32.160 Storage and handling of inflammables.
- 22.32.170 Electrical interference.
- 22.32.180 Odor, fume or dust emissions.
- 22.32.190 Smoke and particulate matter emissions.
- 22.32.200 Particulate matter emission rates.
- 22.32.210 Waste storage.
- 22.32.220 Storage areas.

I. Development Regulations

22.32.010 Generally.

Light industrial zones are intended for light manufacturing, which will provide for the location and grouping of industrial activities and uses involving the processing, handling and creating of products, plus the research and development required in such creation. These uses are largely devoid of nuisance factors, hazards or exceptional demands upon public facilities and services. A further intent is to apply zoning protection to the industries so located by prohibiting the intrusion of incompatible uses and allowing those commercial enterprises that are supportive of those industries. (Ord. 817 § 2 (part), 1996).

22.32.020 Permitted uses.

Permitted uses in the M-1 light industrial district shall be consistent with Chapter 22.33, Land Use Table.

~~Permitted uses in the M-1 light industrial district shall be as follows:~~

~~A. Commercial nurseries or greenhouses;~~

~~B. Job printing establishments;~~

~~C. Auction houses (excluding animals);~~

~~D. Commercial laundries and cleaners;~~

~~E. Motor freight transportation and sales;~~

~~F. Heavy machinery and equipment repair;~~

~~G. Automotive washing, repairing, sales and parking;~~

~~H. Automotive, truck and equipment rentals;~~

~~I. Building materials sales and storage;~~

~~J. General warehousing including wholesale trade;~~

~~K. Light manufacturing or processing of materials, equipment and chemicals, where such manufacturing or processing does not emit noise, smoke, odor, flame, dirt, glare or vibration which in any way affects any property beyond the district boundary, or use any radioactive or otherwise dangerous materials, or is declared a nuisance in any court of law;~~

~~L. Machine shops. (Ord. 817 § 2 (part), 1996).~~

22.32.030 Accessory uses.

Accessory uses in the M-1 light industrial district shall be as follows:

A. Temporary buildings for and during construction;

B. Research and office uses related to a permitted industrial operation;

C. Utility buildings and storage of equipment;

D. Caretakers quarters (not more than one per parcel);

E. Open storage of materials associated with a permitted industrial use. (Ord. 817 § 2 (part), 1996).

22.32.040 Conditional uses.

Conditional uses in the M-1 light industrial district shall be consistent with Chapter 22.33, Land Use Table.

~~A. The processing of raw material for shipment in bulk form, to be used in industrial or commercial operation;~~

~~B. Any manufacturing or industrial use not permitted that can be proven not harmful or a nuisance in its proposed location;~~

~~C. Gas stations;~~

~~D. Recreational activities including but not limited to bowling alleys, skating rinks, golf driving ranges, etc.;~~

~~E. Open storage not usually accessory to a permitted use (except in front yards where it will be prohibited);~~

~~F. Retail uses permitted in C-1 that provide service to the industrial development;~~

~~G. Restaurants;~~

~~H. Halfway house; see also Section 22.28.130.~~

~~I. Any use not explicitly permitted in the M-1 light industrial district shall require approval of a conditional use permit. (Ord. 1059-12 § 16; Ord. 817 § 2 (part), 1996).~~

22.32.050 Prohibited uses.

Prohibited uses in the M-1 light industrial district shall be consistent with Chapter 22.33, Land Use Table.

~~Manufacturing development which creates unusual danger from fire, explosion, toxic and noxious matter, radiation and other hazards and which causes noxious, offensive, unhealthful odor, fumes, dust, smoke, light, waste, noise or vibration is prohibited in the M-1 light industrial district. (Ord. 817 § 2 (part), 1996).~~

Development standards.

Minimum front yard	20 feet ¹
Minimum side yard	7 1/2 feet ^{2,3,4}
Minimum rear yard	10 feet ^{5,6,7}
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	65%
Maximum height	None ⁸
Minimum street frontage	N/A
Maximum density	N/A

1. Front yard shall be a minimum of 30 feet whenever a lot or parcel in the M-1 zone abuts any street which separates an M-1 zone from any residential zone.

2. Side yard shall be a minimum of 50 feet whenever a lot or parcel in the M-1 zone abuts any lot or parcel in any residential zone.

3. Side yard shall be a minimum of 30 feet whenever a lot or parcel in the M-1 zone abuts any street or alley which separates any M-1 zone from any residential zone.

4. Side yard shall be a minimum of 20 feet whenever abutting any street or right-of-way.

5. Rear yard shall be a minimum of 50 feet whenever a lot or parcel in the M-1 zone abuts a lot or parcel in any residential zone.

6. Rear yard shall be a minimum of 8 feet when abutting rail.

7. Rear yard shall be a minimum of 30 feet whenever a lot or parcel in the M-1 zone abuts any street or alley which separates any M-1 zone from any residential zone.

8. When a building exceeds 45 feet in height, the portion of the building shall set back one foot from each side and rear property line for each one foot the building exceeds 45 feet in height.

~~22.32.060 Yard requirements.~~

~~Yard requirements in the M-1 light industrial district shall be as follows:~~

~~A. Front Yard. A minimum of twenty feet shall be required, measured from any public street right of way or lot line to the base of any building or structure, except that a minimum of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street which separates an M-1 zone from any R-zone. A minimum of ten feet of the distance from the public street right of way or lot line shall be landscaped as specified in Section 22.60.030(E).~~

~~B. Side Yards. Seven and one half feet required, except that a minimum side yard of fifty feet shall be required whenever a lot or parcel in the M-1 zone abuts any lot or parcel in any R zone and a minimum side yard of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street or alley which separates any M-1 zone from any R zone.~~

~~1. Ten feet; or~~

~~2. Five feet of landscaping must abut the R zone as specified in Section 22.60.030 (E).~~

~~C. Rear Yard. Ten feet required, except that a minimum rear yard of fifty feet shall be required whenever a lot or parcel of land in the M-1 zone abuts a lot or parcel in any R zone, or except eight feet when abutting rail, and a minimum rear yard of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street or alley which separates an M-1 zone from any R zone.~~

~~1. Ten feet; or~~

~~2. Five feet of landscaping must abut the R zone as specified in Section 22.60.030 (E).~~

~~D. Side Street Yard. A minimum of twenty feet shall be required, measured from any public street right-of-way to the base of any building or structure, except that a minimum side street yard of thirty feet shall be required whenever a lot or parcel in the M-1 zone abuts any street or alley which separates an M-1 zone from any R zone. Five feet of landscaping shall abut the street as specified in Section 22.60.030(E). (Ord. 817 § 2 (part), 1996).~~

22.32.070 Required open spaces.

Additional open spaces, both as to amount and location on the premises may be required in connection with a conditional use permit. (Ord. 817 § 2 (part), 1996).

~~**22.32.080 Maximum lot coverage.**~~

~~The maximum lot coverage in an M-1 light industrial district with all buildings or structures shall not exceed sixty-five percent of the total lot area. (Ord. 817 § 2 (part), 1996).~~

~~**22.32.090 Permitted height.**~~

~~No maximum height is imposed in an M-1 light industrial district, but when a building exceeds forty five feet in height, the portion of the building above forty five feet shall set back one foot from each side and rear property line for each one foot such building exceeds forty five feet in height. (Ord. 817 § 2 (part), 1996).~~

22.32.100 Landscaping.

Landscaping requirements in an M-1 light industrial district shall be as specified in Chapter 22.60. (Ord. 817 § 2 (part), 1996).

22.32.110 Signs.

Sign requirements in an M-1 light industrial district shall be as provided for in Chapter 22.64. (Ord. 817 § 2 (part), 1996).

22.32.120 Parking requirements.

Parking requirements in an M-1 light industrial district shall be as provided for in Chapter 22.40. (Ord. 817 § 2 (part), 1996).

II. Industrial Performance Standards

22.32.130 Generally.

Industrial uses shall be subject to the conditions set forth in this chapter. (Ord. 817 § 2 (part), 1996).

22.32.140 Noise.

In all industrial districts the noise emanating from premises used for industrial activities shall not exceed those limits as set forth in WAC 173-60-040 as presently exists or as hereafter may be amended. (Ord. 908-01 § 1: Ord. 817 § 2 (part), 1996).

22.32.150 Glare.

Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property. (Ord. 817 § 2 (part), 1996).

22.32.160 Storage and handling of inflammables.

In terms of fire and safety hazards, the storage and handling of inflammable liquids, liquefied petroleum gases and explosives shall comply with rules and regulations falling under the jurisdiction of the city fire marshal, the laws of the state and other local ordinances. There shall be no bulk storage of inflammable gas. Enameling and paint spraying operation shall be permitted when incidental to the principal operation and when such operations are contained within a masonry building of two-hour fire-restrictive construction. Bulk storage of inflammable liquids below ground shall be permitted and the tank shall be located not closer to the property line than the greatest dimension (diameter, length or height) of the tank. (Ord. 817 § 2 (part), 1996).

22.32.170 Electrical interference.

Provisions must be made for necessary shielding or other preventive measures against interference occasioned by mechanical, electrical and nuclear equipment, uses or processes with electrical apparatus in nearby buildings or land uses. (Ord. 817 § 2 (part), 1996).

22.32.180 Odor, fume or dust emissions.

The emission of noxious odors of any kind shall not be permitted, nor the emission of any toxic or corrosive fumes or gases. Dust created by an industrial operation shall not be exhausted or wasted into the air. (Ord. 817 § 2 (part), 1996).

22.32.190 Smoke and particulate matter emissions.

A. The emission of smoke or particulate matter of a density equal to or greater than the following numbers on the Ringlemann Chart as currently published and used by the U.S. Bureau of Mines is prohibited at all times: M-1 light industrial, Ringlemann Chart No. 2.

B. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by appropriate landscaping, paving, oiling or other acceptable means. Emission of particulate matter in excess of the following weight limitations per cubic foot of conveying gas or air measured at any property line is prohibited: M-1 light industrial, two-tenths grain. (Ord. 817 § 2 (part), 1996).

22.32.200 Particulate matter emission rates.

The rate of emission of particulate matter from all sources on any property shall not exceed a net weight per acre of property during any one hour as follows: M-1 light industrial, one pound per acre. (Ord. 817 § 2 (part), 1996).

22.32.210 Waste storage.

Liquid and solid wastes, storage of animal or vegetable wastes which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line in an M-1 district. (Ord. 817 § 2 (part), 1996).

22.32.220 Storage areas.

All storage shall be located within any area not closer than twenty feet from the street right-of-way line and shall be enclosed with a heavy wire fence or a similar-type fence with the top of the fence not to be less than six feet above the adjoining street level, or by an attractive hedge or board fence at least six feet high. In case of the open storage of lumber, coal or other combustible material, a roadway shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit free access of fire trucks at any time. (Ord. 817 § 2 (part), 1996).

Chapter 22.33

LAND USE TABLE

Sections:

- 22.33.010 Uses.
- 22.33.020 Types of uses.
- 22.33.030 Clarification of Uses and Special Conditions.

22.33.010 Uses.

Other uses may be permitted by the public works director if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in that zone. (Ord. 965-05 § 8 (part)).

22.33.020 Types of uses.

For the purposes of this chapter, there are three kinds of uses:

- A. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions for that zone.
- B. A conditional (C) use is a discretionary use reviewed through the process set forth in Chapter 22.44, governing conditional use requirements and procedures.
- C. A prohibited (X) use is one that is not permitted in a zone under any circumstances.

D. Accessory uses are listed in each zoned district chapter.

22.33.010 Clarification of Uses and Special Conditions.

A. If a * appears after the use, then the use is defined in Chapter 22.08.

B. Where an AMC reference appears after a use, then the use is subject to standards set forth in that section or chapter.

C. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the development condition with the corresponding number immediately following the land use table. If there are multiple numbers, then the use is subject to all applicable development conditions.

D. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

Zoning Use Table

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
RESIDENTIAL						
Accessory dwelling unit (AMC 22.XX.XX)	P	P	P	X	X	X
Adult family home*	P	P	P	X	X	X
Assisted senior living facility*	X	C	C	X	X	X

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Algona Municipal Code
Chapter 22.33 LAND USE TABLE

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Attached bungalow or cottage	X	C	C	X	X	X
Boarding (lodging or rooming) house*	X	C	P	C	X	X
Community residential facility* (AMC 22.48.XX)	P	P	P	P	C	X
Courtyard apartment*	X	P	P	X	X	X
Duplex*	P ¹	P	P	X	X	X
Duplex, townhome	C	P	P	X	X	X
Dwelling, multiple-family*	X	C	P	P ²	P ³	X
Dwelling, single-family*	P	P	P	X	X	X
Existing residential dwelling lawfully constructed as of the effective date of this title	P	P	P	P	P	X
Halfway house*	X	X	X	X	C(4) ⁴	C(4) ⁴
Home-based day care* ⁵ as regulated by Chapter 35.63 RCW and through receipt of an approved city business license	P	P	P	P	X	X
Home occupation* (AMC 22.48.XX)	P	P	P	X	X	X
Live/work units* (AMC 22.48.XX)	X	C ^P	P	X	X	X
Manufactured home* (AMC 22.48.XX)	P	P	X	X	X	X
Mobile home*	X	X	X	X	X	X
Nursing home	X	C	C	X	X	X
Nursing home/convalescent home*	X	C	C	X	X	X
Permanent supportive housing*	X	X	P	P ²	P ³	X
Residential units above retail, commercial or office	X	X	P	X	X	X
Row house	X	C	C	X	X	X
Secure community transition facility*	X	X	X	X	C	X
Semi-attached single-family	X	C	C	X	X	X
Senior housing*	X	C	C	X	X	X
Single-family detached homes	P	P	P	X	X	X
Single-family detached on small lots	X	P	P	X	X	X
Triplex*	X	P	P	X	X	X
Triplex, townhome	X	P	P	X	X	X
CIVIC (Institutional)						

Algona Municipal Code
Chapter 22.33 LAND USE TABLE

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
PUBLIC AND INSTITUTIONAL						
Basic utilities	X	E	E	E	E	E
<u>Charitable or welfare institution*</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>
Community parks*	C	C	C	X	X	C
Community recreation	X	E	E	X	X	X
Day care center*, limited to large day care center, nursery school, preschool, small day care center	<u>X</u> ^{C6}	X	P	C	X	X
<u>Educational institution*</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>X</u>
Emergency services	X	E	P	X	E	X
<u>Essential public facilities*</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Human service facilities	X	X	E	X	X	X
Medical centers	X	X	P	E	X	X
Neighborhood parks*	C	P	P	X	X	X
Post offices	X	X	E	X	X	P
<u>Public agency or utility yard*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>
Public library	X	X	E	X	X	X
<u>Public safety facilities*</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>X</u>	<u>C</u>	<u>X</u>
<u>Public service facilities*</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Regional parks*	X	X	C	C	X	X
Religious institutions* (AMC 22.48.XX)	X	X	C	C	X	X
Schools, colleges, universities or vocational schools	X	X	E	E	X	X
<u>Social service facilities*</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>
Trails	X	P	P	P	C	C
Transportation facility	X	X	X	X	X	E
<u>Utility facility*⁷</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
COMMERCIAL						
Adult cabaret*	X	X	X	X	P	X
<u>Animal clinics/hospitals*</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Animal hospitals	X	X	E	E	E	E
Animal shelters	X	X	X	X	X	E

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USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Appliance equipment repair	X	X	P	P	P	P
Art gallery	X	X	P	P	C	X
Artist studio and workshop having a retail component	X	X	P	C	X	X
Athletic facilities	X	X	C	C	C	X
Automobile sales	X	X	X	C	P	X
Bakery, retail	X	X	P	P	P	X
Bakery, wholesale	X	X	X	X	X	P
Banks, business and drive-up banking	X	X	P	P	C	X
Beauty salons and barbershops	X	X	P	C	C	X
Bed and breakfast facility	X	C	P	C	X	X
Big box regional retail center greater than twenty thousand square feet	X	X	X	P	P	P
Boat repair	X	X	X	C	P	P
Boat sales	X	X	X	C	P	P
<u>Boat sales and repair</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>P</u>
Cafe/diner	X	X	P	P	P	P
<u>Cafeteria or limited service restaurant*</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Casinos/card rooms*	X	X	X	C	P	P
Civic center	X	X	C	X	X	X
Commercial nurseries/greenhouses	X	X	X	X	X	P
Convenience store	X	X	P	P	P	P
Dog day care*	X	X	C	C	C	X
Drive-in espresso/coffee businesses	X	X	P	P	P	P
Drycleaners	X	X	P	P	P	X
Essential public facilities	X	X	C	C	C	C
<u>Gambling premises*</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>P</u>	<u>P</u>
Gas stations including car washes	X	X	C	P	P	X
General office	X	X	P	P	C	X
<u>General service establishment*</u>	<u>X</u>	<u>X</u>	<u>P^s</u>	<u>P</u>	<u>P</u>	<u>C</u>
Grocery store greater than twenty thousand square feet	X	X	C	P	P	P

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USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
<u>Heavy retail*</u>	X	X	X	C	C	P
Hospitals*	X	X	C	C	C	X
Hotels/motels*	X	X	C	P	P	P
<u>Kennel*</u>	X	X	X	X	X	C
Laundromats	X	X	P	C	C	X
Light equipment sales and repair	X	X	C	P	P	P
Lumberyards, retail	X	X	C	P	P	P
<u>Marijuana retailer*</u>	X	X	X	X	X	X
Medical office/clinic	X	X	P	C	X	X
<u>Medical or dental clinic*</u>	X	X	P	C	X	X
Microbreweries and brew pubs*	X	X	C	P	P	P
Motorcycle sales and service	X	X	C	P	P	P
Museum	X	X	P	X	X	X
Nursery, retail* sales	X	X	P	P	P	X
<u>Office, business or professional*</u>	X	P ⁹	P	P	C	C
<u>Personal service establishment*</u>	X	P ⁹	P	C	C	X
<u>Pet shop*</u>	X	X	C	C	C	C
Professional services	X	X	P	P	X	C
Public facilities	X	X	C	C	C	P
<u>Public parking area*</u>	C ¹⁰	C	C	C	C	C
<u>Recreation – indoor commercial*</u>	X	X	P	P	P	C
<u>Recreation – outdoor commercial*</u>	X	X	C	C	C	C
Recreational marijuana retail stores/sales – as defined in Chapter 69.50 RCW and Chapter 314-55 WAC	X	X	X	X	X	X
Recreational vehicle* sales and repair	X	X	C	C	P	C
Recycling collection station	X	X	X	X	C	P
Rental, heavy equipment	X	X	X	P	P	P
Rental, small equipment	X	X	X	P	P	P
<u>Restaurant, full-service*</u>	X	X	C	P	P	C
Restaurants with bar and/or lounge/tavern	X	X	C	P	P	P

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USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Restaurants with no bar or lounge selling alcoholic beverages	X	X	P	P	P	C
<u>Retail trade*, small scale (<2,000 sf floor area)</u>	X	P ⁹	P	P	P	X
<u>Retail trade*, medium scale (2,000 – 20,000 sf floor area)</u>	X	X	P	P	P	X
<u>Retail trade*, large scale (>20,000 sf floor area)</u>	X	X	C	P	P	P
Self service storage	X	X	X	X	X	P
<u>Tavern*</u>	X	X	C	P	P	P
Theaters and other enclosed commercial-recreational establishments such as bowling alleys and arcades	X	X	P	P	P	X
Unenclosed commercial recreational establishments such as driving ranges and miniature golf	X	X	C	X	X	X
Utility yard	X	X	X	X	X	P
Vehicle repair, major*	X	X	X	C	P	P
Vehicle repair, minor*	X	X	C	P	P	P
Veterinary clinics, excluding outdoor boarding kennels	X	X	C	C	X	X
Wholesale/retail food processing facilities	X	X	X	X	X	P
LIGHT INDUSTRIAL						
Any manufacturing or industrial use not permitted that can be proven not harmful or a nuisance in its proposed location	X	X	X	X	X	PC
Auction houses* (excluding animals)	X	X	X	X	C	P
<u>Bakery, wholesale</u>	X	X	X	X	X	P
Building materials sales and storage	X	X	X	X	X	P
Commercial laundries and cleaners	X	X	X	X	X	P
<u>Commercial nurseries/greenhouses</u>	X	X	X	X	X	P
Film processing plant	X	X	X	X	X	P
Food manufacturing, processing or package plant	X	X	X	X	X	P
General warehousing including wholesale trade	X	X	X	X	X	P
<u>Heavy duty equipment* sales and repair</u>	X	X	X	X	P	P
Heavy machinery equipment sales and repair	X	X	X	X	P	P

USE	(R-L) Low Density Residential	(R-M) Medium Density Residential	(C-1) Mixed Use Commercial	(C-2) General Commercial	(C-3) Heavy Commercial	(M-1) Light Industrial
Light manufacturing* or processing of materials, equipment and chemicals	X	X	X	X	X	P
Lumber and wood products manufacturing or assembly	X	X	X	X	X	P
Major utility facilities	X	X	X	X	X	P
<u>Manufacturing, processing or assembly of heavy duty equipment*</u>	X	X	X	X	X	P
Manufacturing, processing or assembly of heavy equipment or vehicles	X	X	X	X	X	P
<u>Marijuana processor*</u>	X	X	X	X	X	X
<u>Marijuana producer*</u>	X	X	X	X	X	X
Medical equipment manufacturing plant	X	X	X	X	X	P
Motor freight transportation and sales	X	X	X	X	X	P
Open storage not usually accessory to a permitted use (except in front yards where it will be prohibited)	X	X	X	X	X	C
Paper and allied products manufacturing	X	X	X	X	X	P
Printing and reprographic businesses	X	X	C	C	C	P
Processing of marijuana as defined in Chapter 69.50 RCW and Chapter 314.55 WAC	X	X	X	X	X	X
Producing of marijuana as defined in Chapter 69.50 RCW and Chapter 314.55 WAC	X	X	X	X	X	X
<u>Self-serve storage facility*</u>	X	X	X	X	X	P
<u>Solid waste transfer station*</u>	X	X	X	X	C	P
Truck terminals and distribution facilities	X	X	X	X	X	P

*As defined in Washington State statute.
1. A determination will be made as part of the conditional use permit process on whether an essential public facility process is needed.
Occupancy is limited to the definition of family.

(Ord. 1092-14 § 4; Ord. 1059-12 § 17; Ord. 1054-12 § 3; Ord. 1046-11 § 2; Ord. 965-05 § 8 (part)).

Development conditions:

- Duplexes are permitted in the R-L zone on corner lots where building entries are provided on separate streets. Duplexes are a conditional use on all other lots in the R-L zone.
- Residential uses are permitted in the C-2 zone provided they are a part of a mixed-use development. Nonresidential uses shall occupy the ground floor of all buildings fronting on the street. For example, residential uses could be on upper levels of buildings fronting on the street or, for deep lots, subject residential uses may occupy any buildings away from the street and behind the buildings that front onto the street.

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3. Residential uses are permitted in the C-3 zone provided they are a part of a heavy commercial planned unit development. Such uses shall be subject to standards set forth in AMC 22.30.130.
4. A determination will be made as part of the conditional use permit process on whether an essential public facility process is needed. Occupancy is limited to the definition of family.
5. Home-based day cares require receipt of an approved city business license.
6. Day care centers in the R-L zone are limited to small day care centers.
7. Wireless communication facilities are subject to the provisions of Chapter 22.38 AMC.
8. Use must be enclosed entirely within a building.
9. Use is permitted if located within a live/work unit.
10. Public parking areas in the R-L zone must be on a lot adjoining commercial or light industrial districts and must have a 20-foot landscaped area adjacent to residential districts or uses.

Chapter 22.34

MANUFACTURED HOMES

Sections:

- ~~22.34.020 — Application.~~
- ~~22.34.030 — Manufactured home certification.~~
- ~~22.34.040 — Regulations.~~
- ~~22.34.050 — Permit.~~
- ~~22.34.060 — Violation — Penalty.~~

22.34.020 — Application.

- ~~A. Any person desiring to place a manufactured home owned by him/her on any building lot in the city shall make application at the public works department on forms furnished for that purpose.~~
- B. Every application shall be made by the owner of the real estate upon which the manufactured home is to be placed or by his authorized agent.
- C. The owner of the real estate and the owner of the manufactured home must be one and the same person.
- D. Applicant shall agree to conform to all regulations and rules pertaining to the placing of a manufactured home on individual lots in the city set forth in this chapter and in other ordinances of the city in force at the time of the application. (Ord. 817 § 2 (part), 1996).

22.34.030 — Manufactured home certification.

~~No previously occupied manufactured home, even though having the HUD certification, shall be allowed into the city without first being approved by the building official or his agent who shall determine whether through misuse, neglect or accident the manufactured home has fallen below the standards for safety and livability imposed by the state. Cost of such inspection is to be borne by the applicant(s). Mobile homes as defined in this chapter are not allowed. (Ord. 817 § 2 (part), 1996).~~

22.34.040 — Regulations.

Any manufactured home placed on a lot in the city shall conform to the following requirements:

- A. A manufactured home must have the HUD certification or state seal of approval meeting current HUD specifications;
- B. The manufactured home unit shall display the HUD certification, state seal of approval and/or any seal, certification, etc.;
- C. No manufactured home smaller in size than one thousand square feet exclusive of expandos and tongue shall be allowed;
- D. Applicant must acquire all necessary state and local permits;
- E. No occupancy without certificate of occupancy from building official;
- F. Tie downs as specified by the manufacturer or by the building official if no manufacturer's specifications exist;
- G. Manufactured home skirting must be in place prior to issuance of a certificate of occupancy, but such skirting shall not provide a harborage for rodents or create a fire hazard. Screened vents shall be provided at the same minimum standards required for buildings by the Uniform Building Code;

~~H. Structural fill on lot as approved by the building official;~~

~~I. Manufactured homes shall have eighteen inch wide, six inch thick reinforced concrete runners, which shall be all connected at all corners in the same dimension, placed under load bearing portions of manufactured home;~~

~~J. A minimum of eighteen inch crawl space must be allowed between concrete slab or runner and bottom of manufactured home support beams;~~

~~K. Conform to applicable provisions of Title 22 of this code and Chapter 43.63B RCW;~~

~~L. Owner of manufactured home and owner of real estate on which it is placed, must be and remain one and the same;~~

~~M. All manufactured homes shall have a composition or wood type roof to be compatible with existing structure built homes. (Ord. 817 § 2 (part), 1996).~~

22.34.050 — Permit.

~~When the applicant has completed the applications he/she/they shall be issued, following approval of the building official, a building permit which will allow the applicant to place a manufactured home in the city on a specified building lot. Fee for this permit shall be the same as for a stick built house of the same size and value as set forth in the building code of the city. All future additions, accessory buildings or alterations shall be governed by Titles 15 and 22 of this code and state regulations. The building permit shall expire in six months with a possible extension of six months upon approval of the city council. (Ord. 817 § 2 (part), 1996).~~

22.34.060 — Violation — Penalty.

~~To violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed five hundred dollars. Each additional calendar day shall constitute a new and separate violation. (Ord. 817 § 2 (part), 1996).~~

Chapter 22.36

NONCONFORMING LOTS, USES

AND STRUCTURES

Sections:

- 22.36.010 Intent.
- 22.36.020 Nonconforming lots of record.
- 22.36.030 Nonconforming uses of land.
- 22.36.040 Nonconforming structures.
- 22.36.050 Nonconforming uses of structures.
- 22.36.060 Repairs and maintenance.
- 22.36.070 Conditional uses.
- 22.36.080 Cessation of automobile wrecking yards, salvage yards, or junkyards.
- 22.36.090 Cessation of billboards.

22.36.010 Intent.

Within the districts established by this title or amendments thereto, there exist lots, structures, and uses of land and structures which were lawful before the ordinance codified in this title was passed or amended but which would be prohibited, regulated, or restricted under the terms of this title or its amendments. It is the intent of this title to permit these nonconforming uses to continue until they are removed but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, extended or used as grounds for adding other prohibited uses. However, nothing in this title shall be deemed to require a change in the plans, construction or designated uses of a building on which actual lawful construction has been begun prior to the effective date of the ordinance codified in this title or any applicable amendment. (Ord. 817 § 2 (part), 1996).

22.36.020 Nonconforming lots of record.

In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by this title, a single-family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of the ordinance codified in this title. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

If two or more lots or combination of lots with continuous frontage in single ownership are of record at the effective date of the ordinance codified in this title, and if all or part of the lots do not meet the requirements for lot area and lot width, the land involved shall be considered to be an undivided parcel and no portion of said parcel shall be used or sold which does not meet lot area and width requirements of the district in which it is located, nor shall any division of the parcel be made which creates lots or portions of lots below such requirements. (Ord. 817 § 2 (part), 1996).

22.36.030 Nonconforming uses of land.

A lawful use of land on the effective date of the ordinance codified in this title or its amendment which is made no longer permissible by the terms of this title or its amendment may be continued if it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied by such use at the effective date of the adoption or amendment of the ordinance codified in this title;

except that existing single-family homes in the community commercial zoning district may be increased by no more than fifteen percent of the existing floor area.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of the adoption or amendment of the ordinance codified in this title.

C. If any such nonconforming use ceases for a period of more than thirty days, any subsequent use of the land shall conform to district regulations for the district in which it is located. (Ord. 817 § 2 (part), 1996).

22.36.040 Nonconforming structures.

Where a lawful structure exists that could not be built under the terms of this title, such structure may be continued so long as it remains otherwise lawful, providing that:

A. No such structure may be enlarged or altered in any way that increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title or a variance from the board of adjustments; except that a single-family home in the community commercial district may be allowed an in-kind replacement of the residential structure.

C. Should such structure be moved, it shall thereafter conform to the regulations of the district to which it is relocated. (Ord. 817 § 2 (part), 1996).

22.36.050 Nonconforming uses of structures.

If a lawful use of a structure, or of structure and premises, exists at the effective date of adoption or amendment of the ordinance codified in this title, the lawful use may be continued so long as it remains otherwise lawful, providing that:

A. No existing structure devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a permitted use, except as provided in Section 22.36.030(A).

B. Any nonconforming use may be extended to any other parts of the building designed for such use, but no such use may be extended in any way to occupy land outside the building, except as provided in Section 22.36.030(A).

C. If no structural alterations are made, any nonconforming use of a building, structure or premises may be changed to another nonconforming use; provided, that the board of adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such changes, the board of adjustment may require appropriate conditions or safeguards.

D. Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed.

E. Whenever a nonconforming use of a structure is discontinued or abandoned for six consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

F. Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land. (Ord. 817 § 2 (part), 1996).

22.36.060 Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing or repair or replacement of nonbearing walls, to an extent not exceeding ten percent of the replacement value of the building in any one year; provided, that such work does not increase the cubic content of

the building, except as provided in Section 22.36.030(A). Nothing in this title shall be deemed to prevent the strengthening or restoring to safe conditions of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (Ord. 817 § 2 (part), 1996).

22.36.070 Conditional uses.

Conditional uses provided for under Chapter 22.44 shall not be deemed a nonconforming use in the district in which it is permitted. (Ord. 817 § 2 (part), 1996).

22.36.080 Cessation of automobile wrecking yards, salvage yards, or junkyards.

Any automobile wrecking yards, salvage yards, or junkyards are declared to be nuisances, and any such activities in existence in any district, at the date of the enactment of the ordinance codified in this title shall, at the expiration of one year from such date, become a prohibited and unlawful use and shall immediately be discontinued. (Ord. 817 § 2 (part), 1996).

22.36.090 Cessation of billboards.

Any billboards or nonaccessory outdoor advertising signs are declared to be nuisances, and any such activities in existence in any district, at the date of the enactment of the ordinance codified in this title shall, at the expiration of one year from such date, become a prohibited and unlawful use and shall immediately be discontinued. (Ord. 817 § 2 (part), 1996).

Chapter 22.40

OFF-STREET PARKING AND LOADING

Sections:

- 22.40.010 Generally.
- 22.40.020 Required off-street parking – Minimum standards.
- 22.40.030 Drive-in businesses.
- 22.40.040 Off-street parking area development and maintenance.
- 22.40.050 Off-street parking lots.
- 22.40.060 Parking space dimensional requirements.
- 22.40.070 Off-street loading space.
- 22.40.080 Landscaping.

22.40.010 Generally.

A. Off-street parking and loading lots shall be provided in accordance with the provisions of this chapter for every building hereafter erected, altered, enlarged, or relocated, except that no off-street parking or loading shall be required or permitted for a home occupation.

B. These regulations shall not be retroactive to include any building existing at the time of passage of the ordinance codified in this chapter, except as follows:

1. When a building is located on a different site, there shall be provided off-street parking and loading spaces as required for new buildings;

2. When the number of units is increased by alteration or addition to a dwelling or other structure containing sleeping rooms, there shall be provided off-street parking and loading spaces for such additional units;

3. When there are alterations or additions to a nonresidential building, there shall be provided off-street parking and loading spaces for any increase in the gross floor area or number of seats, bowling alleys, or classrooms therein, except that when the aggregate number of spaces required for such alterations or additions is five or less, the off-street parking need not be provided.

C. The required parking and/or loading shall have reasonable access to a public street or alley and a capacity according to the use of the building listed in the following sections. Where a use is not listed, the board of adjustment shall determine the number of required parking and/or loading spaces based upon similar uses for which the requirements are specified.

D. Removal of required parking and/or loading spaces from practical use by obstruction, erection of buildings, or other actions as to reduce the parking and/or loading capacity or usefulness thereof below the minimum requirements established in this chapter is prohibited. (Ord. 817 § 2 (part), 1996).

22.40.020 Required off-street parking – Minimum standards.

The number of off-street parking spaces required of each use shall be as follows:

A. Residential:

1. Single-family: a minimum of two parking spaces per single-family dwelling;

2. ~~Two family (duplex)~~ **Duplex, Triplex, and Courtyard apartments**: one and one-half parking spaces per one bedroom and two bedroom living units; two parking spaces per three or more bedroom living units;

3. ~~Multifamily~~ Multiple family dwellings: two parking spaces per one bedroom and two bedroom units; two and one-half parking spaces per three or more bedroom units; for developments in excess of fifty dwelling units, one screened space for each ten dwelling units shall be provided for recreational vehicles;

4. Boardinghouses and lodgings: one parking space for the proprietor plus one space per sleeping room for boarders and/or lodging use plus one additional space for each four persons employed on the premises;

5. Motels, motor hotels and hotels: one parking space per sleeping unit, plus two parking spaces for each three employees.

B. Commercial activities:

1. Auto sales, new and used: one space per one thousand square feet of floor space of showroom and service facilities; but in no case shall there be less than six spaces provided;

2. Appliances (retail), bakeries, dry cleaning, furniture stores, heating services, etc.: one parking space per five hundred square feet when gross floor area used for retail sales is four thousand square feet or less; one parking space per four hundred square feet when gross floor area used for retail sales exceeds four thousand square feet; a minimum of five parking spaces shall be provided;

3. Hardware and building supplies: one space per four hundred square feet of gross floor area;

4. Food retail stores and markets: one parking space per two hundred square feet of gross floor area, a minimum of six parking spaces shall be provided;

5. Laundry, self-service: one parking space per four washing machines; a minimum of five parking spaces shall be provided;

6. Mortuaries or funeral homes: one parking space per four seats in the assembly area; computed as seven square feet of floor area per seat;

7. Office, including professional and business, banks and related activities: one space per two hundred fifty square feet of gross floor area; provided, that in the case of doctors' and dentists' offices there shall not be less than six spaces per doctor for each of the first three doctors plus four spaces per doctor for each doctor in excess of three doctors;

8. Shopping centers: one parking space per two hundred square feet of gross leasable floor area used for retail sales;

9. Retail, other C-1: one parking space per three hundred fifty square feet of gross floor area, or a minimum of five spaces;

10. Drive-in businesses: one parking space for each fifty square feet of gross floor area;

11. Food and beverage:

a. Drive-in restaurants: one parking space per four seats or fifteen square feet of floor area, whichever is greater,

b. Restaurants, nightclubs, taverns and lounges: one space for every seventy-five square feet of gross floor area.

C. Industrial and manufacturing activities:

1. Freight terminals and wholesale facilities: one parking space per two employees on a maximum work shift, or one per one thousand square feet of gross floor area; use whichever is greater;

2. Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops: two parking spaces for each three employees on a maximum work shift, or one space per seven hundred fifty square feet or gross floor area; use whichever is greater;
3. Warehouse and storage: one parking space per one thousand seven hundred square feet of floor area.

Building Size:

- a. Up to twenty thousand square feet: one per two thousand square feet (three minimum);
 - b. Twenty thousand one to one hundred thousand square feet: one per two thousand five hundred square feet (ten minimum);
 - c. One hundred thousand square feet and up: one per three thousand square feet (forty minimum);
4. Uncovered storage area: one parking space for each two thousand square feet of area;
 5. Office space shall provide parking as required for offices.

D. Medical facilities:

1. Convalescent, nursing and health institutions: one parking space for each two employees, plus one space for each three beds;
2. Hospitals: one parking space for each three beds, plus one parking space for each staff doctor, plus one parking space for each three employees.

E. Public assembly and recreation:

1. Assembly halls, auditoriums, stadiums, sports arenas, and community clubs: one parking space per three fixed seats, where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than eighteen linear inches of pew or bench length per seat; where movable chairs are provided, each seven square feet of the floor area to be occupied by such chairs shall be considered as a seat;
2. Bowling alleys: six spaces per bowling lane; additional parking for food and beverage on same premises shall be subject to planning commission discretion;
3. ~~Churches~~ Religious institutions: one parking space per five seats;
4. Dance halls and skating rinks: one parking space per one hundred square feet of gross floor area;
5. Libraries and museums: one parking space per two hundred fifty square feet of gross floor area;
6. Parks: as determined by the planning commission on an individual basis.

F. Educational activities:

1. Elementary and junior high schools: three parking spaces for each two teaching stations;
2. High schools: one parking space for each employee, plus one parking space for eight students;
3. Day care centers (includes nursery schools and preschools): one parking space for each employee plus loading and unloading areas.

G. Other uses: for uses not specifically identified herein, parking shall be provided as specified for the use which, in the opinion of the planning commission, is most similar to the use to be constructed.

H. Mixed occupancies: in the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facility for one use shall not be considered as providing required parking facilities for any other use. (Ord. 1059-12 § 18; Ord. 905-01 § 1; Ord. 817 § 2 (part), 1996).

22.40.030 Drive-in businesses.

All banks, savings and loan associations, food dispensing establishments, and other businesses which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during business transactions, or are designed in such a manner that customers must leave their automobiles temporarily in a driving lane located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles as follows:

A. Stacking space: the drive-in facility shall be so located that sufficient stacking space is provided for the handling of motor vehicles using such facility during peak business hours of such a facility.

B. Driveway locations: entrances and exits shall not be located as to cause congestion in any public right-of-way.

C. Shopping centers: when located in a shopping center, drive-in facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center. (Ord. 817 § 2 (part), 1996).

22.40.040 Off-street parking area development and maintenance.

Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained as follows:

A. The parking areas shall be paved with asphalt, cement or concrete and shall have appropriate bumper guards where needed.

B. Whenever any portion of the commercial or manufacturing parking area abuts property zoned for residential use, a solid fence or hedge shall be erected to a height of not less than six feet, except within a front yard area where the fence may be reduced to three and one-half feet.

C. Parking spaces shall be used for automobile parking only, with no sales, dead storage, repair work, or dismantling of any kind.

D. If lighting is provided, it shall be arranged to reflect away from the residential area, and from any public street or highway.

E. Drainage facilities for stormwater shall be provided for and be approved by the utilities department.

F. Ingress and egress shall be approved as to location by the public works department.

G. Parking lots containing more than twenty thousand square feet or parking area shall be landscaped as follows: Landscaping shall cover a minimum of five percent of the parking lot and may consist of trees, shrubs, lawn and other landscaping or combination thereof distributed throughout the parking lot in a pattern that reduces the barren appearance of the parking lot and reduces the amount and intensity of stormwater runoff.

H. Driveways and parking stalls shall be clearly marked.

I. Any request submitted to the board of adjustment for a variance to the provisions of this section shall be submitted to the public works superintendent for his recommendations prior to public hearing. (Ord. 817 § 2 (part), 1996).

22.40.050 Off-street parking lots.

The planning commission shall have the authority to issue a special property use permit for off-street parking lots in any zone which is more restrictive than that required for the major land use it is intended to serve, subject to the following conditions:

- A. That a public hearing is held, written notice of which has been mailed to all property owners within three hundred feet of the property proposed for such use, at least ten days prior to the hearing;
- B. That no advertising sign or structures shall be erected or used in conjunction with the parking lot;
- C. That entrances and exits shall be approved as to location by the public works director;
- D. That the parking lot shall be subject to such other conditions as the planning commission may deem desirable in the interest of the public safety, convenience and welfare;
- E. That no property shall be used for a parking lot under the provision of this section unless and until the planning commission has made an inspection of the property to verify that it conforms to the conditions specified in this section or any other special conditions made a part of the special property use permit;
- F. The planning commission shall approve with conditions or deny the issuance of the requested special property use permits;
- G. The building official shall include all conditions with permits when issued. (Ord. 817 § 2 (part), 1996).

22.40.060 Parking space dimensional requirements.

In any off-street parking lot having twenty or fewer parking spaces, all parking spaces shall comply with the minimum dimensional requirements for standard spaces established under subsection A, B, and E of this section.

In any off-street parking lot having more than twenty parking spaces, up to thirty percent of such spaces may be designated as “compact” spaces and be developed according to the minimum dimensional requirements for compact spaces established under subsections C and D of this section; provided, that in any off-street parking lot having more than twenty spaces, a minimum of twenty parking spaces shall comply with the minimum dimensional requirements for standard spaces established under subsections A and B of this section.

- A. Standard sized parking spaces parallel to the driveway or aisle serving them shall be a minimum of nine feet wide and twenty-three feet long. Driveways or aisles serving standard sized parallel parking spaces shall be a minimum of twelve feet wide.
- B. Standard sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table:

Degrees	Space Width	Aisle Width
30	9.0 feet	12.0 feet
45	9.0 feet	15.0 feet
60	9.0 feet	18.0 feet
90	9.0 feet	24.0 feet

- C. Compact sized parking spaces oriented parallel to the driveway or aisle serving them shall be a minimum of eight feet wide and twenty feet long. Driveways or aisles serving compact sized parallel parking spaces shall be a minimum of eleven feet wide.
- D. Compact sized parking spaces oriented at an angle to the driveway or aisle serving them shall be consistent with the minimum dimensional requirements set forth by the following table; provided, that aisle widths shall not be less than ten feet:

Degrees	Space Width	Aisle Width
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30	8.0 feet	10.0 feet
45	8.0 feet	13.0 feet
60	8.0 feet	16.0 feet
90	8.0 feet	22.0 feet

E. Every compact parking space created pursuant to this section shall be clearly identified as such by painting the word COMPACT in upper case block letters, using white paint, on the pavement within the space. The additional use of signs to identify any large blocks of compact parking spaces is encouraged. The random distribution of compact spaces or blocks of compact spaces throughout a parking lot is also encouraged.

F. Existing parking lots may provide for compact parking spaces under the provisions of this section; provided, that the parking lot shall comply with all provisions of this chapter except that any parking lot which provides five percent of its area in landscaping shall be deemed to comply with all landscaping requirements. (Ord. 817 § 2 (part), 1996).

22.40.070 Off-street loading space.

Buildings devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale and manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped shall provide loading and unloading space on the same premises as the building as follows:

A. Building of six thousand square feet or more of floor area, one off-street loading and unloading space plus one additional off-street loading space for each twenty thousand square feet of floor area;

B. Each loading space shall be not less than ten feet in width, twenty-five feet in length and fourteen feet in height;

C. Loading space, exclusive of driveways and/or corridors leading thereto, shall not be considered as providing off-street parking space, nor shall anything in this chapter prevent the provisions of parking space in excess of the amount specified. (Ord. 817 § 2 (part), 1996).

22.40.080 Landscaping.

All landscaping not specified in this chapter will be in accordance with Chapter 22.60. (Ord. 817 § 2 (part), 1996).

Chapter 22.42

RECREATIONAL VEHICLES

Sections:

~~22.42.010 Purpose.~~

~~22.42.020 Overnight use Regulation.~~

~~22.42.030 Regulation Utility connection/external appurtenances prohibited.~~

~~22.42.040 Commercial use prohibited.~~

22.42.010 Purpose.

The purpose of this chapter is to protect the visual character and identity of the city by regulating the use of recreational vehicles within city limits. (Ord. 861 § 2 (part), 1998).

22.42.020 Overnight use Regulation.

No recreational vehicle shall be used as a permanent place of residence or dwelling for indefinite periods of time in the city of Algona. No recreational vehicle shall be occupied for more than seventy two hours unless approved as follows:

A. Permission may be granted for up to thirty days by the mayor upon receipt of written request by the property owner stating the nature of the request.

B. Permission may be granted over thirty days by the city council upon receipt of written request by the property owner to the city clerk's office stating the nature of the request. (Ord. 861 § 2 (part), 1998).

22.42.030 Regulation Utility connection/external appurtenances prohibited.

No recreational vehicle approved as above shall:

A. Connect to or be supplied any public utility from the main residence except as approved by the mayor.

B. Attach any external appurtenances, such as carports, cabanas, or patios, except as approved by the mayor. (Ord. 861 § 2 (part), 1998).

22.42.040 Commercial use prohibited.

No recreational vehicle shall be occupied for commercial purposes within the city of Algona. (Ord. 861 § 2 (part), 1998).

Chapter 22.44

CONDITIONAL USES

Sections:

- 22.44.010 Intent.
- 22.44.020 Conditional use permit required.
- 22.44.030 Procedures on applications for conditional use.
- 22.44.040 City council consideration of and decision on application – Effect of expiration on business license.
- 22.44.050 Permit compliance.

22.44.010 Intent.

Conditional use permits, for uses other than those specifically permitted in each district, are intended to provide for the needs of the community in areas where they may be appropriate, but where special safeguards may be needed to protect other permitted uses from their potential adverse effects. (Ord. 817 § 2 (part), 1996).

22.44.020 Conditional use permit re-quired.

A. No land or structure may be used for any purpose or designed, constructed or altered for such purpose, in a district where such use is not listed as a permitted use, unless such use is provided for as a conditional use in the district and a conditional use permit is applied for (in writing on appropriate forms with a site plan) and granted by the city council.

1. This requirement for a conditional use permit also applies to any essential public facilities as defined and addressed in RCW 36.70A.200.

B. A conditional use permit shall only be granted by the city council based upon a statement of findings of fact that:

1. The conditional use conforms generally to the goals and policies of the comprehensive plan and the requirements of this title;
2. The conditional use meets the overall density, coverage, yard height and all other regulations of the district in which it is located;
3. The conditional use is designed in a manner which is compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property;
4. The location, size and height of buildings, structures, walls and fences, and vegetation screening for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
5. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
6. Requested modifications to the standards of this title are limited to those which will mitigate impacts in a manner equal to or greater than such standards;
7. The conditional use is not in conflict with the health and safety of the community;
8. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous to or in conflict with existing and anticipated traffic in the neighborhood; and

9. The conditional use will be supported by adequate public facilities and services, and either will not adversely affect public facilities and services to the surrounding area or can be mitigated to avoid such adverse effect. (Ord. 1151-17 § 1: Ord. 817 § 2 (part), 1996).

22.44.030 Procedures on applications for conditional use.

A. Whenever a property owner applies (in writing, on an appropriate form with a site plan) for a conditional use permit for any conditional use listed in the regulations for the district in which the property is located, the mayor or designee shall review the application and prepare a report regarding compliance of the application with all applicable requirements and processes of this title, which report shall include a recommended period of time for the permit, the site plan, and copies of all records considered by the mayor or designee in preparing the report. The mayor or designee shall present the report to the planning commission at a planning commission meeting, and also shall request the planning commission to schedule a public hearing on the application at its next regular meeting, or at the option of the planning commission, at a special meeting. After the planning commission has set a the date for a public hearing, the mayor or designee shall cause notices thereof to be sent by U.S. mail to all property owners within three hundred feet of the property, and to be published in a newspaper of general circulation within the city. The notices shall be mailed and published at least ten days prior to the hearing and shall contain:

1. The date, time, place, and purpose of the public hearing; and
2. The substance of the proposed conditional use.

B. The public hearing before the planning commission shall be held in accordance with any general or specific rules adopted therefor by the planning commission. The planning commission shall cause an audio recording of the public hearing to be made. The planning commission may continue the public hearing without giving notice thereof by mail or publication. The planning commission may request the mayor or designee to obtain additional records for or present additional testimony to the planning commission at the public hearing.

C. After closing the public hearing, the planning commission shall vote to recommend approval, approval with modifications, or disapproval of the application to the city council, based upon the report of the mayor or designee and the testimony and records received by the planning commission at the public hearing. The planning commission shall approve a written recommendation that includes findings of fact and conclusions of law and a period of time for the conditional use permit, and identifies and incorporates by reference the report of the mayor or designee and the records received by the planning commission at the public hearing (collectively hereafter in this chapter the “recommendation and attachments”). In the recommendation, the planning commission may modify the site plan and include limitations or conditions, including but not limited to limitations or conditions that enhance the appearance of the property, reduce adverse effects on the surrounding area or the occupants thereof, preserve the character of the surrounding area, protect or enhance the view from this or other properties, or make the conditional use more acceptable in other ways. The planning commission shall cause a copy of the recommendation and attachments to be sent to the applicant and the mayor or designee.

D. In the course of the hearing or its deliberations, the planning commission may consult such officials or persons as may be deemed helpful or necessary. (Ord. 1151-17 § 2: Ord. 817 § 2 (part), 1996).

22.44.040 City council consideration of and decision on application – Effect of expiration on business license.

A. After receipt of the planning commission recommendation and attachments, the mayor or designee shall cause the recommendation and attachments, together with a copy of the audio recording of the planning commission public hearing, to be presented to the city council at one of its next two regular meetings. At this meeting, the city council shall schedule its consideration of the recommendation at one of its next two regular meetings. At the scheduled meeting, the city council shall review and consider the recommendation. The city council may continue review and consideration of the recommendation at subsequent meetings without giving notice thereof by mail or publication.

B. The city council shall not hold a public hearing on the application, but shall enter its decision to approve, approve with modifications, or disapprove the application based on the planning commission recommendation and

attachments. The city council may remand the application to the planning commission, requesting the planning commission to reopen the public hearing upon the same notice as required for the planning commission public hearing, receive additional testimony or additional records, and forward the testimony and records to the city council. The planning commission shall cause an audio recording of the reopened public hearing to be made.

C. The city council shall adopt a written decision, which shall be approved by resolution and shall include findings of fact and conclusions of law and the period of time for the conditional use permit. The planning commission recommendation and attachments and additional testimony or records obtained by the city council from the planning commission, will be presumed to have been adopted by the city council, unless specifically provided otherwise in the decision. The decision also shall reference and quote subsection D of this section.

D. The conditional use permit shall be effective for the period of time stated in the city council decision. The conditional use permit shall expire and terminate unless the applicant or successor in interest (collectively hereafter in this chapter the “applicant”) implements the permit by commencing the use authorized by the permit or filing a complete building permit application for construction authorized by the permit within twelve months of the date of the city council resolution adopting the city council decision, or within a longer period in the decision; provided, that if the decision is appealed, the implementation period shall commence on the date of the decision on appeal. The city council may grant an extension or extensions of the implementation period or the conditional use permit period pursuant to a written request filed by the applicant prior to expiration of the implementation period or permit period, as applicable.

E. If the city clerk has issued a business license to a licensee who can engage in business only pursuant to a conditional use permit, and the permit expires without the permit being implemented as provided for in subsection D of this section, the business license shall be deemed to have expired and to have been revoked by the city clerk on the expiration date of the implementation period. (Ord. 1151-17 § 3; Ord. 817 § 2 (part), 1996).

22.44.050 Permit compliance.

After the city council has approved an application for a conditional use permit, the mayor or designee shall issue the permit. If the permit is implemented, the mayor or designee shall be responsible for monitoring and determining compliance with the limitations and conditions imposed by the city council on the permit. If the applicant fails to comply with such limitations and conditions, the mayor or designee may by certified mail notify the applicant of the limitations and conditions that have been violated. Within thirty days of mailing the notice to the applicant, the city council shall conduct a hearing on the violations, notice of which shall be given by certified mail to the applicant at least ten days prior to the hearing. The city council shall conduct the hearing in accordance with rules adopted therefor by the city council; provided, that the city council must receive testimony and records from the applicant. Following the hearing, the city council shall adopt a written decision, which shall be approved by resolution of the city council and shall include findings of fact and conclusions of law. (Ord. 1151-17 § 4; Ord. 817 § 2 (part), 1996).

Chapter 22.45

HOME OCCUPATION PERMITS

Sections:

~~22.45.010 Purpose.~~

~~22.45.020 Requirements.~~

~~22.45.030 Exemptions.~~

~~22.45.040 Special home occupation permits.~~

~~22.45.041 Day care centers, home based day care provisions.~~

~~22.45.050 Termination.~~

22.45.010 Purpose.

~~Home occupations are required to have a business license as issued by the city clerk, comply with all city codes and ordinances, and shall be consistent with the following provisions. (Ord. 817 § 2 (part), 1996).~~

22.45.020 Requirements.

~~A. Only members of the immediate family residing on the premises may be employed.~~

~~B. No inventory is kept (other than incidental supplies necessary for and consumed in the conduct of such home occupation) or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises. No outside storage of commodities used in the conduct of the business allowed.~~

~~C. The home occupation(s) shall not use electrical or mechanical equipment that results in:~~

~~1. A change to the fire rating of the structure(s) used for the home occupation(s);~~

~~2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or~~

~~3. Fluctuations in line voltage off premises.~~

~~D. Not more than one fourth of the floor area of any building is devoted to such occupation, nor in any case to exceed three hundred square feet.~~

~~E. Such occupation shall not require internal or external alteration or involve construction features not customarily found in a family dwelling.~~

~~F. The conduct of any home occupations, including but not limited to the storage of goods and equipment, shall not reduce or render unusable, areas provided for the required off street parking as per Section 22.40.020.~~

~~G. Only one sign is permitted, one square foot in area, nonilluminated and attached to a building.~~

~~H. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences.~~

~~I. No more animals are maintained on the premises than what may otherwise be permitted in the zone.~~

~~J. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, vibrations, or odor. (Ord. 817 § 2 (part), 1996).~~

22.45.030 Exemptions.

~~Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of Section 22.45.020 as long as the use does not operate for more than twenty days in any one calendar year or in violation of any other provisions of the Algona Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale. (Ord. 817 § 2 (part), 1996).~~

22.45.040 Special home occupation permits.

~~A. Special home occupation permits are required and must be applied for (in writing on appropriate forms supplied by the city) for the following uses even if the use meets all ten of the requirements listed above (Section 22.45.020(A) through (J)), but in no case shall any home occupation meet less than eight of the ten requirements.~~

- ~~1. Automobile repair and rebuild;~~
- ~~2. Personal service shops;~~
- ~~3. Music and dancing studios;~~
- ~~4. Bed and breakfast inns (three to five rooms);~~
- ~~5. Home occupations that can only meet eight of the ten requirements outlined in Section 22.45.020.~~

~~B. In considering applications for special home occupation permits, the city council shall consider the nature and conditions of all adjacent structures, and no such special home occupation permit shall be authorized unless the city council finds the authorizing of such special home occupation permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the authorization of such special home occupation permit will be consistent with the spirit and purpose of this title. In authorizing a special home occupation permit, the city council may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.~~

~~C. A public hearing shall be conducted on all applications for a special home occupation permit in accordance with the provisions of Chapter 22.68. (Ord. 1059 12 § 19; Ord. 817 § 2 (part), 1996).~~

22.45.041 Day care centers, home based day care provisions.

~~A. It is provided that, for purposes of this title, the city's regulatory role for family day care, defined as day care centers providing in home care for twelve or fewer children and which are licensed by the state of Washington pursuant to Chapter 35.63 RCW, is limited to the provisions of subsection B of this section.~~

~~B. Day care centers, home based day care shall:~~

- ~~1. Comply with all building, fire, safety and health codes;~~
- ~~2. Conform to lot size, building size, setbacks and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure;~~
- ~~3. Include signage, if any, that conforms to applicable city regulations;~~
- ~~4. Conduct hours of operation that are compatible with the neighborhood;~~
- ~~5. Provide proof of written notification of immediately adjoining neighbors to the city. This proof must be provided prior to state licensing. Written notification to neighbors must include the following elements:~~

~~a. Nature of the application;~~

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~~b. Maximum number of children to be kept;~~

~~c. Maximum number of employees;~~

~~d. Days and hours of operation;~~

~~6. Must apply for and obtain city home occupation license concurrently with state licensing. (Ord. 1059-12 § 20; Ord. 817 § 2 (part), 1996).~~

~~22.45.050 — Termination.~~

~~The city council may terminate any home occupation if they find, notwithstanding any provision of this chapter, that the use is being conducted in a manner which is detrimental to the public health, safety or welfare, or adversely affects the residential qualities of adjacent properties. In making such findings, the board of adjustment shall hold a public hearing in accordance with Chapter 22.68. (Ord. 817 § 2 (part), 1996).~~

Chapter 22.48

DEVELOPMENT GUIDELINES

SUPPLEMENTARY USE REGULATIONS

Sections:

- ~~22.48.010~~ ~~Accessory dwelling units.~~
- 22.48.020 Bed and breakfast inns facilities.
- 22.48.030 ~~Churches~~ Religious institutions.
- ~~22.48.040~~ ~~Multiple resident and high density buildings.~~
- ~~22.48.050~~ ~~Commercial street frontage.~~
- ~~22.48.060~~ ~~Flood protection~~ ~~Finished floor elevation requirements.~~
 - Community residential facilities.
 - Live/work units.
 - Home occupations.
 - Manufactured homes.
 - Recreational vehicles.
 - Temporary buildings for use during construction.

~~22.48.010~~ ~~Accessory dwelling units.~~

~~Accessory dwelling units are permitted uses in all residential zoning districts, subject to the requirements set forth in this chapter and the requirements of the individual district.~~

~~A. General Requirements:~~

- ~~1. Compliance with applicable codes: Accessory dwelling units shall comply with this chapter and all other applicable codes, including but not limited to the building and zoning codes.~~
- ~~2. Certification by city of Algona public works department: A certification must be provided by the Algona public works department that the water supply and sewage disposal facilities for the accessory dwelling unit are adequate to serve the unit.~~
- ~~3. Contained within structure: The accessory dwelling unit must be fully contained within and made a part of a single family dwelling or an accessory building permitted under this chapter.~~
- ~~4. Limitation on number: Only one accessory dwelling unit may be created per one single family dwelling.~~
- ~~5. Owner occupancy: The property owner of record must occupy either the single family dwelling or the accessory dwelling unit as a legal residence. Legal residency must be evidenced by actual residency. Legal residency shall terminate by reason of absence in excess of one year. Legal residency shall immediately terminate upon the payment or receipt of rent for both units.~~
- ~~6. Size restrictions: The accessory dwelling unit shall contain not less than three hundred square feet of floor area. The accessory dwelling unit shall contain not more than the lesser of one thousand square feet of floor area or forty percent of the total square footage of floor area of the single family dwelling and accessory unit combined.~~
- ~~7. Parking: There shall be one off street parking space provided for the accessory dwelling unit, which space shall be in addition to any off street spaces required for the single family residence.~~

~~8. Conversion of garage space: Garage space may be converted into an accessory dwelling unit only if the number of covered spaces eliminated by the conversion is replaced by the same number of spaces elsewhere on the property.~~

~~9. Appearance: All of the structures on the property shall have the appearance of a single family dwelling unit plus allowed accessory structures. The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation. There shall be no sign or other indication of the accessory dwelling unit's existence other than an address sign and a separate mail box. The exterior finish of the accessory dwelling unit shall be identical to the residence or accessory structure in which it is contained.~~

~~10. Limit on occupants: The occupants of the accessory dwelling unit shall be limited to a single family.~~

~~11. Minimum requirements: An accessory dwelling unit must contain:~~

~~a. Bathroom facilities that include a toilet, sink and a shower or bathtub;~~

~~b. Kitchen and food preparation facilities including a sink, cooking facilities, and a refrigerator, each having a clear working space of not less than thirty inches in front;~~

~~c. Light and ventilation conforming to the Uniform Building Code;~~

~~d. A separate closet.~~

~~B. Requirement of Registration. Any property owner seeking to establish a legal accessory dwelling unit shall apply to register the unit with the building official. The application shall provide that the property owner agrees to occupy either the single family dwelling or the accessory dwelling unit and agrees to maintain the accessory dwelling unit in compliance with the standards set forth in this chapter.~~

~~C. Actions by Building Official. After receipt of a complete application, the building official shall observe the property to confirm that the standards of this chapter are met prior to issuing approval of the accessory dwelling unit.~~

~~1. New construction: New construction shall be subject to all requirements of the building code.~~

~~2. Existing construction: Existing construction shall be subject to all requirements of the building code which was in existence at the time of construction.~~

~~D. Recordation. After approval, a registration form signed by the record holders of the property shall be recorded with the King County department of records and elections. Said registration form shall contain the street address and legal description of the property, shall describe the requirement of owner occupancy and shall set forth the requirement for maintaining the accessory dwelling unit in compliance with the requirements of this chapter.~~

~~E. Cancellation of Registration. The registration of the accessory dwelling unit may be canceled by the property owner by recording a certificate of cancellation in a form satisfactory to the building official with the King County department of records and elections. The building official may record a notice of cancellation upon failure to comply with the standards set forth in this chapter.~~

~~F. Fees. Application fees are set forth in Chapter 2.50. The property owner shall be responsible for payment of all fees, filing and recording costs.~~

~~G. Adult Family Homes and Home Based Day Cares. Accessory dwelling units are not allowed on any property where an adult family home or a home based day care exists. (Ord. 1059 12 § 21; Ord. 817 § 2 (part), 1996).~~

22.48.020 Bed and breakfast inns facilities.

The following standards apply to all bed and breakfast inns:

A. Bed and breakfast inns are allowed as follows:

1. Inns having one or two sleeping rooms will be permitted administratively as a home occupation,
2. Inns having three to five sleeping rooms shall require a special home occupation permit as specified in Section 22.48.XX of this Chapter ~~45-040~~;
- B. No meals other than breakfast served before noon shall be provided in bed and breakfast inns;
- C. Kitchen facilities are prohibited in guest rooms;
- D. Bed and breakfast residences shall be restricted to owner-occupied single-family residences;
- E. No more than five sleeping rooms shall be available for the accommodation of bed and breakfast residence visitors;
- F. No more than fifteen guests shall be accommodated at any one time in bed and breakfast inns of five rooms or less;
- G. Occupancies shall be limited to less than thirty consecutive days;
- H. The exterior of the building shall maintain a residential appearance;
- I. The bed and breakfast residence shall be operated in a way that will prevent unreasonable disturbance to area residents;
- J. One off-street parking space shall be provided for each guest room in addition to parking required for the residence. All parking spaces will be as per standards referenced in parking section;
- K. Approval shall be conditional upon compliance with all applicable state building code requirements, state liquor laws, and state sanitation requirements;
- L. One noninternally illuminated or nonreflective sign no larger than two square feet, containing only the name of the business, and hours of operation will be permitted. (Ord. 817 § 2 (part), 1996).

22.48.030 ~~Churches~~ Religious institutions.

The following standards apply to all ~~churches or religious assembly facilities~~ religious institutions:

- A. Buildings shall maintain a minimum setback of twenty feet from all property lines;
- B. The maximum lot coverage of structures may not exceed forty percent;
- C. The storage of buses or vans over ten thousand pounds is permitted on-site under the following conditions:
 1. The location of the parking areas for these vehicles is indicated on the site plan at the time of application;
 2. No more than two large vehicles may be stored on-site at any given time;
 3. Vehicles shall not intrude into public rights-of-way or obstruct sight visibility from any driveway or intersection;
 4. Structural and/or natural screening, as approved by the city, screens the vehicles from view of neighboring properties;
- D. Dwelling Units. Any dwelling in conjunction with a ~~place of worship~~ religious institution shall comply with the provisions governing residential uses in the district where it is located;

E. Conversion. No existing building or structure shall be converted to a ~~place of worship~~ religious institution unless such building complies or is brought into compliance with the provisions of this code or any other applicable city regulations;

F. Screening. There shall be sight obscuring screening along the perimeter of associated parking areas which are located across the street from or abutting a residential use. (Ord. 817 § 2 (part), 1996).

22.48.040 — Multiple resident and high density buildings.

~~A. Applicability. The standards of this section shall apply to all new apartment developments, new townhouse development, new custodial care facilities and new group residences that have more than four units and/or have proposed densities of ten to fifteen units per acre. Expansions of existing developments that result in densities of ten to fifteen units per acre shall also be subject to compliance with this section.~~

~~B. Buildings that contain a grouping of attached townhouse units shall not exceed a one hundred twenty foot maximum length without a separation of at least twenty feet from other groupings or rows of townhouses.~~

~~C. Vehicular Access and Parking Location.~~

~~1. Apartment, townhouse development, custodial care facilities and all group residences shall have parking areas placed to the rear of buildings or within the interior of the lot except when waived by the board of adjustment due to physical site limitations.~~

~~2. Vehicular access shall be provided via one entry/exit off of a public street.~~

~~D. Building Facade Modulation. Apartments, townhouse developments, custodial care facilities and all group residences shall provide building facade modulation on facades exceeding sixty feet in length. The following standards shall apply:~~

~~1. The maximum wall length without modulation shall be thirty feet;~~

~~2. The minimum modulation depth shall be three feet; and~~

~~3. The minimum modulation width shall be eight feet.~~

~~E. Roofline Variation. Apartments and townhouse developments shall provide roofline variation on rooflines exceeding sixty feet in length according to the following standards:~~

~~1. The maximum roof length without variation shall be thirty feet;~~

~~2. The minimum horizontal or vertical offset shall be three feet;~~

~~3. The minimum variation length shall be eight feet; and~~

~~4. Roofline variation shall be achieved using one or more of the following methods:~~

~~a. Vertical off set in ridge line;~~

~~b. Horizontal off set in ridge line;~~

~~c. Variations of roof pitch;~~

~~d. Gables; or~~

~~e. Any other technique approved by the board of adjustment that achieves the intent of this section. (Ord. 1059 12 § 22; Ord. 817 § 2 (part), 1996).~~

22.48.050 — Commercial street frontage.

~~A. This section shall apply to all new commercial development and substantial remodels of existing commercial structures.~~

~~B. Building Facade Articulation. Commercial developments shall provide building facade articulation with the use of windows, entries, balconies and/or bays on facades. The following standards shall apply to the articulation:~~

- ~~1. Windows shall be frequent and coordinate with the articulation of any bays or balconies;~~
- ~~2. Display windows must line facades facing public streets and sidewalks, with no more than ten feet of blank-nonwindow wall space in every twenty-five feet storefront;~~
- ~~3. All window frames shall provide a reveal with the exterior finish (i.e., not flush);~~
- ~~4. Reflective glass curtain walls are prohibited;~~
- ~~5. Facades shall not consist of an undifferentiated blank wall when facing a public street or pedestrian connection.~~

~~C. Entries. To ensure that commercial development is easily visible and accessible to pedestrian and vehicular traffic, the following guidelines for entries shall apply:~~

- ~~1. Primary entries shall be located adjacent to a public street and must be visible from that street;~~
- ~~2. Entries shall be sheltered with an overhang or portico with a depth of at least four feet. (Ord. 817 § 2 (part), 1996).~~

22.48.060 — Flood protection — Finished floor elevation requirements.

~~All new construction, including manufactured home or homes moved pursuant to Chapter 15.16 of this code, within the city limits of Algona shall have a finished floor level of at least seventy-one feet above sea level or one foot above the level of any abutting street, whichever is higher. (Ord. 903-01 § 1).~~

Community residential facilities.

The following standards and conditions apply to all community residential facilities:

A. “Group homes” in the city of Algona are classified as “community residential facilities (CRFs).” CRFs include all uses defined by Section 22.08.176, including housing for persons with disabilities, children and domestic abuse shelters. CRFs do not include halfway houses (as defined by Section 22.08.321). Secure community transition facilities are neither group homes nor transitional housing; they are classified as a separate use in Chapter 22.33.

B. CRFs are single-family structures, allowed in all residential and commercial zones. CRFs may house up to five residents plus two caregivers, with the special exception that state-licensed adult family homes and foster family homes are exempt from the city’s numerical limit.

C. Additionally, special exceptions to the limit on the number of occupants of CRFs may be granted for persons with disabilities pursuant to the accommodation procedure provided in subsection E of this section.

D. In the single-family zone, CRFs are required to be a single-family structure compatible with the surrounding area.

E. Accommodation of Persons with Disabilities.

1. Purpose. The city recognizes the need to make reasonable exceptions to its zoning code, if requested, to accommodate the special needs of persons with disabilities.

2. Application. Such exceptions may include:

a. Increasing the number of nonrelated persons allowed to live together in a single-family house;

b. Reducing setback requirements to retrofit a house with handicap accessible facilities;

c. Other modifications to the zoning code necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, provided such modification does not reduce public safety nor keep the intent of the code from being met.

3. Authority. Exceptions from code requirements are made pursuant to the requirements of the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3604(f)(3)(B); and Washington Law Against Discrimination, Chapter 49.60 RCW for persons with disabilities as defined by federal law in 42 USC Section 3602(h).

4. Accommodation Procedure.

a. Request for Accommodation. Any person claiming to have a disability, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this zoning code must provide the planning director with verifiable documentation of the disability and need for accommodation.

b. Decision Process.

i. Director Authority. If disability and need for accommodation are demonstrated, the planning director, in consultation with the city attorney, is hereby authorized to vary, modify, or waive the provisions of the zoning code, in order to provide reasonable accommodation necessary to afford a disabled person the opportunity to use a dwelling.

ii. Prompt Action. The director shall act promptly on the request for accommodation.

iii. No Fee. The director shall not charge a fee for responding to such request.

iv. Appeal. The director's decision shall constitute final action by the city on the request for accommodation, and review of that decision will be available only in court. An action seeking review must be filed no more than twenty-one days after the director's decision.

c. Decision Criteria.

i. Reasonable Response. The city's duty to accommodate is an affirmative one, and the director is thereby authorized to provide accommodations in a thoughtful and reasonable manner.

ii. No Loss of Code Purpose or Safety. No reasonable accommodation shall be provided to any chapter of the zoning code, or other code adopted pursuant thereto, which does not substantially accomplish the purposes of that chapter or which would reduce the public safety.

iii. Burden of Proof on Applicant. The applicant shall have the burden of establishing that the proposed modification, waiver, or variance accomplishes substantially the same purpose without reduction of safety.

iv. Minimum Accommodation Needed. The accommodation shall be the minimum necessary to grant relief to the applicant.

d. Procedure Upon Change of Use.

i. Accommodation Personal Unless Similar Use Re-established within Six Months. The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site which establish the same use within six months of the date the prior use by disabled persons or residential care provider ceases.

ii. Structure May Be Required to Be Brought Back into Compliance. The director may direct that any physical change in the structure which would otherwise be illegal under the zoning code, or other section of the Algona

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Municipal Code, be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act (ADA), Fair Housing Act (FHA), and the Washington Law Against Discrimination (WLAD).

Home occupations.

A. Purpose. Home occupations are required to have a business license as issued by the city clerk, comply with all city codes and ordinances, and shall be consistent with the following provisions.

B. The following requirements apply to home occupations:

1. Only members of the immediate family residing on the premises may be employed.

2. No inventory is kept (other than incidental supplies necessary for and consumed in the conduct of such home occupation) or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises. No outside storage of commodities used in the conduct of the business allowed.

3. The home occupation(s) shall not use electrical or mechanical equipment that results in:

i. A change to the fire rating of the structure(s) used for the home occupation(s);

ii. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

iii. Fluctuations in line voltage off-premises.

4. Not more than one-fourth of the floor area of any building is devoted to such occupation, nor in any case to exceed three hundred square feet.

5. Such occupation shall not require internal or external alteration or involve construction features not customarily found in a family dwelling.

6. The conduct of any home occupations, including but not limited to the storage of goods and equipment, shall not reduce or render unusable, areas provided for the required off-street parking as per Section 22.40.020.

7. Only one sign is permitted, one square foot in area, nonilluminated and attached to a building.

8. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences.

9. No more animals are maintained on the premises than what may otherwise be permitted in the zone.

10. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, vibrations, or odor. (Ord. 817 § 2 (part), 1996).

C. Exemptions. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of subsection B of this section as long as the use does not operate for more than twenty days in any one calendar year or in violation of any other provisions of the Algona Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.

D. Special home occupation permits.

1. Special home occupation permits are required and must be applied for (in writing on appropriate forms supplied by the city) for the following uses even if the use meets all ten of the requirements listed above (Section 22.45.020(A) through (J)), but in no case shall any home occupation meet less than eight of the ten requirements.

i. Automobile repair and rebuild;

ii. Personal service shops;

iii. Music and dancing studios;

iv. Bed and breakfast inns (three to five rooms);

v. Home occupations that can only meet eight of the ten requirements outlined in subsection B of this section.

2. In considering applications for special home occupation permits, the city council shall consider the nature and conditions of all adjacent structures, and no such special home occupation permit shall be authorized unless the city council finds the authorizing of such special home occupation permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the authorization of such special home occupation permit will be consistent with the spirit and purpose of this title. In authorizing a special home occupation permit, the city council may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

3. A public hearing shall be conducted on all applications for a special home occupation permit in accordance with the provisions of Chapter 22.68.

E. Day care centers, home-based day care provisions.

1. It is provided that, for purposes of this title, the city's regulatory role for family day care, defined as day care centers providing in home care for twelve or fewer children and which are licensed by the state of Washington pursuant to Chapter 35.63 RCW, is limited to the provisions of subsection B of this section.

2. Day care centers, home-based day care shall:

i. Comply with all building, fire, safety and health codes;

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

iii. Include signage, if any, that conforms to applicable city regulations;

iv. Conduct hours of operation that are compatible with the neighborhood;

v. Provide proof of written notification of immediately adjoining neighbors to the city. This proof must be provided prior to state licensing. Written notification to neighbors must include the following elements:

a. Nature of the application;

b. Maximum number of children to be kept;

c. Maximum number of employees;

d. Days and hours of operation;

vi. Must apply for and obtain city home occupation license concurrently with state licensing. (Ord. 1059-12 § 20: Ord. 817 § 2 (part), 1996).

F. Termination. The city council may terminate any home occupation if they find, notwithstanding any provision of this chapter, that the use is being conducted in a manner which is detrimental to the public health, safety or welfare.

or adversely affects the residential qualities of adjacent properties. In making such findings, the board of adjustment shall hold a public hearing in accordance with Chapter 22.68.

Live/work units.

The following standards and conditions apply to all live/work units:

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

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

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

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

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

Manufactured homes.

A. Application. The following standards and conditions apply for:

1. Any person desiring to place a manufactured home owned by him/her on any building lot in the city shall make application at the public works department on forms furnished for that purpose.

2. Every application shall be made by the owner of the real estate upon which the manufactured home is to be placed or by his authorized agent.

3. The owner of the real estate and the owner of the manufactured home must be one and the same person.

4. Applicant shall agree to conform to all regulations and rules pertaining to the placing of a manufactured home on individual lots in the city set forth in this chapter and in other ordinances of the city in force at the time of the application. (Ord. 817 § 2 (part), 1996).

B. Manufactured home certification. No previously occupied manufactured home, even though having the HUD certification, shall be allowed into the city without first being approved by the building official or his agent who shall determine whether through misuse, neglect or accident the manufactured home has fallen below the standards for safety and livability imposed by the state. Cost of such inspection is to be borne by the applicant(s). Mobile homes as defined in this chapter are not allowed. (Ord. 817 § 2 (part), 1996).

C. Regulations. Any manufactured home placed on a lot in the city shall conform to the following requirements:

1. A manufactured home must have the HUD certification or state seal of approval meeting current HUD specifications;

2. The manufactured home unit shall display the HUD certification, state seal of approval and/or any seal, certification, etc.;

3. No manufactured home smaller in size than one thousand square feet exclusive of expandos and tongue shall be allowed;

4. Applicant must acquire all necessary state and local permits;

5. No occupancy without certificate of occupancy from building official;

6. Tie-downs as specified by the manufacturer or by the building official if no manufacturer's specifications exist;

7. Manufactured home skirting must be in place prior to issuance of a certificate of occupancy, but such skirting shall not provide a harborage for rodents or create a fire hazard. Screened vents shall be provided at the same minimum standards required for buildings by the Uniform Building Code;

8. Structural fill on lot as approved by the building official;

9. Manufactured homes shall have eighteen-inch wide, six-inch thick reinforced concrete runners, which shall be all connected at all corners in the same dimension, placed under load bearing portions of manufactured home;

10. A minimum of eighteen-inch crawl space must be allowed between concrete slab or runner and bottom of manufactured home support beams;

11. Conform to applicable provisions of Title 22 of this code and Chapter 43.63B RCW;

12. Owner of manufactured home and owner of real estate on which it is placed, must be and remain one and the same;

13. All manufactured homes shall have a composition or wood type roof to be compatible with existing structure built homes. (Ord. 817 § 2 (part), 1996).

D. Permit. When the applicant has completed the applications he/she/they shall be issued, following approval of the building official, a building permit which will allow the applicant to place a manufactured home in the city on a specified building lot. Fee for this permit shall be the same as for a stick-built house of the same size and value as set forth in the building code of the city. All future additions, accessory buildings or alterations shall be governed by Titles 15 and 22 of this code and state regulations. The building permit shall expire in six months with a possible extension of six months upon approval of the city council.

E. Violation – Penalty. To violate or to fail to comply with any such rule or regulation lawfully promulgated under this chapter shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed five hundred dollars. Each additional calendar day shall constitute a new and separate violation.

Recreational vehicles.

A. Purpose. The purpose of this section is to protect the visual character and identity of the city by regulating the use of recreational vehicles within city limits.

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B. Overnight use – Regulation. No recreational vehicle shall be used as a permanent place of residence or dwelling for indefinite periods of time in the city of Algona. No recreational vehicle shall be occupied for more than seventy-two hours unless approved as follows:

1. Permission may be granted for up to thirty days by the mayor upon receipt of written request by the property owner stating the nature of the request.

2. Permission may be granted over thirty days by the city council upon receipt of written request by the property owner to the city clerk's office stating the nature of the request.

C. Regulation – Utility connection/external appurtenances prohibited. No recreational vehicle approved as above shall:

1. Connect to or be supplied any public utility from the main residence except as approved by the mayor.

2. Attach any external appurtenances, such as carports, cabanas, or patios, except as approved by the mayor.

D. Commercial use prohibited. No recreational vehicle shall be occupied for commercial purposes within the city of Algona.

Temporary buildings for use during construction.

The use of temporary buildings during construction shall not exceed six months.

Chapter 22.60

LANDSCAPING

Sections:

22.60.010	Purpose of provisions.
22.60.020	Areas of application.
22.60.030	General provisions.
22.60.040	Front yards.
22.60.050	Site screening.
22.60.060	Parking lots.
22.60.070	Storage yards.
22.60.080	Maintenance.
22.60.090	C-1 mixed use commercial.
22.60.100	C-2 general commercial.
22.60.110	C-3 heavy commercial.
22.60.120	M-1 light industrial.
22.60.130	R-M medium density residential.
	<u>R-L low density residential.</u>
22.60.140	Site screening matrix.
22.60.150	Submittal requirements.

22.60.010 Purpose of provisions.

The purpose of this chapter is to achieve the following:

- A. Provide an opportunity for the development of visually pleasing environments in the city, from the viewpoint of the local resident and the visitor passing through the city;
- B. Ensure the preservation of land values in the city;
- C. Encourage the preservation of existing vegetation patterns that contribute to the beauty and utility of a development;
- D. Provide not only for the health, safety and general welfare of the citizens and minimize discordant and unsightly surroundings, but also to provide for the beauty and balance of the city, as are the necessary concerns of local government;
- E. Assure the continued existence and proliferation of trees within the city;
- F. Break up visual blight created by large expanse of barren asphalt;
- G. No artificial lawn or shrubbery will be permitted in landscaped areas;
- H. Provide adequate control over the application of landscaping standards so the above objectives are accomplished in the most effective manner. (Ord. 965-05 § 9 (part)).

22.60.020 Areas of application.

The standards of this chapter shall apply to all development within the city, except:

- A. Single-family detached residence (R-L zone). (Ord. 965-05 § 9 (part)).

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22.60.030 General provisions.

Preservation of natural vegetation and healthy, existing mature trees (particularly conifers) is preferred if available on the site. Otherwise, street trees and/or landscaping items (including irrigation if appropriate) shall be furnished and installed as may be specifically required by the city. If such is required, landscaping shall be of one of the referenced types as specified in the Development Guidelines and Public Works Standards or in the Puget Sound Energy document “Energy Landscaping” available at Algona City Hall, and/or as otherwise may be approved by the city. These landscaping items, including trees and irrigation, shall be furnished and installed at the city’s sole discretion, direction, and approval.

All plant material sizes listed shall be the minimum sizes at the time of installation, unless otherwise stated in this section.

Recommended trees for bioretention areas are referenced in Appendix 1 of the Low Impact Development Technical Guidance Manual for Puget Sound. Any landscaping elements meeting the requirements listed herein that are included as part of a low impact development (LID) facility may be counted toward meeting the city landscaping requirements, as approved by the city. It is preferable that trees planted next to a low impact facility such as porous pavements have minimal tree litter. (Ord. 1114-15 § 1; Ord. 965-05 § 9 (part)).

22.60.040 Front yards.

A. Front yards (the area between a public right-of-way property line and buildings and/or parking) shall be landscaped to include evergreen or deciduous trees and shrubs, perennial or annual flowers, ground cover plants or lawn, or a combination of such materials.

B. Landscaped areas shall include at least one tree, a minimum height of six feet, for every five hundred square feet or a fraction thereof. The trees may be clustered or dispersed throughout the area.

C. Landscape areas shall include shrubs, a minimum height of two feet, at a rate of one for every twenty-five square feet or fraction thereof. The shrubs may be clustered or aligned in a row.

D. The landscape area not covered by trees and shrubs shall be planted in ground cover or lawn. (Ord. 965-05 § 9 (part)).

22.60.050 Site screening.

The following site screening standards shall be required in all zones where site screening landscaping is mandatory.

A. Landscaped areas shall include use of evergreen or deciduous trees and shrubs, perennial or annual flowers, ground cover, lawn, or a combination of such materials. In particular this means:

1. All landscape plants shall be trees and shrubs that are drought-tolerant and adapted to the Pacific Northwest region. (No invasive or noxious plants).
2. Each individual landscaped site screening area one hundred square feet or less shall include at least one tree a minimum of six feet in height.
3. Each individual landscaped site screening area one hundred square feet or less shall include at least ten shrubs a minimum of two feet in height.
4. Each individual landscaped site screening area not covered by trees and shrubs shall be planted in ground cover or lawn.

B. Where developments face or adjoin the front, side, or rear yard of residential zones, the proposed developments shall observe and respect the established character of the existing residences and shall be required to provide compatible site development and landscaping. The boundary shall be screened by one of the following methods:

1. Screen Type I. Trees and shrubs planted to provide a solid screen within three years after planting;

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2. Screen Type II. Fencing a minimum of six feet in height and shall include the planting of screen-type trees spaced a maximum of ten feet on center and screen type shrubs a minimum of two feet in height.

C. Motels and motor hotels shall provide and maintain a Screen Type II with one hundred percent planting of evergreen trees and evergreen shrubs a minimum width of ten feet on any boundaries adjoining a residential zone or adjoining a right-of-way separating a commercial zone from a residential zone.

D. Where landscaping areas are along street frontages within twenty feet of the corner of a driveway, alley, or street intersection, no shrubs shall be allowed to grow higher than twenty-four inches and no tree shall have branches or foliage below six feet.

E. Where a fire hydrant is located, shrubs shall be placed a minimum of five feet away from a hydrant. Trees shall be placed a minimum of ten feet away from a hydrant. (Ord. 965-05 § 9 (part)).

22.60.060 Parking lots.

A. Parking lots shall include landscape areas as a part of their design and shall include tree and shrub planting areas within the parking lot.

B. Where a primary building is so situated on the property and separated from a public right-of-way by a parking lot, the parking area shall be landscaped and maintained in accordance with the provisions of this chapter, but shall not be less than the following:

1. A two-foot-wide planting area shall be required along the entire right-of-way frontage, except for driveways.
2. No parking stall shall be located more than fifty feet from a landscaped area.
3. Interior parking lot landscape areas shall include at least one tree for every two hundred square feet of landscape area.
4. Parking lots adjacent to residential zones will be required to provide the minimum site screening by one of the following methods:
 - a. Screen Type I. Trees and shrubs planted and sized to provide a solid screen within three years after planting;
 - b. Screen Type II. Fencing a minimum of six feet in height, and shall include the planting of trees spaced a maximum of ten feet on center, and screen type shrubs a minimum of two feet in height. (Ord. 965-05 § 9 (part)).

22.60.070 Storage yards.

Outdoor storage yards, garbage storage yards, loading docks and permanent equipment storage areas that are visible from a public right-of-way or adjacent to residential zones shall be screened by the planting of evergreen trees, evergreen shrubs, or fencing, or a combination of both and shall conform to one of the following standards:

- A. Screen Type I. Trees and shrubs planted and sized to provide a solid screen within three years after planting;
- B. Screen Type II. Fencing a minimum of six feet in height, and shall include the planting of trees spaced a maximum of ten feet on center and screen type shrubs a minimum of two feet in height. Width of planting area shall be a minimum of two and one-half feet. (Ord. 965-05 § 9 (part)).

22.60.080 Maintenance.

A. All landscape areas shall be maintained in a healthy, growing condition. Broken, dead or dying trees, shrubs or plants shall be replaced.

B. Low water use irrigation systems for watering landscaped areas shall be encouraged.

C. Any trees, shrubs, or plants which are susceptible to injury by pedestrians or motor vehicle traffic should be protected by appropriate curbs, tree guards or other protective devices. (Ord. 965-05 § 9 (part)).

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22.60.090 C-1 mixed use commercial.

A. A minimum of fifteen percent of the gross site area shall be landscaped.

B. Site screening shall be provided at the minimum widths listed below:

1. Adjacent to: C-1, five feet.
2. Adjacent to: C-2, five feet.
3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, five feet.
6. Adjacent to: R-L, ten feet. (Ord. 965-05 § 9 (part)).

22.60.100 C-2 general commercial.

A. A minimum of ten percent of the gross site area shall be landscaped.

B. Site screening shall be provided at the minimum widths listed below:

1. Adjacent to: C-1, five feet.
2. Adjacent to: C-2, five feet.
3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, fifteen feet.
6. Adjacent to: R-L, fifteen feet. (Ord. 965-05 § 9 (part)).

22.60.110 C-3 heavy commercial.

A. A minimum of five percent of the gross site area shall be landscaped.

B. Site screening shall be provided at the minimum widths listed below.

1. Adjacent to: C-1, five feet.
2. Adjacent to: C-2, five feet.
3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, ten feet.
6. Adjacent to: R-L, fifteen feet. (Ord. 965-05 § 9 (part)).

22.60.120 M-1 light industrial.

A. A minimum of five percent of the gross site area shall be landscaped.

B. Site screening per Section 22.60.050 shall be provided at the minimum widths listed below:

1. Adjacent to: C-1, ten feet.

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2. Adjacent to: C-2, ten feet.
3. Adjacent to: C-3, five feet.
4. Adjacent to: light industrial, five feet.
5. Adjacent to: R-M, fifteen feet.
6. Adjacent to: R-L, fifteen feet. (Ord. 965-05 § 9 (part)).

22.60.130 R-M medium density residential.

- A. A minimum of fifteen percent of the gross site area shall be landscaped.
- B. Site screening per Section 22.60.050 shall be provided at the minimum widths listed below:
 1. Adjacent to: C-1, five feet.
 2. Adjacent to: C-2, five feet.
 3. Adjacent to: C-3, five feet.
 4. Adjacent to: light industrial, five feet.
 5. Adjacent to: R-M, five feet.
 6. Adjacent to: R-L, ten feet. (Ord. 965-05 § 9 (part)).

R-L low density residential.

A. For conditional uses in the R-L low density residential district, site screening per Section 22.60.050 shall be provided at the minimum widths listed below:

1. Adjacent to: C-1, 5 feet.
2. Adjacent to: C-2, 5 feet.
3. Adjacent to: C-3, 5 feet.
4. Adjacent to: light industrial, 5 feet.
5. Adjacent to: R-M, 5 feet.
6. Adjacent to: R-L, 5 feet.

22.60.140 Site screening matrix.

DEVELOPMENT	ADJACENT TO:					
	Mixed Use Commercial (C-1)	General Commercial (C-2)	Heavy Commercial (C-3)	Light Industrial (M-1)	Medium Density Residential (R-M)	Low Density Residential (R-L)
Mixed Use Commercial (C-1)	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet
General Commercial (C-2)	5 feet	5 feet	5 feet	5 feet	15 feet	15 feet
Heavy Commercial (C-3)	5 feet	5 feet	5 feet	5 feet	10 feet	15 feet
Light Industrial (M-1)	10 feet	10 feet	5 feet	5 feet	10 feet	15 feet

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	ADJACENT TO:					
Medium Density Residential (R-M)	5 feet	10 feet				
<u>Low Density Residential (R-L)</u>	<u>5 feet</u>					

(Ord. 965-05 § 9 (part)).

22.60.150 Submittal requirements.

A. For any permit request having a landscaping component as part of the project, a plan drawn to scale shall be submitted to the city showing the boundaries of the property, location of buildings, driveways, loading docks, outside storage areas, size, type of plantings, and location of landscaping areas.

B. A written explanation of how each landscape provision of this chapter is complied with shall accompany the plan.
(Ord. 965-05 § 9 (part)).

Chapter 22.62

FENCES, HEDGES AND WALLS

Sections:

22.62.010 Title.

22.62.020 General provisions.

22.62.010 Title.

This chapter shall be known and may be cited as the “Algona fence code.” (Ord. 817 § 2 (part), 1996).

22.62.020 General provisions.

Any fence, hedge or wall shall comply with the following standards:

A. Fences, hedges or walls shall not exceed six feet in height when located in a required side yard or rear yard.

1. Fences, walls or hedges located adjacent to a public right-of-way shall not exceed thirty-six inches in height at a point within five feet of a public street intersection, private driveway or alley.

B. Fences, hedges or walls shall not exceed four feet in height when located in a required front yard; except that on corner parcels within five feet of a public intersection, the fence, wall or hedge shall not exceed thirty-six inches in height.

1. A front yard chain link fence for a school may be up to eight feet in height, but shall not exceed thirty-six inches in height within five feet of a public intersection.

C. Fence, hedge or wall height shall be measured from the existing grade. In all cases, the fence, hedge or wall height shall be measured in a continuum at each point along the fence or wall.

D. Fences up to eight feet in height shall be permitted on those residential properties abutting SR 167, an operating railroad right-of-way, or properties adjacent to an industrial zone. Said fence height shall only be permitted on the property line actually abutting the above properties. Building permit is required for fences over six feet in height. (Ord. 977-05 § 1; Ord. 817 § 2 (part), 1996).

Chapter 22.64

SIGNS

Sections:

22.64.010	Title.
22.64.020	Purpose.
22.64.030	Permits required.
22.64.040	Exempt signs.
22.64.043	Prohibited signs.
22.64.045	Permit process.
22.64.050	Permit fee schedule.
22.64.060	General provisions.
22.64.070	Regulation by district.

22.64.010 Title.

This chapter shall be known and may be cited as the “Algona sign code.” (Ord. 817 § 2 (part), 1996).

22.64.020 Purpose.

The purpose of this chapter is to:

- A. Protect and enhance the visual character and identity of the city by establishing standards that regulate the type, number, location, size, and lighting of signs;
- B. Recognize the private purposes of signs for the identification of businesses and promotion of products and services;
- C. Recognize the public purposes of signs which includes consideration of traffic safety, economic, and aesthetic welfare; and
- D. Provide for the safe construction, location, erection, and maintenance of signs.

This chapter shall not regulate building design, except as provided in Section 22.64.045(C), Comprehensive design plan. (Ord. 817 § 2 (part), 1996).

22.64.030 Permits required.

No sign shall hereafter be erected, re-erected, constructed, altered, or relocated except as provided by this code and a permit for the same has been issued by the building official. A separate permit shall be required for a sign or signs for each business entity and/or a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs. (Ord. 817 § 2 (part), 1996).

22.64.040 Exempt signs.

While all signs must comply with the provisions of this code, permits shall not be required for the following:

- A. Painting, repainting, cleaning, repairing, and other normal maintenance unless structural or electrical changes are made;
- B. Real estate signs six square feet or less;
- C. Temporary signs and decorations customary for special holidays erected on private property;
- D. Incidental signs nine square feet or less; provided, that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency;

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- E. Temporary paper signs in windows; permits shall, however, be required for temporary window signs if they exceed fifty percent of the window area and are present for more than thirty days;
- F. Religious symbols;
- G. Political signs less than sixteen square feet;
- H. Temporary building signs limited to two per project denoting the architect, engineer, contractor or developer not exceeding thirty-two square feet for the first sign and twelve square feet for the second;
- I. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed four square feet in surface area;
- J. Bulletin boards not over twelve square feet in area for each public, charitable or religious institution when same is located on premises of the institution;
- K. Signs required by law, traffic or pedestrian control signs, signs indicating scenic or historic points of interest, which are erected by or on the order of a public officer in the performance of his public duty;
- L. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;
- M. The flag of a government or noncommercial institutions such as schools;
- N. Official public notices, official court notices;
- O. Temporary signs eight square feet or less in area which are displayed for less than thirty days;
- P. Structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes;
- Q. Signs on private property which are required by any law or ordinance. (Ord. 817 § 2 (part), 1996).

22.64.043 Prohibited signs.

From and after the effective date of the ordinance codified in this chapter, it shall be unlawful for any person to erect or place within the city:

- A. A swinging projection sign;
- B. Strings of lights, banners, pennants, ribbons, streamers, spinners, rotation or blinking lights or similar devices of a carnival nature, except as permitted by a special use permit;
- C. Flashing sign, except as permitted in subsection E of this section, signs which revolve in excess of eight rpm, and signs which contain wind actuated elements;
- D. Signs attached to, or placed on, a vehicle or trailer parked on private or public property; this provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business; this does not include automobile for-sale signs; franchised buses or taxis are exempt;
- E. Private signs placed in or on a public right-of-way;
- F. Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination; or by obstruction of, or distraction from the visibility of, any official traffic-control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections, or access facilities; no sign, which by glare or method of illumination,

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constitutes a hazard to traffic shall be prohibited; no sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic;

G. Any sign or advertising structure or supporting structure which is torn, damaged, defaced or destroyed shall be repaired, replaced or removed within thirty days of the damage; if a sign or structure is torn, damaged, defaced or destroyed and not repaired or replaced within thirty days of the casualty, the building inspector shall give written notice to the property owner and permittee of the sign requiring repair, replacement or removal thereof within thirty days; in the event the owner or permittee does not remove the sign pursuant to the notice, the building official is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or permittee of the sign, or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed;

H. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the land, building or structure upon which such sign may be found within thirty days after written notification from the building official, and upon a failure to comply with such notice within the time specified in such order, the building official is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached;

I. Signs attached to utility poles, trees, rocks or other natural features;

J. Signs attached to benches on public right-of-way;

K. Billboards. (Ord. 817 § 2 (part), 1996).

22.64.045 Permit process.

A. Application for sign permits shall be made to the building official on a form as provided by the building department. Such application shall require:

1. Name of business, address where work is to be performed;
2. Name and title of the person completing the application;
3. Name and address, telephone number of the person or firm doing the work and preferably the owner of said establishment;
4. Washington contractors registration number, industrial use permit number, sales tax number;
5. A site plan showing location of sign in relation to buildings, property lines and public right-of-way including the size and location of all existing signs on the property shall be eight and one-half inches by eleven inches;
6. A scale drawing of proposed sign or sign revision showing size, height, copy, structural and footing details, material specifications;
7. A description of work to be performed and type of sign;
8. Electrical load with name of electrical contractor responsible for installation of service feed wires if other than sign contractor.

B. Special Use Permit. A special use permit may be obtained for temporary signs in excess of eight square feet; beacon light; and banners and streamers which are not otherwise permitted by this code. This permit may be approved by the planning commission for a specified and limited amount of time for grand opening or other special use permit shall be made to the building official.

C. Comprehensive Sign Design Plan Permits. Special consideration shall be given to signs which use a comprehensive sign design plan to encourage the integration of signage into the framework of the building where it

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is located. This may be done on an existing building whose facade is being altered, new building, or freestanding sign. Such special consideration will, in some cases, result in allowance of height or total area in excess of those limitations specified for particular zones in this chapter. Supergraphics may be permitted as a comprehensive design plan. The exception herein is based on an exceptional effort toward creating visual harmony between the sign, the building and site where it is located through the use of a consistent design theme. The comprehensive sign design plan shall be presented to the planning commission with a narrative outlining the proposed plan including, but not limited to, the following:

1. How the physical components of the sign go to make up the area of copy detailing legibility, visibility, and readability factors on the basis of traffic speed, color combinations, sign placement, etc.;
2. How the sign relates to the immediate surroundings, including existing and proposed buildings, other signs and landscape;
3. How the sign relates to the desired land use characteristics that the sign proposal is being asked to promote; and
4. A colored rendering.

In evaluating the proposed solution, the planning commission shall assess the foregoing information on the basis of the alternative solution available using existing ordinance. Application for comprehensive sign design plan permits shall be made to the building official on forms provided by the building department, and shall be submitted along with the regular sign permit application.

D. Permits Issued.

1. The building official shall issue a sign permit upon approval of plans and payment of the required fees. The building inspector shall also keep records of the disposition of all hearings involving the planning commission in regards to sign usage, appeals, etc., in the permit file.
 2. Permits shall be numbered in the order of their issuance and shall disclose:
 - a. The type of sign as defined in this chapter;
 - b. The street address of the property upon which the sign is proposed to be located and the proposed location of the sign on the property; in the absence of a street address, an acceptable plot plan of location may be required;
 - c. The amount of the fee paid for such permit;
 - d. The date of issuance;
 - e. The name of the sign company installing the sign.
 3. With each sign permit issued, the building official shall issue a corresponding permanent sticker indicating the date of issuance, the name of permittee or his agent to attach the label in the lower right hand area of the sign so that it can be prima facie evidence that the sign has been, or is being, erected or operated in accordance with the provisions of this chapter.
- E. Time Limitation. Every permit issued by the building official under the provision of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred twenty days from the date of issuance of such permit or from the date work is suspended or abandoned. Work may recommence only after obtaining a new permit. (Ord. 817 § 2 (part), 1996).

22.64.050 Permit fee schedule.

The fees prescribed in this section must be paid to the city for each sign installation for which a permit is required by this chapter and must be paid before any such permit is issued by the building official. Fees for building permits for

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each sign erected, installed, affixed, structurally altered, relocated or created by painting shall be set in accordance with the schedule set forth in Section 2.50.070. (Ord. 817 § 2 (part), 1996).

22.64.060 General provisions.

The following provisions shall apply to all signs governed by this chapter:

A. Landscaping. Landscaping shall be required only for freestanding signs that are installed as a result of construction of a new business/development, or when the rehabilitation of the business/development exceeds fifty percent of its valuation. Landscaping shall be installed at the base of the sign to prevent automobiles from hitting the sign support structure and to improve the overall appearance.

1. Landscaping with plants and shrubs shall be used whenever the size, location and physical properties of the lot are not a problem and planting can be easily maintained.

2. Landscaping shall be maintained, and no dead shrubs, broken parts, cracked or extremely chipped other material shall be allowed to remain without repair or replacement.

B. Construction Provisions.

1. Each sign shall be adequately constructed and securely and substantially anchored so as to withstand wind pressure in accordance with the requirement of the Uniform Building and Sign Codes and shall meet the currently adopted edition of the Uniform Building Code and sign code standards in every other respect.

2. Signs containing electrical circuitry shall meet the requirements of the National Electrical Code and all state laws, and shall include an approved testing lab sticker.

C. Clearance, Height and Sight Distance.

1. A marquee sign, or sign projecting over areas where motor trucks may be required to pass beneath them shall be erected to maintain a minimum vertical clearance of fourteen feet for the free passage of motor trucks.

2. Signs must meet vehicular sight distance requirements established by the utilities superintendent. Where signs are adjacent to or abutting an alley, the minimum vertical clearance shall not be less than fourteen feet.

D. Exposed Angle Irons and Guy Wires. When a projecting or roof sign is used, no angle irons, guy wires or braces shall be visible, except those that are an integral part of the overall design, such as decorative metals or woods, or unless they are required for safety.

E. Light Restrictions.

1. No person shall construct, establish, create, and no person shall maintain any stationary exterior lighting or illumination system or any interior system which is intended to be viewed from a public street, highway or other thoroughfare used for vehicular traffic which system contains or utilizes:

a. Any exposed incandescent lamp with a wattage in excess of twenty-five watts;

b. Any exposed incandescent lamp with an internal metallic reflector;

c. Any exposed incandescent lamp with an external reflector;

d. Any revolving beacon light;

e. Any continuous or sequential flashing operation in which more than one-third of the lights are turned off at any one time and/or which used light of more than twenty-five watts.

2. These provisions shall not apply to:

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- a. Lighting systems owned or controlled by any public agency for the purpose of directing or controlling navigation, traffic or highway or street illumination;
- b. Aircraft warning lights;
- c. Electronic information systems which display the time of the day and/or the atmospheric temperature or programmable electronic messages of a public service or commercial nature;
- d. Temporary lighting used for repair or construction as required by governmental agencies.

F. Portable Signs. Portable signs are allowed in place of or in conjunction with premises signs; provided, that such signs:

1. Shall be included in the total allowable sign area and number of sign allowed for the business and shall require a permit except real estate signs;
2. Shall conform to all other structural and safety requirements;
3. Shall not be electrical signs, unless a state electrical permit has been issued;
4. Shall be allowed only fifty percent of the sign area otherwise allowed for a freestanding sign for that business; these signs must be in compliance with setback and spacing requirements and may not be located on public property;
5. Real estate directional signs or open house signs less than two square feet in area are permitted; provided, that they do not create a safety hazard, do not exceed four per property, someone is present at the open house and they are removed immediately after the open house promotion has ended. In no case shall they remain for more than twenty-four hours, and in no case shall they be placed in the traveled portion of the roadway or sidewalk.

G. Sign Area and Placement.

1. The allowable signage area shall be calculated from the building frontage or lot frontage, whichever is greater, but the business person may place the sign or signs any place on the business establishment or lot.
2. Freestanding signs must be located entirely upon private property.
3. In order to encourage the setting back of freestanding signs, an additional 1.25 percent of sign area may be added for each one foot of setback provided, up to a maximum of twenty-five percent.
4. Off-premises freestanding signs, including billboards will have twenty-foot setback, no bonuses of sign area will be allowed for additional setback.

H. Projection Clearance.

1. No projecting sign shall project more than six inches above or over the wall, roof line or parapet of the building to which it is attached.
2. Signs shall not project more than five feet from property line or building face and must be a minimum of two feet from a curb unless otherwise specified by this code, and shall also conform to Section 403 of Uniform Sign Code.
3. All projecting signs over the public right-of-way must be a minimum of eight feet above the sidewalk; except when located in an alley or in an area where motor trucks may be required to pass minimum vertical clearance, shall be fourteen feet, and shall also conform to Section 403 of Uniform Sign Code.
4. No freestanding sign may project over public property.

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I. Civic and Church Signs. The building inspector may approve and permit to be erected entrance signs, at or near the city limits, on private property when possible, with owner's permission, for the benefit of visitors, on which may be listed institutional names, churches, and points of interest. Civic organizations and churches may be permitted by the building inspector, each name or insignia shall not exceed a size of sixteen inches by seventy-four inches for each organization. If more than one insignia is placed on the sign, the total aggregate area of such sign shall not exceed twenty-four square feet. Such sign shall not be placed so as to cause a traffic hazard, and shall be approved as to placement by the city engineer.

J. Electioneering Signs.

1. General Regulations. Electioneering signs shall not be placed upon public streets, public property, highways or rights-of-way within the corporate limits of the city. Electioneering signs shall be removed within fourteen days after the election, except that a candidate who wins a primary election may continue to display electioneering signs until fourteen days after the general election. (Ord. 817 § 2 (part), 1996).

22.64.070 Regulation by district.

No sign of any kind shall be permitted to be constructed, erected, or maintained in various zoning districts of the city, except as follows:

A. Residential Districts (R-L) and (R-M).

1. In all single-family residential districts, only one nonilluminated real estate sign (either owner or agent) per street frontage of not over three square feet per sign face shall be permitted. Such sign shall not need a permit.
2. One removable sign of not over one and one-half square feet in area, with the words "open house," or words "open to inspection," may be used only when the owner or owner's agent is on the premises. A permit or permit fee shall not be necessary for such a temporary sign.
3. One home occupation sign, nonilluminated, not exceeding two square feet, and attached flat to a wall or window, shall be allowed where home occupations are permitted.
4. One nameplate sign, situated on the premises and bearing only the name of the principal occupant(s) and the street number of a private dwelling, or both, but not to exceed three square feet.
5. A temporary building sign not exceeding sixteen square feet.
6. One permanent development sign, indirectly lighted, not exceeding fifty square feet in area, per main entrance to the development.
7. Off-premises real estate directional signs as provided in Section 22.64.060(F)(5).
8. Each nonresidential use permitted in the zone, such as churches, schools, clinics, shall be allowed on-premises signs, as determined by the building inspector.
9. No revolving signs are permitted.

B. General Commercial (C-1, C-2) and Light Industrial (M-1) Districts.

1. On-premises signs are permitted, and illumination is permitted except where specifically prohibited.
2. Revolving pole or freestanding signs shall not exceed eight revolutions per minute.
3. Signs attached to the bottom of a marquee, canopy or permanent walkway cover (under-marquee signs) shall not exceed one for each of the business entrances on the premises, with a sign area not to exceed six square feet per sign face. Such sign shall be located in front of the business adjacent to the main entrances and shall be located no less than eight feet above the grade of the sidewalk or walkway nearest the sign.

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4. Freestanding signs shall not exceed forty-five feet in height, and shall be permitted as follows:
 - a. Each single tenant building shall be permitted one freestanding sign, with a maximum sign area of one square foot for each one foot of main street frontage, not to exceed two hundred square feet.
 - b. Each multitenant building shall be permitted one freestanding sign with a maximum sign area of one and one-half square feet for each one foot of main street frontage, not to exceed two hundred fifty square feet of directory sign.
 - c. Each multibuilding complex shall be permitted one freestanding sign with a maximum sign area of one and one-half square feet for each one foot of main street frontage, not to exceed two hundred fifty square feet. In addition, a maximum of twenty-five square feet of directory sign for each tenant shall be allowed, not to exceed one hundred square feet total per complex.
 - d. On a business, multitenant building, or multibuilding complex with total frontage on the main street of more than three hundred feet, the business shall be allowed one additional freestanding sign for each three hundred feet of frontage, not to exceed one hundred fifty square feet. Each sign shall be placed one hundred fifty feet apart.
5. A projecting or roof sign is permitted in lieu of a freestanding sign and shall not exceed one for each business, with the sign area not to exceed fifty percent of that allowable for a freestanding sign for that business.
 - a. Roof signs may not extend more than five feet in height above the roof.
6. Businesses located in a multibuilding complex or a multitenant building may be permitted a projecting sign in lieu of a wall sign. This does not apply to commercial shopping centers.
7. Wall signs (painted or other) shall be calculated by two square feet of signage for each one foot of street frontage, up to a maximum of three hundred sixty square feet per business. If any business has only a wall sign it shall be permitted at least sixty square feet regardless of street or building frontage.
 - a. In a multitenant building, any business which has an outside wall and an outside entrance which opens directly to the business shall be allowed a wall sign with an area equal to two square feet per one foot of length of the business facade. If the businesses located within the building do not have outside entrances, the total square footage shall be assigned on the basis of two square feet per linear foot of main street frontage, and it shall be the responsibility of the building owner or manager to establish the signage allowed to each business.
 - b. In a multibuilding complex, each building shall be allowed wall signage based on the building frontage.
 - c. Marquee signs and mansard roof signs shall treated as wall signs.
8. Temporary signs are permitted for special functions such as a grand opening or liquidation sale and shall require a special use permit as defined in Section 22.64.045(B).
9. Paper or other temporary signs (including painted signs which can be easily removed by washing) may be affixed or otherwise attached to or displayed with glass display windows of commercial establishments and stores without the requirement of a permit being obtained. Permits shall however be required for temporary window signs if they exceed fifty percent of the window area and are present for more than thirty days.
 - a. Signs which are permanently painted upon a window surface shall be treated as a wall sign and included in the total allowable sign area.
10. Conditional use permits when a conditional use permit has been approved, the type of signs shall be determined by the board of adjustment.
11. Signs may be erected upon off-street parking lots which are operated in connection with stores and other places of business.

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a. One such sign, not larger than twenty square feet, shall be permitted at each entrance, or two square feet per contributor.

b. A permit shall be required for such signs.

12. Vacant stores shall be controlled as follows:

a. Any owner or person entitled to possession of any vacant store prohibited from displaying upon the windows of such vacant store any sign, lettering or printed matter except one sign, consisting of a maximum thirty-two square feet, advertising the availability of the premises, and except as otherwise allowed by this chapter.

b. Within ninety days after a store becomes vacant, the owner or person entitled to possession of such vacant store is required to remove all signs including structures, lettering or printed matter, visible to the public and placed upon the premises of such vacant store by or on behalf of the previous owner or occupant, except the sign advertising its availability as allowed in subsection A of this section.

13. Freestanding off-premises signs not to include boards are permitted as follows:

a. No such sign shall be located closer than one hundred fifty feet to any residential zone, and shall not interfere with or obstruct the view of natural beauty from any residential zone.

b. No such sign shall obstruct the visibility of any off-premises signs.

c. There shall be a minimum distance of one hundred fifty feet between any two outdoor advertising signs, except that double-faced signs with the faces in opposite directions may be permitted. Those signs for which a permit was first issued shall be used to establish the minimum distance.

d. Such signs shall not exceed a height equal to one foot for each foot of setback, not to exceed thirty feet, and in no case shall the setback be less than twenty feet.

e. No such sign shall be allowed to exceed forty-eight square feet of sign area per sign face.

f. No permit shall be issued for freestanding off-premises signs without a landscape plan.

14. Additional signs are permitted as follows:

a. Directional signs giving directions to motorists regarding the location of parking areas, delivery areas, access drives, and accessways shall not exceed six square feet per sign face and shall meet the locational requirements of the off-street parking ordinance. Permits are not required.

b. Real estate signs shall not exceed one for each street frontage and shall not exceed thirty-two square feet per sign face and shall not be illuminated. Permits are not required.

c. Incidental signs shall be restricted to one per twenty-five feet of principal street frontage, shall not exceed nine square feet per face, and no such business shall be allowed more than four such signs. Incidental signs shall include, but are not limited to, gasoline price signs, bank interest signs and signs advertising a specific product or service. Such signs shall conform to the regulations of this chapter, but shall not be included in number of signs allowed. (Ord. 817 § 2 (part), 1996).

Chapter 22.68

PUBLIC HEARINGS

Sections:

- 22.68.010 Publication.
- 22.68.020 Notice to property owners.

22.68.010 Publication.

Public notice of any hearing as required by state law or this title shall be deemed to have been given when a notice setting forth the general purpose of any such hearing and the time and place thereof has been posted on the affected property and at City Hall, and published at least one time in the official newspaper doing the city printing at least ten days before the date set for such hearing. Public notice of one or more hearings may be included within the same notice. (Ord. 817 § 2 (part), 1996).

22.68.020 Notice to property owners.

In cases of conditional and unclassified use permits, rezones, variances, and other applicable permit applications, written notice of any hearing shall be mailed to owners of all properties within a three-hundred-foot radius of the exterior boundaries of the subject site. Said notice shall be mailed to such property owners no later than ten days prior to the public hearing. The property ownership records of the King County treasurer shall be used to identify surrounding property owners. (Ord. 817 § 2 (part), 1996).

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Chapter 22.72

AMENDMENT PROCEDURE

Sections:

22.72.010 Amendments – Hearing requirement.

22.72.010 Amendments – Hearing requirement.

The regulations, restrictions and boundaries set forth in this title may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city. (Ord. 817 § 2 (part), 1996).

Chapter 22.76

VIOLATION – PENALTY

Sections:

- 22.76.010 Violations – Filing written complaint.
- 22.76.020 Violations – Penalties.

22.76.010 Violations – Filing written complaint.

Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the building official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this title. (Ord. 817 § 2 (part), 1996).

22.76.020 Violations – Penalties.

Violation of any of the provisions of this title or failure to comply with any of its requirements, or any of the requirements or conditions imposed by the city council or board of adjustment, shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars, or be imprisoned for not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such.

The owner or tenant of any building, structure, premises, or part thereof, and an architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this act, or of any resolution made under authority conferred hereby, the proper authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violations, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. (Ord. 817 § 2 (part), 1996).

Chapter 22.80

DEVELOPMENT AGREEMENTS

Sections:

- 22.80.010 Authority.
- 22.80.020 General provisions.
- 22.80.030 Development standards – Flexibility.
- 22.80.040 Enforceability.
- 22.80.050 Processing procedure.
- 22.80.060 Status, recording and amendment.
- 22.80.070 Divestment.
- 22.80.080 Construction – Interpretations.

22.80.010 Authority.

A. The city may enter into a development agreement with the owner of real property within the city. The city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. For purposes of this chapter, the term “owner” shall include both the owner of such real property and such person having control of such property; provided, that such person provides documentation of the owner’s authorization to execute the agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of the subject property for the duration specified in the agreement.

B. The decision of the city council to approve or deny a request for a development agreement is a proper exercise of police power and contract authority. The decision whether to approve a development agreement shall lie within the city council’s exclusive discretion. (Ord. 1172-19 § 3 (Exh. A) (part)).

22.80.020 General provisions.

A. In this chapter, the term “development regulations” shall have the meaning as set forth in RCW 36.70A.030.

B. A development agreement shall be consistent with applicable development regulations and with the applicable policies and goals of the city’s comprehensive plan.

C. Any modification of the development standards of this code authorized through a development agreement shall be offset by provision of a public benefit of equal or greater value relative to the extent of the requested modification, as determined by the city. Equivalent value need not be measured monetarily, and the offsetting public benefit need not be of the same type as the existing development standard requirement. For example, the benefit of a public open space dedication may be considered against the benefit of a required street improvement.

D. A development agreement may be approved only for properties in the following zoning districts: C-1 mixed use commercial, C-2 general commercial, C-3 heavy commercial, M-1 light industrial, and R-M medium density residential.

E. A development agreement does not supplant any other required land use decision, approval and/or procedure required by this code, including without limitation a rezone, a subdivision, a shoreline permit, a site plan review, or environmental review under AMC Title 16.

F. A development agreement shall set forth the development standards and other provisions that will govern the use and development of the subject property, including without limitation the following, as applicable:

1. Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities or building sizes;

2. Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;

3. Parking;

4. Provisions for affordable housing;

5. Parks and common open space preservation;

6. Amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the owner, inspection fees or dedications;

7. Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;

8. Phasing;

9. Build-out or vesting periods for applicable standards; and

10. Other appropriate development requirements or procedures.

G. A development agreement may obligate a party to dedicate land or easements, or fund or provide services, infrastructure or other facilities.

H. Subsequently adopted development standards which differ from those of an approved development agreement shall apply to the subject property only where necessary to address a serious threat to public health and safety. Subsequently adopted development standards which differ from those of an approved development agreement also shall apply following expiration of any phase or time period specified in the development agreement during which identified standards cannot be modified. (Ord. 1172-19 § 3 (Exh. A) (part)).

22.80.030 Development standards – Flexibility.

A. A development agreement shall be consistent with applicable development regulations. Provided, however, that a development agreement may allow for modification of certain development standards otherwise required under this code in order to provide flexibility to achieve public benefits, to respond to changing community needs, and/or which provide the functional equivalent or adequately achieve the purposes of otherwise applicable development standards.

B. The following table sets forth the types of development standards for which modifications may be approved pursuant to a development agreement, together with the corollary range of permissible modifications:

Standard	Permissible Range of Modification
Minimum lot width	10%
Maximum residential density	10%
Maximum building height	50%
Front setback	100% with 15 ft. maximum reduction
Rear setback	67% with 10 ft. maximum reduction
Parking spaces	25%

C. A development agreement shall not authorize modifications to development standards except as expressly provided in subsection B of this section. Without prejudice to the foregoing, a development agreement shall not authorize modifications of the following development standards:

1. AMC Title 15, Buildings and Construction;
2. AMC Title 16, Environmental Protection;
3. Chapter 22.12 AMC, Districts Established – Zoning Map; or
4. Chapter 22.16 AMC, Prohibited Use.

D. The development standards approved through a development agreement shall apply to and govern the development and use of the property subject to the development agreement in lieu of any conflicting or different standards or requirements elsewhere in this code.

E. Except as otherwise expressly provided by this chapter, modifications approved pursuant to a development agreement shall be without prejudice to any flexibility, bonuses and/or other adjustments to development standards authorized by other provisions of this code. (Ord. 1172-19 § 3 (Exh. A) (part)).

22.80.040 Enforceability.

A. An approved development agreement shall be binding upon the parties and their successors. Unless amended or terminated by agreement of both parties to a development agreement, the agreement is enforceable during its term by a party to the agreement. Except as provided in AMC 22.80.020(H), a development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. The development agreement shall not be subject to an amendment to a development regulation or a new development regulation adopted after the effective date of the agreement, except as provided in AMC 22.80.020(H).

B. Any project permit decision issued by the city and pertaining to the property subject to an approved development agreement shall be consistent with the agreement. (Ord. 1172-19 § 3 (Exh. A) (part)).

22.80.050 Processing procedure.

A. Application. An application for a development agreement shall be filed by the owner or person having control of the real property of the subject property on forms provided by the city.

1. The application shall be accompanied by an application fee pursuant to the city's current fee schedule as required in Chapter 2.50 AMC and shall include a signed agreement to reimburse the city for fees of the city attorney, city engineer, and any other consultant and for staff time for work performed in relation to the development agreement. The city's execution of an approved development agreement shall be expressly conditioned upon receipt of the owner's payment of such fees.

2. The application shall be accompanied by a waiver and release, in a form approved by the city attorney: (a) waiving all processing and decision deadlines for any separate project permit applications submitted with respect to the property subject to the proposed development agreement in accordance with subsection F of this section, and (b) acknowledging and assuming all risks that the development agreement may not be approved by the city council.

B. Threshold Decision. The city council shall make a threshold decision on each application for a development agreement at a regular meeting of the city council. If a majority of the whole council votes to proceed with further review of the proposed development agreement, the agreement shall be processed as described in this section.

C. Recommendation. The public works director shall prepare, or cause to be prepared, a recommendation to the city council on a proposed development agreement. The public works director shall provide the recommendation to the city council at least ten calendar days prior to the public hearing on the proposed development agreement.

D. Public Hearing. Before voting to approve a proposed development agreement, the city council shall hold at least one public hearing. Provided, that any development agreement which includes modifications of development standards under this code shall require a minimum of two public hearings.

E. Approval or Denial. The city council shall approve a development agreement by ordinance adopted by the vote of a majority of the whole city council. Provided, that approval of any development agreement that includes modifications of development standards under this code shall require the affirmative vote of a majority plus one of the whole city council. The ordinance approving a development agreement shall authorize the mayor or designee to execute the agreement on behalf of the city. A city council decision denying a request for a development agreement shall be made by resolution.

F. Concurrent Project Permit Applications. During the pendency of a proposed development agreement, an owner may file an application for any project permit related to the subject property. The city shall accept, review and process such application, but shall not: (1) schedule any required public hearings on such application, or (2) issue a final decision on such application, until at least thirty days following the effective date of the city council's decision approving or denying the development agreement.

G. The city shall give notice of the meeting at which the city council votes to approve or deny a proposed development agreement, or amendment thereto, and of the public hearing(s) on the proposed development agreement, or amendment thereto, as follows:

1. Not less than fifteen calendar days prior to the public hearing date, a notice of the public hearing shall be sent to property owners within three hundred feet of the property subject to the development agreement and to others who have submitted comments and/or requested notice. Provided, the city may in its sole discretion require that mailed notice be sent to property owners located beyond the three-hundred-foot radius based upon the size and/or location of the property subject to the development agreement, the extent of any modification of development standards authorized under the development agreement, and/or any other relevant factor.

2. Notice of the public hearing shall be posted on the subject property not less than fifteen calendar days prior to the hearing date.

3. Notice of the city council meeting and public hearing shall be published in the city's official newspaper not less than ten calendar days prior to the meeting or hearing date.

4. All costs associated with the public notice shall be borne by the owner.

5. All notices shall state that the mayor's recommendation on the proposed development agreement is available for review at the front desk of City Hall and on the city's website.

H. Any subsequent land use decisions shall be reviewed for compliance with the terms of the development agreement. (Ord. 1172-19 § 3 (Exh. A) (part)).

22.80.060 Status, recording and amendment.

A. No Deadline. There shall be no deadline for the processing, consideration and/or final decision approving or denying a development agreement.

B. City Attorney Review. The city attorney shall review and approve a proposed development agreement as to form at least thirty calendar days prior to the public hearing on the development agreement.

C. Term. The term of a development agreement shall be as follows:

1. The maximum term of a development agreement shall be five years.

2. In determining the appropriate term for a development agreement, the city council shall consider the size, location and zoning designation of the subject property; the nature and extent of the proposed development; the extent of any

modification to development standards authorized under the agreement; the proposed phasing of the development; and any other relevant consideration.

D. Recording. The city shall record an approved development agreement with the King County recorder's office, at the cost of the owner.

E. Amendments. Amendments to an approved development agreement shall be processed as follows:

1. Minor Amendments. Minor amendments involve changes to the location, configuration, orientation of buildings, roads, parking areas, utilities and/or landscaping features. Minor amendments may be approved administratively following the procedures for building permit project actions without a public hearing or city council approval.

2. Major Amendments. Any amendment exceeding the definition of a minor amendment is a major amendment. Major amendments may only be approved by ordinance of the city council, and are subject to the procedures and standards set forth in AMC 22.80.050.

The city's decision to approve a minor or major amendment to a development agreement is purely discretionary. The city may impose reasonable conditions of approval upon any amendment. (Ord. 1172-19 § 3 (Exh. A) (part)).

22.80.070 Divestment.

Project permit applications that are submitted to or approved by the city during the term of an approved development agreement shall be deemed to expire immediately upon the expiration or termination of the agreement. (Ord. 1172-19 § 3 (Exh. A) (part)).

22.80.080 Construction – Interpretations.

A. Construction. This chapter shall be construed in accordance with RCW 36.70B.170 et seq., including any future amendments thereto.

B. Interpretations. The mayor or his/her designee may issue formal interpretations construing the provisions of an approved development agreement. Such interpretations shall be processed and appealable in the same manner as set forth in AMC 2.43.060. (Ord. 1172-19 § 3 (Exh. A) (part)).

Chapter 22.XX

DESIGN GUIDELINES

Sections:

22.XX.010

22.XX.020

22.XX.030

22.XX.040

22.XX.050 Miscellaneous standards from R-M and C-1 chapters [RENAME].

22.XX.060 Accessory dwelling units.

22.XX.070 Multiple family dwellings.

22.XX.080 Commercial street frontage.

22.XX.090 Flood protection – Finished floor elevation requirements.

Miscellaneous standards....

A. Standards for the Following Conditional Uses. Detached, semi-attached single-family dwellings, attached bungalow dwellings, multiplex dwelling units, and multiplex homes are allowed within the C-1 mixed use commercial district provided they meet the following standards:

1. Porch.

a. Each house shall contain a porch of at least sixty square feet, with a minimum depth of six feet. This requirement shall only apply to single-family housing prototypes that traditionally include porches.

b. Single-family housing prototypes that do not traditionally include porches shall provide a pronounced entryway. Pronounced entryways shall include rounded doors, articulated entrances, columns, and other similar features.

c. Sixty-five percent of the housing units shall include porches. The remaining housing units shall comply with the rest of this section.

d. Each single-family unit shall have a designated pedestrian connection from the front door to the sidewalk.

2. Roof Design.

a. Roof shall be pitched at a ratio of at least five to twelve.

b. Roofs shall have dormers, or gables, or similar variations in roof planes in order to break up the roof mass.

c. Roof pitches shall complement the building style.

d. Roof materials shall provide variety in the use of materials and color including tile, compositional, metal, shake or shingle.

3. Corner Lots. Structures on corner lots shall take advantage of the dual frontage and make an architectural statement. This may be accomplished by providing the following:

a. Wrap around porches;

b. Bay windows, porches, turrets or trellises;

c. Varied exterior materials that are consistent with one another, roof features, or articulation.

4. Garages.

- a. Garages may be attached or detached and accessed from a side drive.
- b. Garages located in the front facade or “front loaded” shall conform to the following:
- c. Upper level dormers shall be used to de-emphasize the garage.
- d. The porch shall protrude at least five feet beyond the garage facade or if no porch is included the garage shall be set back five feet from the main structure.
- e. Garage openings and trims shall include sufficient detail work to de-emphasize the garage.

Accessory dwelling units.

Accessory dwelling units are permitted uses in all residential zoning districts, subject to the requirements set forth in this chapter and the requirements of the individual district.

A. General Requirements.

1. Compliance with applicable codes: Accessory dwelling units shall comply with this chapter and all other applicable codes, including but not limited to the building and zoning codes.
2. Certification by city of Algona public works department: A certification must be provided by the Algona public works department that the water supply and sewage disposal facilities for the accessory dwelling unit are adequate to serve the unit.
3. Contained within structure: The accessory dwelling unit must be fully contained within and made a part of a single-family dwelling or an accessory building permitted under this title.
4. Limitation on number: Only one accessory dwelling unit may be created per one single-family dwelling.
5. Owner occupancy: The property owner of record must occupy either the single-family dwelling or the accessory dwelling unit as a legal residence. Legal residency must be evidenced by actual residency. Legal residency shall terminate by reason of absence in excess of one year. Legal residency shall immediately terminate upon the payment or receipt of rent for both units.
6. Size restrictions: The accessory dwelling unit shall contain not less than three hundred square feet of floor area. The accessory dwelling unit shall contain not more than the lesser of one thousand square feet of floor area or forty percent of the total square footage of floor area of the single-family dwelling and accessory unit combined.
7. Parking: There shall be one off-street parking space provided for the accessory dwelling unit, which space shall be in addition to any off-street spaces required for the single-family residence.
8. Conversion of garage space: Garage space may be converted into an accessory dwelling unit only if the number of covered spaces eliminated by the conversion is replaced by the same number of spaces elsewhere on the property.
9. Appearance: All of the structures on the property shall have the appearance of a single-family dwelling unit plus allowed accessory structures. The entry door to the accessory dwelling unit shall be screened from the street by portions of the structure or by dense evergreen vegetation. There shall be no sign or other indication of the accessory dwelling unit’s existence other than an address sign and a separate mail box. The exterior finish of the accessory dwelling unit shall be identical to the residence or accessory structure in which it is contained.
10. Limit on occupants: The occupants of the accessory dwelling unit shall be limited to a single family.
11. Minimum requirements: An accessory dwelling unit must contain:

- a. Bathroom facilities that include a toilet, sink and a shower or bathtub;
 - b. Kitchen and food preparation facilities including a sink, cooking facilities, and a refrigerator, each having a clear working space of not less than thirty inches in front;
 - c. Light and ventilation conforming to the Uniform Building Code;
 - d. A separate closet.
- B. Requirement of Registration. Any property owner seeking to establish a legal accessory dwelling unit shall apply to register the unit with the building official. The application shall provide that the property owner agrees to occupy either the single-family dwelling or the accessory dwelling unit and agrees to maintain the accessory dwelling unit in compliance with the standards set forth in this chapter.
- C. Actions by Building Official. After receipt of a complete application, the building official shall observe the property to confirm that the standards of this chapter are met prior to issuing approval of the accessory dwelling unit.
1. New construction: New construction shall be subject to all requirements of the building code.
 2. Existing construction: Existing construction shall be subject to all requirements of the building code which was in existence at the time of construction.
- D. Recordation. After approval, a registration form signed by the record holders of the property shall be recorded with the King County department of records and elections. Said registration form shall contain the street address and legal description of the property, shall describe the requirement of owner occupancy and shall set forth the requirement for maintaining the accessory dwelling unit in compliance with the requirements of this chapter.
- E. Cancellation of Registration. The registration of the accessory dwelling unit may be canceled by the property owner by recording a certificate of cancellation in a form satisfactory to the building official with the King County department of records and elections. The building official may record a notice of cancellation upon failure to comply with the standards set forth in this chapter.
- F. Fees. Application fees are set forth in Chapter 2.50. The property owner shall be responsible for payment of all fees, filing and recording costs.
- G. Adult Family Homes and Home-Based Day Cares. Accessory dwelling units are not allowed on any property where an adult family home or a home-based day care exists.

Multiple family dwellings.

- A. Applicability. The standards of this section shall apply to all new apartment developments, new townhouse development, new custodial care facilities and new group residences that have more than four units and/or have proposed densities of ten to fifteen units per acre. Expansions of existing developments that result in densities of ten to fifteen units per acre shall also be subject to compliance with this section.
- B. Buildings that contain a grouping of attached townhouse units shall not exceed a one-hundred-twenty-foot maximum length without a separation of at least twenty feet from other groupings or rows of townhouses.
- C. Vehicular Access and Parking Location.
 1. Apartment, townhouse development, custodial care facilities and all group residences shall have parking areas placed to the rear of buildings or within the interior of the lot except when waived by the board of adjustment due to physical site limitations.
 2. Vehicular access shall be provided via one entry/exit off of a public street.

D. Building Facade Modulation. Apartments, townhouse developments, custodial care facilities and all group residences shall provide building facade modulation on facades exceeding sixty feet in length. The following standards shall apply:

1. The maximum wall length without modulation shall be thirty feet;
2. The minimum modulation depth shall be three feet; and
3. The minimum modulation width shall be eight feet.

E. Roofline Variation. Apartments and townhouse developments shall provide roofline variation on rooflines exceeding sixty feet in length according to the following standards:

1. The maximum roof length without variation shall be thirty feet;
2. The minimum horizontal or vertical offset shall be three feet;
3. The minimum variation length shall be eight feet; and
4. Roofline variation shall be achieved using one or more of the following methods:
 - a. Vertical off-set in ridge line;
 - b. Horizontal off-set in ridge line;
 - c. Variations of roof pitch;
 - d. Gables; or
 - e. Any other technique approved by the board of adjustment that achieves the intent of this section.

Commercial street frontage.

A. This section shall apply to all new commercial development and substantial remodels of existing commercial structures.

B. Building Facade Articulation. Commercial developments shall provide building facade articulation with the use of windows, entries, balconies and/or bays on facades. The following standards shall apply to the articulation:

1. Windows shall be frequent and coordinate with the articulation of any bays or balconies;
2. Display windows must line facades facing public streets and sidewalks, with no more than ten feet of blank nonwindow wall space in every twenty-five feet storefront;
3. All window frames shall provide a reveal with the exterior finish (i.e., not flush);
4. Reflective glass curtain walls are prohibited;
5. Facades shall not consist of an undifferentiated blank wall when facing a public street or pedestrian connection.

C. Entries. To ensure that commercial development is easily visible and accessible to pedestrian and vehicular traffic, the following guidelines for entries shall apply:

1. Primary entries shall be located adjacent to a public street and must be visible from that street;
2. Entries shall be sheltered with an overhang or portico with a depth of at least four feet.

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Algona Municipal Code

Chapter 22.XX DESIGN GUIDELINES

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Chapter 22.XX DESIGN GUIDELINES

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Chapter 22.XX DESIGN GUIDELINES

Flood protection – Finished floor elevation requirements.

All new construction, including manufactured home or homes moved pursuant to Chapter 15.16 of this code, within the city limits of Algona shall have a finished floor level of at least seventy-one feet above sea level or one foot above the level of any abutting street, whichever is higher.

Chapter 22.XX

ADDITIONAL DEVELOPMENT STANDARDS

Sections:

22.XX.010

22.XX.020

22.XX.030

22.XX.040

22.XX.050

22.XX.060 Garages and vehicular access.

22.XX.070 Exterior mechanical devices.

22.XX.080 Yard projections.

22.XX.090 Trash receptacles.

Garages and vehicular access.

A. Any structure with a vehicular entrance from a public street or alley shall be set back from the street or alley a minimum of twenty feet.

B. Front loaded lots. Garages or carports located in the front of residential structures shall provide a minimum of twenty-five feet between the face of the garage and the front lot line.

Exterior Mechanical Devices.

Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace.

Yard Projections.

Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:

A. Fences and walls as specified and limited may project into the front, rear and side yards.

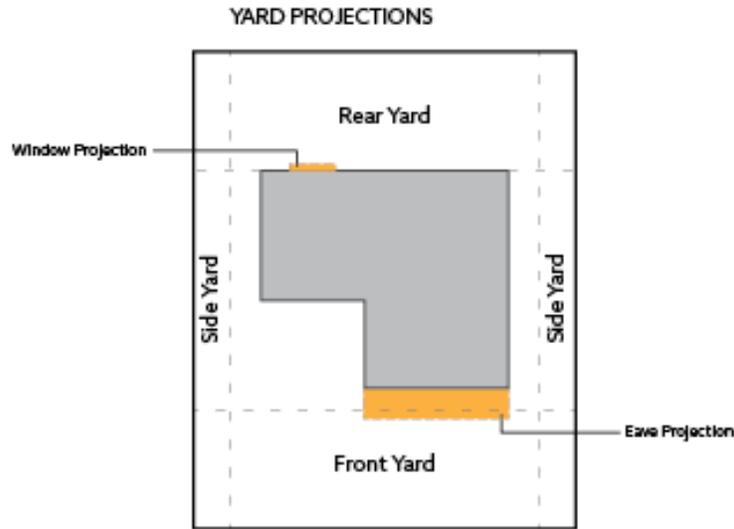
B. Cornices, sills, eave projections and awnings without enclosing walls or screening may project into a required yard by not more than thirty inches, provided the width of any required interior side yard is not reduced to less than two feet, six inches, and any yard abutting a street is not reduced to less than five feet.

C. Open, unenclosed, unroofed decks may project into any required rear or interior side yard; providing, however, that the decks are constructed at grade elevations, or in no event exceed thirty inches above adjoining grade.

D. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than thirty inches; provided, that the width of any yard abutting a street is not reduced to less than five feet.

E. Additions of accessory structures in a required front or rear yard, such as stairs, balconies, covered or uncovered porches which have no more than one hundred twenty square feet, provided lot coverage is not exceeded.

Diagram 22.XX.XXXX



Trash Receptacles.

Except on trash pickup days, all trash receptacles shall be screened from neighboring properties and public rights-of-way by an opaque visual barrier no lower than the maximum height of the receptacles. Provision of recycling bins shall be made. These shall be located near the trash receptacles and screened as required above.